

**The International Community's Implementation of the Responsibility to Protect (R2P)
Principle: A Comparative Study of Sudan and Libya.**

by

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ABSTRACT

In the history of international relations, the adoption of the R2P principle in 2005 was widely understood to be a break-through in the international community's efforts to respond to massive human rights violations and atrocities. Despite this, the international community's implementation of the R2P has been widely contested, including in relation to its application in Sudan and Libya. There is agreement in the literature that, in both cases, the implementation of the R2P failed to achieve its intended purpose of protecting civilian populations. This thesis addresses the question of why the R2P failed in Sudan and Libya. Most explanations concerning the failure of the R2P in Sudan and Libya tend to focus on the politics of big power countries. The study argues that the failure to implement the R2P is related to the interactions between regional organisations and the international community (global organisations like UN) in attempting to solve large-scale human rights violent conflict. The study is firmly embedded in scholarly debates about humanitarian intervention so as to demonstrate the fact that this study is part of efforts to advance knowledge of scholarly debates on humanitarian intervention in this contemporary world order. The study combines a case study approach and qualitative research approach to achieve a nuanced understanding of the reason why the R2P failed in Sudan and Libya. The study relied on the use of documentary reviews and in-depth interviews of experts to collect data which was analysed using critical discourse analysis. The thesis demonstrated that the implementation of the R2P was characterised by a breakdown of the relationship between regional actors like the AU and global institutions like the UN. This breakdown contributed to the failure of the R2P in Sudan and Libya. The lack of financial and operational capacity for rapid deployment, the internal divisions with the AU, and the lack of political will within the AU members states were also cited as obstacles to the realisation of the R2P efforts in Sudan. To establish in-depth knowledge the study revealed other factors related to the politics of big power countries and how they played a part in the failure of the R2P in Sudan and Libya. Among these factors include implementation inconsistencies, the ICC factor, the absence of UNSC consensus in the response over Darfur and Libya, and the veto power factor and its implications in the efforts of the international community in both cases. This study also showed that the implementation of the R2P may not work effectively if left only to international actors to implement. Regional and sub-regional actors are important stakeholders of the R2P, and their interactions with the international community in actualising the implementation of the R2P on the ground are essential. The manner in which the R2P was applied in Sudan and Libya is an indication its implementation requires improved interaction between regional actors and the international community at all level of collaboration including at global, regional and sub-regional level. This can build a strong foundation to drive the effective implementation of the R2P in future interventions. The findings of this thesis will significantly improve the available literature on the reason why the R2P failed in Sudan and Libya, particularly by paying much attention to the role of regional and sub-regional actors.

DEDICATION

I dedicate this work to my parents whose patience and perseverance carried me through. They never lost hope and endured up to today. This research study is also dedicated to all refugees in the world, especially those displaced as result of massive human rights violations taking place in their respective home countries, including Sudan (Darfur) and Libya.

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LIST OF ABBREVIATIONS AND ACRONYMS

ACHPR	- African Charter on Human and People's rights
AMIS	- African Union Mission in Sudan
AU	- African Union
AUPSC	- African Union Peace and Security Council
BBC	- British Broadcasting Corporation
CAR	- Central African Republic
CCR	- Centre for Conflict Resolution
CNN	- Cable News Network
DDR	- Disarmament, Demobilisation and Reintegration
EU	- European Union
GCR2P	- Global Centre for the R2P
HRW	- Human Rights Watch
IC	- International Community
ICC	- International Criminal Court
ICCPR	- International Covenant on Civil and Political Rights
ICESCR	- International Covenant Economic, Social and Cultural Rights
ICG	- International Crisis Group
ICISS	- International Commission on Intervention and State Sovereignty
ICRC	- International Committee of the Red Cross
ICRtoP	- International Coalition on Responsibility to Protect
ICTR	- International Criminal Tribunal for Rwanda
ICTY	- International Criminal Tribunal for Yugoslavia
IDP	- Internally Displaced people
IGOs	- Inter-Governmental Organisations
IHL	- International Humanitarian Law
INGOs	- International Non-Governmental Organisations
IR	- International Relations
IR	- International Relations
ISS	- Institute of Security Studies

JEM	- Justice Equality Movement
LON	- League of Nations
NATO	- North Atlantic Treaty Organisation
OAU	- Organisation of African Unity
R2P	- Responsibility to Protect
RECS	- Regional Economic Communities
RPF	- Rwandan Patriotic Front
SA	- South Africa
SADC	- Southern Development Community
SAF	- Sudan Armed Forces
SLA	- Sudan Liberation Army
UK	- United Kingdom
UN	- United Nations
UNAMID	- United Nations African Union Mission in Darfur
UNAMIR	- United Nations Assistance Mission for Rwanda
UNCHR	- United Nations Charter on Human Rights
UNDP	- United Nations Development Programme
UNGA	- United Nations General Assembly
UNMIS	- United Nations Mission in Sudan
UNOCHA	- United Nations Office for the Coordination of Humanitarian Affairs
UNSC	- United Nations Security Council
UNSG	- United Nations Secretary General
US	- United States
USA	- United States of America
USAID	- United State Agency for International Development
WWI	- World War I
WWII	- World War II

CHAPTER 1

INTRODUCTION

1.1 Introduction

In the post-Cold War era, the international community's efforts to maintain peace and security through the United Nations Security Council (UNSC) were affected by the ideological competition between the United States America (USA) and the Soviet Union. This competition was a major barrier to the effective maintenance of peace and security in various parts of the world. The insecurity from the newly independent states over the fragility of their sovereignty led to the adoption of the principle of non-intervention in form of Article 2(7) of the UN Charter. This was an attempt to protect themselves from the 'various machinations' of powerful states (Seybolt, 2007). During this period, the focus of countries was to maintain their strategic alliance. This made it difficult for states to work together towards peace and security. The international community could not enforce collective measures to prevent massive human rights violations. The UN's capacity to prevent mass killings, ethnic cleansing, crimes against humanity and human rights violations were exposed by, for example, the deaths an estimated number of more than 100 000 Hutus in Burundi and the displacing of thousands in 1972, the massacre of civilians in Uganda by Idi Amin in 1974, the killing of civilians in Central Africa by Bokassa in 1979, the poison gas attack on civilians by Saddam Hussein's forces in the Kurdish region in 1988 (Evans, 2008). All these crimes are presumed to have been perpetrated by states and the UN failed to prevent them.

However, after crises in Rwanda 1994 and Srebrenica 1995, the international community was faced with questions of how and when to intervene to protect civilian populations from genocide, war crimes, crimes against humanity and ethnic cleansing (Badescu & Bergholm2009: 1). During this period, the need to address humanitarian crises of conflicts became more compelling as the international community was engaged in debates on ways to improve responses to mass human rights violence (Wheeler, 2000; 2005: 4).

The notion of sovereignty as a responsibility rather than a right also emerged in these debates. This was particularly because states were using the term sovereignty to justify their impunity and protect themselves from the international accountability on crimes committed against civilian

populations by security apparatus and other state sponsored forms of crimes within their territories. It is in light of these arguments that Deng et al. (1996: 2) suggested that the idea of sovereignty entails some responsibilities for which national governments must be held accountable at both national and international level. The need to find effective ways of protecting civilians after the case of Rwanda 1994 and Srebrenica 1995 also enthused the late former UN Secretary General, Kofi Annan, to argue that sovereignty encompasses both responsibilities and rights. The first notable effort to find a solution to massive loss of civilians lives through conflicts was spearheaded by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. These efforts resulted in the first framework of the R2P (Bellamy, 2016; Christensen, 2018). It is such conceptual developments in responding to humanitarian crises that in 2005 the UN General Assembly unanimously adopted the Responsibility to Protect (R2P) as an ideal tool to prevent another Rwandan scenario (Paris, 2014:2).

The R2P is a principle which aims to ensure that members of the international community would never again fail to act in situations where individual states cannot act on or are themselves involved in massive human rights violations like genocide, crimes against humanity and war crimes (Adebajo, 2007: 12). The principle of the R2P is applied by willing members of the international community (IC) in order to protect civilians in conflict situations where the responsible government has failed or is unwilling to provide protection to its citizens. The essence of the principle is that, while sovereign states have the primary “responsibility to protect” their own citizens, if they prove unwilling or unable to do so, then the international community must act regardless of political sensitivities (UNSG Report, 2009; Bellamy, 2008, 2015). The implementation of the R2P rests on three pillars which are highlighted in paragraphs 138 and 139 of the World Summit Outcome Document of 2005. The first pillar focuses on the idea that states have the primary responsibility to protect their civilians from genocide, war crimes, ethnic cleansing and crimes against humanity. The second pillar focuses on the international community’s responsibility to assist and encourage states to fulfil their responsibility to protect especially by enabling them to prevent war crimes, crimes against humanity and ethnic cleansing. The third pillar focuses on the responsibility of the international community to take timely and decisive action to prevent genocide, ethnic cleansing, war crimes and crimes against humanity through the

UNSC under Chapter Seven of the UN-Charter (Bellamy, 2015: 6), and this should be undertaken on a case by case basis and in collaboration with regional and sub-regional organisations (UNSG Report, 2009). The three pillars of the R2P are of identical importance; without all three pillars, the principle of the R2P would be incomplete (Bellamy, 2015). All three pillars must be implemented in a way consistent with the purpose of the R2P and provisions of the UN-Charter.

However, since the adoption of the R2P, “states have failed to fulfil it”, particularly its implementation on the ground (Bellamy, cited in Aidan 2016: 3). During the implementation, for example, the R2P has been marked with implementation inconsistencies and lack of willingness by international community to protect populations from massive human rights violent conflict as shown in the case of Syria, Yemen and South Sudan. In general, the application of the R2P in various contexts has been a contested practice (Bellamy, 2016; Kuwali, 2012). The failure to achieve the intended goal of the R2P in various parts of the world has been largely caused by intervening actors who tend to pursue their national interests rather than humanitarian objectives (Peta, 2017). However, this does not imply that there is consensus that the implementation of the R2P by the international community has historically failed in application. The implementation of the R2P has been marked with both successful and failed stories. In this regard, the implementation of the R2P in the case of Kenya 2008 and Ivory Coast 2011 are regarded as success stories of the way the principle was used in response to massive human rights violations (Tharkur, 2010; Massaa et al., 2013).

In the field of international peace and security, the failure to implement the R2P principle in various parts of the world has been explained based particularly on the role of big power countries in the UNSC (Christensen, 2018; Peta, 2018; Kolb, 2018). However, this study argues that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Although there were some notable instances of collaboration in the context of Sudan and a very little collaboration in the case Libya, the failure to implement the R2P principle in both cases is because of various challenges related to regional and sub-regional actors’ involvement in the manner in which the R2P was applied in both countries.

In terms of local involvement in the process of implementing the principle of the R2P, the UN Outcome Document of 2005, paragraph 138-139, emphasises that the implementation of the R2P includes the cooperation with relevant actors, including regional organisations and sub-regional arrangements in order to achieve the intended outcomes of the R2P implementation in any specific country. This is a clear indication that the operationalization of the R2P in a specific case requires the involvement of regional organisations. It is also an indication that the implementation of the R2P in any context requires interactions with regional organisations and the international community or the UN. With regard to sub-regional arrangements, this may also include, for example, the involvement of sub-regional organisations such as Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC), Intergovernmental Authority on Development (IGAD), Arab League and Arab Maghreb etc. These actors are considered useful in preventing issues of genocide, war crimes, crimes against humanity and ethnic cleansing and their incitement. This is because regional and sub-regional actors have the potential to oversee the obligations of states and help to improve national preventive mechanisms by offering technical assistance, education, training, and awareness campaigns. Regional and sub-national actors are also considered essential partners of the UN in the implementation of the R2P because they can play a vital facilitating role as political and operational bridges between international standards and national actions. They can also encourage national governments to meet their international commitment and solve burning internal conflicts before they escalate into a humanitarian crisis (Carment et al., 2016). Moreover, as highlighted in the UNSG report (2011: 10), “atrocities prevention is most effective when national, regional and global actors work together.” This is another indication that local involvement in the implementation of R2P is essential. It is also a further indication that the implementation of the R2P requires the interaction or collaboration of multiple actors, including regional and sub-regional organisations. Furthermore, it is another demonstration that the implementation of the R2P principle and its successful operationalization requires a solid partnership between regional and sub-regional actors and global actors.

Moreover, Article 52 of the UN Charter (under Chapter VII) stipulates that regional organisations may take necessary actions to maintain international peace and security, including protecting domestic population from large scale human rights crimes such as genocide, crimes against

humanity, ethnic cleansing and war crimes. Article 52 to 54 of the UN Charter further notes that regional organisations may undertake enforcement action as long as they have approval from the UNSC. This also includes certain efforts led by actors other than the global ones (such as AU, ECOWAS, SADC, IGAD, and Arab League) and states. This is essential for the R2P application because it promotes cooperation between UN and regional and sub-regional organisations and enhances improved response to massive human rights violations in timely and decisive manner. Hence, the application of the R2P is a shared practice between intervening actors and regional and sub-regional organisations (Bellamy, 2006; Maes, 2012).

Furthermore, in the UNSG report of 2011, the UN Secretary General noted that:

... over the past years, we have applied the principles of R2P in our strategies for addressing threats to populations in about a dozen specific situations. In every case, regional or sub-regional arrangements have made important contributions, often as full partners with the UN. As promising as these early experiences have been, however, they have also demonstrated how far we have to go in order to fully realise the potential synergies of global-regional and sub-regional cooperation in preventing genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement, and in protecting populations (UNSG report, 2011: 2).

This is an indication that regional and sub-regional actors play a role to the implementation of the R2P principle. It is also a strong indication of the existing interaction between the international community, UN and regional organisations towards the implementation of the R2P norm. Within this interaction, the involvement of these actors (regional organisations) is critical because they can assist in the preparedness and planning of the R2P operationalization thereby reducing the building up of the crisis. More importantly, the views of regional organisations and sub-regional organisations ought to be considered by the UNSC when determining the course of action to be taken in response to ongoing humanitarian crises through the principle of the R2P (UNSG report, 2011: 3). In most cases, regional and sub-regional actors are the most affected by consequences of humanitarian crises, which makes them key stakeholders to the R2P and its implementation. This

shows that the implementation of the R2P in specific cases requires the involvement of regional organisation and sub-regional actors.

In addition to that, it is relevant for political reasons for the UNSC to consider the important role of these actors as their views could be relevant because of having detailed information about the prevailing conflict situation given their closeness to the conflict areas. Therefore, the successful application of the R2P, particularly through the third pillar, depends not only on efforts of the UN but on an enhanced partnership between the UN and regional and sub-regional actors who are stakeholders to the R2P and its implementation. The involvement of these actors tends to enhance measures to help prevent massive loss of lives and prevent the escalation of the crisis (UNSG Report, 2009). The effective protection of civilians through the pillar three of the R2P is likely to happen in cases where both the UN and relevant regional and sub-regional actors favour a similar course of action.

Essentially, the main objective of the R2P and its implementation in specific cases is “to protect civilian population from genocide, crimes against humanity, war crimes and ethnic cleansing,” (UN-Outcome Document Report, 2005: 31). Practically, the intervention through the R2P, in any context, should not leave the affected country ungovernable or in chaos as this would greatly risk human security and may result in massive civilian sufferings (UNSG report, 2012, 2014). Therefore, in this study, the failure to implement the R2P in Sudan and Libya was assessed in terms of objective and its operationalization. The term operationalization in this study is defined as the manner in which the principle was implemented, including the procedures of adopting the R2P resolutions in the UNSC (for both Sudan and Libya), actors involved and how they were involved in both cases. A brief overview to the case of Sudan and Libya is therefore discussed below.

In the context of Sudan the outbreak of conflicts in 2003 and was caused by economic, political and ethnic reasons. The conflict escalated to the extent that some civilians were targeted based on their ethnic status or background. Due to political discontent, the people in Darfur instigated a rebellion after 2000 which eventually led to the escalation of violence in 2003 (Human Rights Watch Report, 2004). The war in Darfur began in February 2003, when two Darfuri rebel movements, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM),

engaged the government forces, expressing their grievances about the political marginalisation and economic neglect of their region. As noted by De Waal (2004), the rebels managed to frustrate the government by destroying half a dozen military aircraft and captured an airforce army general at an airport in April 2003. The Sudanese government responded aggressively by deploying heavily armed mainly Arab troops and reportedly unleashing local Arab militias, the 'Janjaweed' (De Waal, 2004). The situation on the ground was characterised by indiscriminate killings, abductions, forced expulsions, systematic and sexual abuses of civilians by both sides in the conflict, although the Janjaweed militia were largely blamed for causing more harm (Williams & Bellamy, 2005). The estimates of the total number of people killed vary with the Sudanese government pegging the figure at a lowly 10 000 while many activists say it can be as high as 400 000. An estimated number of 1.2 million were forced to flee their homes. Among them, 200 000 are alleged to have crossed to Chad for safety while the majority of them were internally displaced and live in refugee camps in Darfur. As observed by the USAID in 2004, if the crisis was left unchecked, in two-month time, the number of deaths and casualties could increase to as many as 2400 per day. The situation was described as a massive campaign of ethnic violence as the victims of the Janjaweed attacks were mainly African farmers, and some went as far as labelling the Darfuri situation a genocide (Austin & Koppelman, 2004; Heyder, 2006; Winter, 2004). The Sudanese government, which disputed the estimates of the victims and denied any connections with the Janjaweed, appeared unwilling to address the humanitarian crisis. The situation in Darfur clearly demonstrated the need to protect civilians. They were vulnerable to massive human rights violations, crimes against humanity and ethnic cleansing, and the Sudan government seemed not ready to halt the ongoing situation. Toward the end of 2004, the need for other strong measures to better protect civilians in the Darfur region dominated discussions at the UN tables. In his speech before the UN Commission on Human Rights in 2004, the UN Secretary General, Kofi Annan, expressed concerns over the Darfur crisis and reiterated the need for necessary measures to prevent genocide in Sudan. In response to these large scale human rights violations, the international community decided to act responsibly and protect the Darfuri civilians, through the application of the R2P norm. In 2006, the UNSC passed resolution 1706 which authorised the subsequent deployment of the 26 000-strong United Nations/African Union Hybrid operation in Darfur (UNAMID) under the auspices of the R2P (Ekiyor, 2007). This was followed by the UNSC resolution 1769 that was passed by the UNSC in

2009, in which it approved the deployment of an estimated 19,555 military personnel, and 6,432 police force with a financial budget of approximately \$1.5 billion, making UNAMID one of the largest and most expensive UN peacekeeping missions in the history of peacekeeping across the globe (Lanz, 2012).

In the case of Libya, the rebellion against the Gaddafi regime started in February 2011 following the North African uprisings in Tunisia and Egypt. The crisis started as general protests on 15 February 2011 in Benghazi against the arrest of a prominent human rights lawyer who had represented the relatives of prisoners allegedly executed by security forces in Tripoli (Daoud, 2011:3). The demonstrators in Benghazi were expressing their anger against government's security forces over their injustices and demanded accountability and immediate release of the human rights activist. The protests started peaceful but later turned violent after the alleged use of live bullets and excessive force by government security forces to disperse protestors. The situation further turned nasty after the National Conference for the Libyan Opposition announced, "... a day of rage" and "clashes" with the security forces on 17 February 2011 (Daoud, 2011). As the crisis spread across the country, the Gaddafi led government started to aggressively use force to suppress the opposition. There were some reports that the government forces had fired at demonstrators from a military aircraft. These reports prompted the UN Secretary-General to immediately call the involving parties to end the violence on 21 February 2011 (UN Press Release, February 22, 2011).¹² In this regard, civilian lives were in danger, the situation became tense as thousands of protestors became casualties as a result of the ensuing fighting. The government of Libya did not refrain from attacking civilian protestors. Instead, Gaddafi started to call those protesting against him "cockroaches" - eerily reminiscent of the 1994 Rwandan genocide; and vowed to "cleanse Libya house by house" of the "cockroaches", and pledged no mercy (ICR2P, 2011:1). The situation on the ground was characterised by the clashes between armed forces and protestors who had resorted to direct confrontations using weapons such as guns, grenades and other explosive materials. On the 26th of February 2011, UNSC expressed grave concern and condemned the Libyan government violence and repression against civilian protestors, and further reminded the Gaddafi led government to meet its primary responsibility to protect its populations on the ground, the government was being blamed for unlawful detentions, torture of dissent, and the use of hired

mercenaries as well as shooting and aerial bombing of peaceful civilian protestors (UN Press Release, February 22, 2011). In this regard, a resolution adopted on 25 February 2011 by a group of UN Human Rights experts highlighted that the gross violations of human rights committed by the government of Libya could amount to ‘crimes against humanity’. Through this resolution, the UN Human Rights Council strongly condemned the gross and systematic human rights violations carried out by Gaddafi led government (UN Human Rights Council Resolution Report, 2011). This indicates the extent to which human lives were in danger as the threats to lives were so high. Thus, given the heinous nature of the Libyan situation, the threat of large-scale slaughter of “cockroaches” became a clear justification for the international community’s intervention against Gaddafi’s government through UNSC resolution 1973 (2011). The resolution authorised the North Atlantic Treaty Organisation (NATO) to implement a military intervention in Libya as part of the international community’s responsibility to prevent mass killings and crimes against humanity (Sarah, 2011:3) in the country. The NATO military operations led to the fall of the Gaddafi regime within a period of seven months. Gaddafi was then captured and died in the hands of the opposition on the 20th of October 2011. Within a week, the UN ended its military mandate in Libya, followed by the end of NATO operations on the 31st of October 2011 (Bellamy, 2011). The next section presents a problem statement in order to highlight the main concerns of this study.

1.2 Statement of the Problem

The international community’s implementation of the R2P principle in various parts of the world, including Sudan and Libya, has become one of the most pressing political concerns across the globe (Malito, 2004, 2017: 2). The major concern of this study is how the implementation of the R2P failed to achieve the intended objective. In both cases, the international community’s application of the R2P was characterised by inconsistencies and failed to halt civilian sufferings and their vulnerability to massive human rights violations.

In the case of Sudan, the international community failed to prevent and protect civilian populations from war crimes, alleged genocide, crimes against humanity and ethnic cleansing in timely and decisive manner and the incitement of these atrocities (De Waal, 2004, 2007, 2008, 2013; Besigye, 2015; Lanz, 2011). The period between 2006 and 2009 recorded major civilian sufferings in Darfur notwithstanding the international community’s commitment to implement the principle of R2P

(Reeves, 2018). Despite the presence of UNAMID peacekeepers during the year 2009 to 2012, persistent heavy fighting between government forces and the Sudan People's' Liberation Army resulted in more than 105,000 civilian casualties in Darfur (The R2P Monitor report, 2016; Davies, 2012; Pace & Deller, 2005).

Similarly, the manner in which the R2P was applied in Libya failed to achieve the intended goal of protecting civilians from war crimes, crimes against humanity, including halting civilian sufferings (Weiss, 2011; Christensen, 2018; Tiemouri, 2018). During and after the international community's intervention, from February 2011 to 2014, Libyan territory became highly unstable due to lack of peace and security (Peta, 2017: 2). On the ground, civilian populations remained vulnerable to massive human rights violations, atrocities and crimes against humanity regardless of the R2P application (Lopez, 2015:4). According to Dallaire (2012) and Johansen (2011:6), the unstable conditions found in the post-R2P Libya are the results of the failure to implement the R2P by NATO. After the implementation of the R2P, Libya became almost a failed state (Keerthi, 2012).¹ The security situation in Libya has therefore not improved since the application of the R2P. Civilian populations are still vulnerable to vicious armed attacks, crimes against humanity and war crimes. The country is a home to multiple rebel groups (Keerthi, 2012; Malito, 2017). As of 2014, it is believed that the country hosts more than 11 rebel groups, including the Islamic State (IS) (*BBC News*, January 11, 2016). This is evidence that indicate the fact that the R2P in Libya failed. Thus, in both Sudan and Libya, the international community failed to implement the R2P principle as the primary goal of protecting civilian populations was not achieved. This compelling evidence informs the central research question of this thesis: Why did the R2P fail in Sudan and Libya? This research question gives rise to the following research aim: To understand why the R2P failed in Sudan and Libya.

1.3 Significance of the Study

Other existing explanations for the failure of the R2P in Sudan and Libya have tended to focus more on politics of big powers countries, particularly the UNSC. They argue that the R2P failed

¹While assessing the way the R2P norm was applied in Libya, Donald Trump (now the US President) during his elections campaign for presidency argued that "right now, Libya, nobody even knows Libya, frankly there is no Iraq and there is no Libya. It's all broken up. They have no control. Nobody knows what's 'going on'" (*Buzzfeed News* online January, 2016).

in both cases because of the power struggle in the UNSC, failure to identify the source of problem, peacekeepers' failure to implement assignments, hidden national strategic interests of big power countries and the conceptual complexities of the R2P etc., As discussed in the literature review of this thesis (Chapter 4), these are among reasons cited by most scholars, researchers and analysts when explaining the failure of the R2P in Sudan and Libya. These explanations are not adequate when it comes to a solid and in-depth knowledge on the reason why the R2P failed in Sudan and Libya. In order to deepen and broaden the understanding of the reason for the failure of the R2P in both cases, there is an increasing necessity of studies related to regional and sub-national actors and their involvement in the implementation of the R2P in the context of Sudan and Libya. This study sought to explain the failure of the R2P in Sudan and Libya with a particular focus on regional and sub-regional actors and their interaction with the international community as they attempt to successfully implement the R2P norm.

This study is critical in the sense that it contributes to the existing literatures regarding the involvement of regional and sub-regional organisations and their interactions with the international community in the implementation of the R2P in Sudan and Libya. Furthermore, it is essential in addressing the challenges faced by the international community during the process of the implementation of the R2P principle. This study's recommendations will improve future R2P interventions. The recommendations could also assist in addressing the problems that contribute to the failure of the R2P in future humanitarian interventions like that in Sudan and Libya. In addition, such recommendation could assist scholars, researchers, academics, civil society actors and policy makers when dealing with issues related to the implementation of the R2P in any given context.

This study is also timely to all stakeholders of the R2P, including scholars and policymakers because it represents significant analysis of the future of the R2P given the extent to which regional and sub-regional actors and their interactions with the international community play a part to the failure to implement it, especially in Africa where the recent intervention in Libya is alleged to have exposed the weaknesses of Africa's normative agencies' readiness to generate a new paradigm that explains their relevance in the face of atrocities against civilian populations.

There is therefore a need for critical analysis based on sourced evidence on the reasons why the R2P failed in Sudan and Libya. A theoretical perspective is therefore discussed below.

1.4 Humanitarian Intervention: A theoretical perspective

In this section, the researcher discusses the theory of humanitarian intervention with a particular focus on scholarly debates on its practice in the world. The purpose of this analysis is to demonstrate the extent to which this study is deep-rooted (or firmly embedded) in the wide scholarly literature of international politics and history of massive human rights violent conflicts that were prevalent in the past decades. This section is also an attempt to show that this study is part of efforts to advance knowledge of scholarly debates on humanitarian intervention in this contemporary world order.

The idea of humanitarian intervention is differently defined. According to Olzgreffe and Keohane (2003: 18), it is “the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its citizens, without permission of the state within those territory force is applied.” This definition highlights the actors who may intervene in the internal affairs of countries in turmoil as other states (e.g., the powerful countries) and a group of states (e.g., NATO, AU, EU, ECOWAS and SADC). This shows that humanitarian intervention could be undertaken or carried out by various actors who are stakeholders in the conflict. It also indicates that the notion of humanitarian intervention requires the interaction of multiple actors including regional and sub-regional actors. This validates the study’ argument that the failure to implement the R2P norm is related to interactions between regional organisations and the international community (global organisations like UN) in the attempts to solve large-scale human rights violations.

Furthermore, Pattison (2010:2) defines humanitarian intervention in contemporary world as a principle under which one or more countries may conduct military operations within the territory of another state so as to protect civilians or those faced with severe massive human rights violations, crimes against humanity, war crimes, and genocide. Pattison further states that such intervention should be conducted by states, international and regional organisations, as actors with the overall purpose of protecting human rights or stop atrocities. In a more specific way, Doyle and Recchia (2010: 23) contend that a humanitarian intervention of militaristic form should be

justified as a last resort and as a measure to protect civilians from crimes against humanity, genocide, war crimes and ethnic cleansing. This is important to the understanding of the way the R2P was applied in both Sudan and Libya. Since the principle of the R2P is a form of humanitarian intervention, these definitional perspectives will thus help to make informed conclusions or claims on the reason for the failure to achieve the intended goal of protecting civilians from war crimes, crimes against humanity and genocide in Sudan and Libya.

In the field of international relations, humanitarian interventions have been one of the major topics of debate because of their ethical, legal and political facets. Historically debates surrounding the principle of humanitarian intervention are centred on legitimacy and legal parameters and have been studied throughout the discipline of international relations, law and politics. These discussions date back to early 20th century during which international politics was faced with controversy related to debates for and against an interventionist principle. This debate was first noted after the year 1945 when distinguished legal scholars such as Ian Brownlie pointed out serious suspicions about the legitimacy of the concept. The scholar presented the extent to which humanitarian intervention was politically abused to account for the use of force in the case of Germany's intervention in Czechoslovakia in 1939. Brownlie concluded that no genuine humanitarian intervention had ever happened (Kwiatkowska, 2014). The heated arguments on the notion of humanitarian intervention resulted in legal frameworks like the UN Charter that directly ban the use of force and intervention in the internal affairs of another state. The UN-Charter re-shaped the international system by introducing new ways of use of force in the international system. It permitted the use of force only in the context of self-defence or collective response to situations that threaten global peace and security. All acts of humanitarian intervention were also subjected to the authorisation by the UNSC (Orford, 2003). These critical phases that shaped humanitarian intervention are thus important to this study which seeks to explore the reason why the R2P failed in Sudan and Libya, with particular reference to regional actors and their interaction with the international community. The manner in which the intervention was authorised in both cases may reflect the old tenets of humanitarian intervention, and such similarities could help the researcher to make a generalised claim about the study findings.

Moreover, since the contemporary international system is based on the idea that sovereign states have a right to non-intervention and free from unwelcome external interference in the internal affairs of other countries, most debates have been centred on the notion of state sovereignty. The international system, according to Bull (1977:5), refers to a society where actors adhere to common norms, consent to common rules and institutions, and recognize a common interest. In this regard, the term sovereignty is established as fundamental in international relations by the Peace of Westphalia treaty (1648). Sovereignty entails that a state is the ultimate actor regulating all behaviour within its jurisdiction and has no other outside supreme law or political entity to dictate its conduct. After the Cold War in the 1990s (as discussed in Chapter 2), questions regarding the legal nature of international mechanism to prevent crimes against humanity, massive human rights violations, massacres and genocide and the obligations due to external actors inclined to be bordered around the struggle between sovereignty and human rights during the era of humanitarian interventions.

The concept of non-interference came under serious scrutiny in the 1990s after a series of intra-state and inter-state conflicts resulted in massive humanitarian crises in most parts of the world. Since then, the right to humanitarian intervention dominated the international system, giving rise to debates over the need to uphold fundamental human rights of citizens in contrast to the need to protect state sovereignty. Consequently, there have been fierce arguments between those advocating for humanitarian intervention and those defending the traditional prerogative of state sovereignty who argue that internal events were none of the business of the rest of the world (Roberts, 2008:179). More importantly, since the foundation of the UN, the international community has adopted a series of international legal instruments to protect human rights, but the primacy of the principle of state sovereignty rendered these principles ineffective in practice. Even the existence of the 1948 Genocide Convention, under which the principle of non-intervention can be overridden, could not prevent the 1994 Rwandan genocide from happening. It is such debates that surrounded the doctrine of humanitarian intervention over a period of time.

The period between 1990 and 2004 was marked with major humanitarian interventions. This was particularly so because of increasing number of civil wars, intrastate conflicts and internal violence committed on massive scale. During this period, the number of humanitarian interventions

mandated by the UNSC increased. The international community had high hopes in efforts to end mass atrocities including genocide, war crimes, and crimes against humanity. The UN authorised interventions include that of Iraq (1991-93), Somalia (1992-93), Kosovo (1999), Democratic Republic of Congo (2001 to present time), East Timor (1999), Sudan (2006) and Mali 2012 as well as Libya (2011). Given the good intention of these interventions, they hardly succeeded in terms of achieving the intended objective of protecting civilians or those faced with severe threats of persecution (Weiss, 1999; Weiss & Collins, 2000; Regan, 2000). All these interventions were cited as being shaped by other political motives of the intervening states and, in most cases, political motives of states did override humanitarian objectives.

Although humanitarian interventions failed to effectively halt massive human rights violations and to establish a durable peace, it is not worthwhile to only argue that humanitarian interventions failed (Muller, 2000). There are numerous reasons why humanitarian interventions failed in the 1990s. These reasons are not limited to lack of political will and commitment by intervening actors, but rather include divergent interests of UNSC members, reluctance to incur costs of war, including half-hearted pledge by members of the international community to provide troops and adequate resources to support peace operations related to humanitarian rationality (Murphy, 1996; Keohane, 2003; Orford, 2003; Mwansali, 2008). The attempt by the interveners to pursue their selfish interests is also cited among reasons why humanitarian interventions could not achieve intended outcomes during the 1990s. Another reason put forward on why humanitarian intervention could not yield expected results is also the absence of a consensual view on the legal and legitimate justification for the intervention on the territory of a sovereign states (Muller, 2000; Sarah, 2011:1).

Since this study intend to understand the reason for the failure of the R2P in Sudan and Libya, the notion of humanitarian intervention and its scholarly literature is therefore essential as it would enable the researcher to make generalised informed claims. The study argues that the failure to implement the R2P norm including in Sudan and Libya is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. The story about humanitarian intervention, its conceptualization, and implementation has not been without disputes, arguments

and debates from scholars, policy analysts and policy makers. This therefore categorises this study as a continuation of these debates through a contemporarily modified form of the R2P humanitarian intervention. This study is therefore not born out of independent thoughts, but rather grounded on the long term extant humanitarian intervention debates, including problems that characterised its implementation.

Moreover, it is important to reckon that the UNSC authorised interventions in Rwanda, Bosnia, and Rwanda did not bring expected outcomes. These interventions are regarded as failed humanitarian interventions in the history humanitarian crises (Evans, 2006). Further to that, the intervention by NATO in Kosovo in 1999 was carried out without the UNSC approval although it is pointed out as a legitimate action without legal justification (Evans, 2006: 706). These interventions illustrate that humanitarian intervention has been a historical contested principle in international relations. This has been particularly so when it comes to a military form of humanitarian intervention. There has been consistent lack of mutual view from members of international community. Leaders of powerful countries tend to use military intervention to achieve their national interests rather than humanitarian interests. The powerful countries use the term humanitarian intervention as a license to intervene in internal affairs of other states to preserve and achieve their own national interests in the name of protecting human rights (Norman, 2006: 204, cited in Kwiatkowska, 2014). This demonstrates that humanitarian intervention has always been problematic in implementation.

The debates and arguments surrounding the notion of humanitarian intervention continue to drive states, policy formulators and other stakeholders in the international stage to seek to improve ways of halting massive human rights violations. It is in this regard that this study sought to understand the reason why the R2P failed in Sudan and Libya with a particular focus to regional actors and their interaction with the international community. This study is an attempt to extend the existing knowledge around humanitarian intervention, especially the R2P principle which exemplifies a contemporary modified form of humanitarian intervention.

The writing of this study is therefore supported by historical trends of humanitarian interventions which enable the researcher to make generalised conclusions on the reason for the failure of the

R2P in Sudan and Libya. For example, the genocide in Rwanda in 1994 and Srebrenica in 1995 are major scenarios noted in this study that further accelerated debates on how to effectively protect civilian populations based on humanitarian reasons. UN Secretary General, the late Kofi Annan went on to challenge members of international community at the General Assembly in 2000 by contending that, “if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights?” (Evans, 2006). According to Evans (2008: 5), humanitarian intervention has always been shaped by controversy both when they happen, as in Somalia in 1992, and when they fail to be implemented, as in the case of Rwanda in 1994. The problem is not because humanitarian intervention is an elusive idea, but is due to operational challenges enshrined in the way the notion is implemented. The Rwandan genocide against the Tutsi and moderate Hutus exposed the costs of inaction and impelled the widespread call for the international community to change the approach towards humanitarian crises. These debates were plagued by questions of how and when the international community should intervene to protect populations facing massive human rights crimes, war crimes and genocide within a sovereign country.

The need to protect civilian populations in a sovereign state led to the adoption of the R2P principle at the UN General Assembly meeting in 2005. The R2P was unanimously endorsed and the UNSC approved it in 2006 through Resolution 1674, which made it an internationally accepted principle. As earlier highlighted, the principle of the R2P rests on three pillars, namely the responsibility of a state to protect civilians, international obligation to assist state and help in capacity building and timely and decisive response to crises (UNSG report, 2009). Today, humanitarian interventions through the principle of the R2P remain part of the internationally accepted political practice. The international community response to Darfur and Libya therefore represents a legitimate form of humanitarian intervention and signifies the acceptability of the R2P as a norm of humanitarian intervention (Williams & Bellamy, 2005; Corner, 2017). This shows that discussions about the R2P and its implementation is not born out of a vacuum, it dates back to the history of humanitarian intervention and was immensely influenced by debates and arguments that enshrined this principle.

In line with this study, the discussion about humanitarian intervention is vital to understand the failure of the R2P in Sudan Libya. This is because this discussion tends to place this study in a

broader scholarly context of humanitarian intervention and its history in international relations. The study illustrates therefore that problems associated with humanitarian interventions, as in the case of Sudan and Libya, are not a new phenomenon. This further establishes this study as a continuation of other scholar's efforts in seeking to explain the failures of humanitarian intervention, including the R2P principle in international relations.

This study intends to advance knowledge on the reason for the failure to implement the R2P in Sudan and Libya based on the argument that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. In this study, the researcher sought to understand the failure of the R2P principle in Sudan and Libya with a particular reference to regional organisations and their interaction with the international community.. Since the principle of the R2P is deep-rooted in the history of humanitarian intervention, this study is a continuation of long-lived debates and struggle by scholars and researchers to answer questions related to humanitarian intervention including the modern-day principle of the R2P. Moreover, the chapter two of this thesis discusses (in detail) the history of humanitarian intervention and multiple examples, including the formulation of the R2P. This theoretical perspective is the structure that supports the backbone of this study and thus enables the researcher to make a generalised claim or conclusions on the gathered data. The methodology used in this study is discussed below.

1.5 Methodology

In this thesis, the research methodology is based on the critical research paradigm through the use of qualitative research approach. The critical research paradigm is based on the view that reality is shaped by social, political, cultural, economic, and ethnic and gender values (Guba & Lincoln, 1994:109). The need for a critical analysis, that is based on sourced evidence on the reasons for the failure by the international community to implement the R2P in Sudan and Libya, informed the use a comparative research design in this thesis. The term qualitative methodology was defined by Merriam (2009:13) as a research approach which is concerned about having an in-depth understanding of the meanings constructed by the people for instance how they make sense of and perceive their world. Qualitative research methodology is mainly concerned with understanding

deeper meanings and experiences of human lives. This further elaborated by Creswell (2009:8) that qualitative research is more appropriate where little is known about a phenomenon. Ideally, the notion of qualitative research is based on the view that meaning is socially constructed by the people as they interpret the world they live in (Creswell 2009:6). Thus, a qualitative research approach will enable the researcher to obtain the necessary information from the key participants to the study. The section below provide a detailed methodology approach that was used to answer the research question of this thesis.

1.5.1 A comparative case study approach

A comparative study was perceived essential in this regard in order to realise the main objective of the study, which is to understand reasons for the failure of the R2P principle in Sudan and Libya. A comparative study refers to the analysis of two or more cases studies with the aim of finding out and providing a description of similarities and differences between the cases under study. When doing this type of study, a researcher looks for causal relationships and explanations for their recurrence (Rihoux, 2006). Further more, the reason for doing a comparative study is not to provide a detailed description of the phenomenon under study, but to provide an in-depth analysis or explanation of what is occurring or to discover specific features that are different or similar between cases under investigation (Rihoux, 2006; Ragin 1987).

A comparative study promotes a great understanding of the phenomenon under study and results in the discovery of new issues, which is crucial for this thesis. The use of a comparative research design in this study sought to make deep analysis beyond the comparison of similarities and differences; to using these similarities and differences to examine and explain the underlying reasons that led to the international community's failure to apply the R2P in Sudan and Libya (Manheim et al., 2007).

Therefore, in the context of this study, a comparative study can serve a purpose of identifying and analysing the hypothesis or thesis in order to answer the central research question of the study: Why did the R2P fail in Sudan and Libya? Moreover, according to Manheim et al. (2007), a comparative study promotes a greater understanding of issues and leads to the discovery of new issues as unravelling takes place and new patterns emerge. Hence, a comparative case study (will) enables the researcher to extend the analysis beyond the comparison of similarities and differences;

to utilise these similarities and differences to identify and examine reasons that led to the failure by the international community to implement the R2P in Sudan and Libya, thereby making it difficult for the international community to achieve its intended goal of protecting civilian populations from crimes against humanity, war crimes, genocide, and ethnic cleansing. This is important in this study in which the researcher seeks to identify the primary reasons that led to the international community's failure to implement the R2P in Sudan and Libya particularly with reference to regional and sub-regional organisations..

1.5.1 Research Methodology Approach

The researcher intended to spotlight differences and similarities in the international community's implementation of the R2P principle in Sudan and Libya in order to identify and examine reasons that led to the manner in which the principle of the R2P was applied in both cases. In this regard, the researcher sought to rely primarily on the views provided by global actors at the global level—people with specific knowledge in global politics and international peace and security studies. These actors included: experts, think tanks, civil society members (at a global level), academics, policy and political analysts. These actors also comprise global actors with specialised knowledge on the R2P and its implementation across the globe, including Sudan and Libya.

The thesis was also based on analysis of secondary material on the available literature on the R2P and how it has been applied in various countries, particularly Sudan and Libya. This was achieved by following a specific methodological path or paradigm for this study, which is critical paradigm, and its research approach (a qualitative approach), sampling method (purposive sampling), data collection techniques (interviews, in-depth interviews, documentary search), and data presentation and analysis methods such as thematic analysis. In a similar vein, the thesis describes ethical considerations that were observed during the process of data gathering through the use of in-depth interviews. However, as noted by Guba and Lincoln (1994:105), a sound methodological approach should be based on a suitable research paradigm.

In the field of social science research, there are three major categories of research paradigms, namely the positivist, interpretive and critical paradigm. The choice to use them is mostly informed by the nature of the study, the research objective, and the research question that the researcher

seeks to answer (Guba & Lincoln, 1994); Neumann, 2004). Of significance to note is the fact that there is no agreement on whether these paradigms are superior to one another, or opposed to each other, or can play a different role in the same study (Neumann, 2004). Hence, for the purpose of this study, the critical paradigm was adopted. This paradigm addressed the central research question of the study: Why did the R2P fail in Sudan and Libya?

1.5.2 Research Paradigms

The first person to develop the idea of a paradigm in the context of doing researches was Thomas Kuhn in 1970. According to Guba and Lincoln (1994:105), a paradigm is a basic worldview that assists the researcher or an investigator in selecting choices of methods and techniques to be used in the research thereby helping the researcher to take a fundamental approach suitable for the nature of the study. A research paradigm is therefore, a philosophical path to research that helps a researcher to make choices on the methodology and methods to follow throughout the process of research. In the normal sense, a paradigm consists of various components, namely ontology, epistemology and methodology. In this regard, the term ontology entails the reality behind an event (*What is reality?*), while epistemology refers to the existing knowledge about the phenomenon under study (*How do you know something?*), and methodology is the technique and methods utilised by the researcher in the process of knowing the reality (*How do go about finding out?*) (Guba & Lincoln, 1994).). Therefore, a paradigm guides the researcher about the nature of reality and how it may be known. The critical research paradigm which was employed in this study is further discussed in detail below.

1.5.3. Critical paradigm

The critical research paradigm is based on the view that reality is shaped by social, political, cultural, economic, and ethnic and gender values (Guba & Lincoln, 1994:109). Its historical roots date back to the work of leading critical theorists like Horkheimer, Adorno and Marcuse at the Frankfurt School in the 1980s. Their work was a critical response to the work of Marx, Kant, Hegel and Weber. Horkheimer (1982:244), cited in Jabreel (2013), defines a critical paradigm as a methodological path that seeks to challenge the existing status quo of a social, political, cultural

or economic situation which is devastating to the well-being of the society. His definition suggests two vital criteria for the study that seeks to follow the critical paradigm:

- 1) The nature of the study must be exploratory about what is wrong with the current reality (the problem and the intentions of the researcher must be clear).
- 2) It must identify the action to change it (the study must seek to suggest improvements or have strategies to improve the status-quo).

These criteria are essential when seeking to follow critical paradigm in doing a particular research study (like this one) because they lead to informed analysis. Critical theorists not merely seek to explore the problem, but also to suggest ways and strategies which could be used to ensure a positive (or better) implication in society (Jabreel, 2013). In view of this perspective, realities (the truth about the phenomenon under study) are social constructed entities that are always under internal influence. The role of language is not to passively label objects but actively shape the reality. Through critical paradigm, knowledge is socially constructed and influenced by power relations from within society. As noted by Cohen et al. (2007: 26), what counts as knowledge is determined by the social and positional power of the advocates of that knowledge.

The critical paradigm asks the fundamental question: What is intrinsically worthwhile? This question makes the critical paradigm normative in nature. It considers how things ought to be by judging or scrutinising reality. Its methodological approach, according to Crotty (1998), is primarily focused on interrogating values and assumptions, exposing injustices, challenging existing conventional social structures and engaging in social action. In this theory, researchers tend to embrace their own path of analysis as they recognise that no research methodology is value free. Therefore, the starting point of critical researchers is often preconceived. Finding out is the means and change is the underlying aim (Crotty, 1998). This creates an emergent, recursive relationship of theory, data, research questions and interpretation, which result in informed conclusions when making a critical analysis of the phenomenon under study.

A critical paradigm allows realities to be critically examined from political, historical and cultural perspectives. In this regard, data collection methods such as in-depth interviews, focus groups and

documentary search are used under critical paradigm to obtain the necessary data for the critical analysis in order to come up with informed conclusions. The data generated by these methods is usually qualitative in nature. In terms of data analysis and interpretation, the critical paradigm emphasises the use of thematic interpretation (which is a form of critical discourse analysis); however, much attention is placed on interpretation because it calls for a critical analysis of data by the researcher so as to make informed conclusions. The researcher becomes the judge, by reviewing and critiquing the views of participants, and other relevant information against the existing truth thereby promoting informed conclusion towards the phenomenon under study (Cohen et al., 2007: 139).²

The objective of critical researchers is therefore not merely to understand situations and the phenomenon under study, but rather to bring about change in the way the situations is understood by being personally involved. Since the critical paradigm acknowledges the significance of a human mind, and believes the world cannot exist independently without our knowledge, then, for the researcher to be able to examine the various reasons that led to the failure by the international community to implement the R2P in Sudan (Darfur) and Libya, was important to have an in-depth understanding of the way the R2P was applied in both countries. This was thus established from various the views of different participants (particularly the people with knowledge on the R2P and its application in both countries); and through a critique of those views by analysing them against the assumption of the study and the known facts about the international community's intervention in Sudan and Libya. This led to informed conclusions.

Although, the application of the R2P in Sudan and Libya is believed to have been marked with inconsistencies, double standards and failing to implement the principle which resulted in worsening human rights situations, people have different views, perceptions and opinions towards the reason why there was a failure in both cases. Hence, in order to identify and examine the primary factors that led to the failure by the international community to implement the R2P in

² The use of critical paradigm in research method offers new and refreshing perspective to explore issues and make difference, not only to the world of knowledge but literally to the world itself. However, the paradigm tend to put heavier responsibility on researchers, to observe, analyse, perceive and interpret their collected data with extra vigilance (Jabreel, 2013).

Sudan and Libya in an informed way, a critical paradigm was suitable because it emphasizes the role of the researcher and participants in an interactive way. This allowed the researcher to critically interpret the various views, opinions, perceptions of different participants (interviewed), and in the assessment of secondary sources of data in order to come up with an in-depth understanding reasons that informed the way the R2P was applied by the international community in Sudan and Libya, which was central to this thesis. The rationale for following a critical research paradigm in this study is discussed below.

1.5.4 The rationale of using critical paradigm

In this study as was earlier noted, the choice to use a critical paradigm in this thesis was informed by the nature of the problem under investigation, that is, a comparative study of the application of R2P in Sudan and Libya. The main objective of the study was to understand why the R2P failed in Sudan and Libya. This is particularly because, as noted earlier on, the R2P implementation in Sudan and Libya failed to achieve the intended goal of protecting civilian populations from crimes against humanity, war crimes, genocide and ethnic cleansing. In Sudan (Darfur), for example, civilian lives remained vulnerable to massive human rights violations or atrocities, and currently at least one third of people in the Darfur region are still in displaced camps (Lanz, 2012; R2P Monitor, 2016). Similarly, civilian populations in Libya are still vulnerable to the same R2P crimes due to (several) armed attacks, and revenge attacks are carried out on both sides of the conflict (the alleged Gaddafi supporters and the anti-Gaddafi supporters) across the country, and Libya is now a home to multiple rebel groups (Keerthi, 2012). The manner in which the R2P was applied by the international community in both cases in Sudan and Libya was marked by inconsistencies, half-hearted commitment, double standards, a complete state failure (in the case of Libya) (Bellamy, 2011; Johansen, 2011; Lanz, 2012; Milito, 2004, 2017). Therefore, this study argues that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. For the study, this lack of success, therefore, cannot be attributed entirely to the international community (UN) alone as regional and sub-regional actors were not fully involved (as in the case of Libya) and, in some instances (like Sudan) they faced challenges that hindered their operations towards efforts to implement the R2P principle.

The above argument or assumption was interrogated using the critical paradigm. This was relevant to the central question of this study since the objective of critical researchers is not to merely understand, but to bring about a change in the way the phenomenon (under study) ought to be understood. As noted by Crotty (1998: 4), a critical paradigm leads to in-depth understanding in a descriptive and explanatory way. From a critical standpoint, in other words, it does not merely describe the phenomenon under study, but rather goes beyond to provide a critical analysis of the data collected against the study's proposition in order to answer the central research question of the study. Therefore, a critical paradigm was essential to this study which sought to understand why the R2P failed in Sudan and Libya.

The use of a critical paradigm in this study was also influenced by the way researchers using this paradigm rely primarily on participants' views of the situation being studied with an intention to make sense of (or interpret) the meanings that participants have about the topic under study (Creswell, 2009:9). Participants, according to critical paradigm, are people whom the researcher relies on when gathering suitable information for the study; they are the target population for the researcher, and are the ones who are interviewed (Coleman, 2005) In this regard, the researcher sought to rely primarily on the views provided by the people with specific knowledge of the R2P and its application across the globe, particularly Sudan and Libya. These people include: experts in international relations, global politics and security, international think tanks, policy analysts on the global level, academics, diplomats, and members of civil society at an international level, political analysts on the internal politics and global peace and security studies. In this regard, the answer to the central research of this thesis question will be found from the global actors, because the R2P is driven by the outside actors (international community) rather than the internal actors. Therefore, the researcher used interviews to gather the necessary information for this thesis from various locations across the globe outside Sudan and Libya.

The thesis was also based on a review of secondary analysis of the available literature on the R2P and how it was applied in various countries, particularly, Sudan and Libya. This was achieved by following a methodological path informed by critical paradigm, which emphasises on a critical understanding of the phenomenon under study from different angles (but from a critical

perspective, which makes this study to be subjective in nature).³ This means that the researcher did not only seek to understand the in-depth views of the participants and secondary literature, but also critically interpreted those views by way of critiquing, judging and assessing those views in line with the study question, aims and assumption to find a suitable answer to the central research question of this thesis. Thus a critical paradigm was used because of its capacity to help answer the research question of this study.

1.5.5 Qualitative Research Approach

The qualitative methodology used in this qualitative research was informed by the critical paradigm. Qualitative research, as defined by Creswell (2009:4), is a means of exploring and understanding the meaning individuals or groups ascribe to a social or human problem. In qualitative research, the world or reality is not a fixed or measurable phenomenon that can be taken as a quantitative enquiry, instead, there are various interpretations of reality which are in a flux and that change over time. More importantly, the use of qualitative methodology will enable the researcher to closely interact with research participants. This approach will give the researcher the flexibility of asking further questions and to probe the answers of participants by asking them to elaborate their responses (Merriam, 2002; Silverman, 1993). A qualitative researcher, therefore, seeks to understand what individual interpretations of events at a particular point in time and in a particular context. It is within this perspective that this researcher sought to understand the manner in which the principle of the R2P was applied in Sudan and Libya from different participants so as to explore the reason for the failure of the R2P in both cases. This is because the truth behind the implementation of the principle of the R2P in Sudan and Libya can be viewed and understood by different people in so many ways, which may shape their thinking and reasoning towards that principle.

A qualitative research approach was also used in this thesis because of its flexibility and nature of allowing interaction between researcher and phenomenon under study. Scholars such as Denzin

³ This subjective analysis emanates from the close interaction between the researcher and different participants through the use of research methodologies that are meaning oriented, like interviews in qualitative research methodology (Creswell 2009:7).

and Lincoln (2011; 2) aver that qualitative approach attempts to understand events or phenomena in their natural settings so as to make sense or interpret them in terms of different views and meanings attached to them. However, despite the usefulness of qualitative methodology, this approach is criticised because the volume of data makes the process of interpretation and analysis time consuming (Neuman, 2014).⁴ To counter this shortcoming, it was imperative to develop an appropriate research methodology, methods, and suitable technique to gather, analyse and interpret the much necessary data obtained as discussed below.

1.5.6 Methodological Considerations

The term methodology refers to the bridge that conveys philosophical positions and methods a researcher has to travel throughout the whole research process to come up with a concrete and insightful researched work (Kraus, 5005: 3). Scotland (2012:1) defines methodology as the strategy which lies on the choice and use of certain techniques and suitable methods. Thus, the sampling process that were used to select suitable participants could contribute to the realisation of the study objective is discussed below.

1.5.7 Sampling process and sampling technique

A sample refers to a subset of the population which normally resembles remarkable features of the whole population (Bernard, 2002). In any research process, it is always vital to select suitable participants who can greatly contribute to the achievement of the intended goal of the study.⁵ This process of identifying the right participants in the field of research is known as “sampling”, and selected participants form the sample which represents the population from which they are obtained. Therefore, in this study, the process of sampling focused on selecting a number of suitable participants based on their relevance to the study. In this study, the researcher’s population target comprised of global experts, political analysts, academics in the field of international peace and security, conflicts management, think tanks and civil society groups with specific knowledge of the R2P norm and its application in Sudan and Libya. According to Teddlie and Yu (2007:76),

⁴ Qualitative research approach has also been criticized for being too flexible (Merriam, 2002).

⁵ The process of sampling is defined by Robson (1997:134) as the search for a “typical” answer to the study objective. It is an attempt by a researcher to explore the degree at which what is obtained from the field in a particular context, at a given time, generally applies in line with the main aim of the study.

the process of sampling involves the selection of units, for instance groups, individuals, programmes, events and institutions, among others, based on specific purposes associated with answering a research study's questions. This was essential for this thesis which sought to understand why the R2P failed in Sudan and Libya, with a particular focus on regional and sub-regional actors. Cognisant of this, it was vital for a researcher to explain the sampling technique that was used to draw the sample, as shall be discussed below.

In this study, purposive sampling technique was used to select participants who could meaningfully contribute to the objectives of the study. Purposive sampling also falls within qualitative research methodology (under critical paradigm), which was the central approach used in this study. As Glaser and Strauss (1991: 2) note, purposive sampling is about selecting the research participants according to the requirement of the study. In this study, the researcher chose participants who could give rich information suitable for the study objectives (Patton, 1980). The criterion which was used to select participants was based on the people with expertise, knowledge and experience of dealing with conflicts at a global level and those with a particular understanding of the R2P principle and its application in Sudan and Libya. The answer to the central research question of this thesis is profoundly to be found with global actors at a global level. Hence, global experts, academics, think tanks, political and policy analysts, civil society members were the target population of this thesis. As noted by Babbie (2010:194), purposive sampling involves a process through which the units to be observed are selected on the basis of the researcher's judgement about which ones will be most useful in understanding the research problem and central phenomenon under study. This sampling technique is often utilised in situations where the number of individual who possess relevant information to the study is limited.

Furthermore, the process of sampling involved selecting participants with a purpose in mind. In this regard, various participants were selected because of their expertise in the field of international peace and security, conflict resolution and management, particularly the R2P and its application in Sudan and Libya. Others were selected because of their experience in working for humanitarian agencies and civil society organisations that deal with conflicts, especially those connected to the way the R2P principle was applied in various countries, including Sudan and Libya. Thus, the researcher used purposive sampling to select participants from: (a) universities; (b) think tanks;

and (c) civil society organisations (d) international organisations including diplomats and former diplomats and regional organisations. These participants included international civil servants, university academics and researchers, political analysts, military officers, former military officers, diplomats and former diplomats etc. In the process, emails were despatched inviting prospective participants to participate in the study and requesting an appointment for an interview with them. In doing so, each identified participant was contacted to determine a viable way of doing an interview. However, before doing an interview, the participants were asked to read and sign the consent form.

In terms of the sample size, Oppong (2013:203) argues that it is difficult to fix sample size in qualitative research prior data collection since the size is usually determined by theoretical saturation in purposive sampling.⁶ However, scholars such as Leedy and Ormrod (2005:145) note that sample size is of no importance in qualitative research because of its nature, which is not concerned with estimates, frequency, generalisation and representativeness. Nevertheless, according to Ritchie and Lewis (2003:83), the sample size in qualitative research should be small and manageable since the focus is on richness and in-depth understanding of a phenomenon; and this was the main focus of this research. In this regard, about 25 research participants were selected for in-depth interviews and were considered as a sample size for in this study. Thus, the choice of using purposive sampling method in this study was to enable the researcher to select the targeted sample quickly and in a flexible manner. However, purposive sampling technique can be time consuming and sometimes misleading, especially if the researcher is not careful in recruiting participants (Patton, 1980). To overcome this constraint, the researcher was careful when selecting participants, and member checking was done to make sure each participant matched with the criteria of recruitment and this improved the validity of information that was given.

1.5.8 Data Collection Methods

In research methods, researchers use various methods in data collection. These methods comprise all tools used to gather information from numerous sources of data. According to Merriam (2002:27), there are three main primary sources of data collection in qualitative research, namely

⁶ Data saturation is a process whereby new data collection provides no new or additional insights to the issue under investigation (Oppong, 2013:203)

documentary search, interviews and observation. In every research study, the strategy used in data gathering process is always determined by the research question of the study, and sources of data which can best answer the study question (Merriam, 2002:28). Thus, this study used a blend of qualitative data collection methods which include documentary review and interviews.

1.5.8.1 Documentary search

Documentary search, as a form of data collection technique, is an analytical approach of assessing secondary sources of data, such as written and recorded information, on the phenomenon under study. Secondary data refers to information used for research purposes, but may have been collected for other purposes (Schwab, 2005:1). For this data collection method, the researcher used oral interviews, visual documents such as photographs, public records, physical materials and personal documents concerning the subject under study (Merriam, 2002). Secondary data used in this study was collected from journals, textbooks, magazines, newspapers, online documents, media reports protocols, government publications and research reports, among other archival resources. The information gathered from these documents provided a detailed insight on the nature of the R2P, Africa and the R2P, regional organisations and the principle of the R2P, and how the implementation of the R2P was conducted in different contexts and the associated challenges.⁷

Moreover, the necessary information for this study was accessed using the Internet and watching archived live news bulletins about conflicts in Sudan and Libya. This enabled the researcher to get first-hand information on the ground as the affected people in Sudan (Darfur) and Libya testified and explained what actual transpired on the ground in international media.⁸ Documentary search provide a foundation for empirical primary research by enabling researchers to make thematic conclusions of what is already known and what remains to be learnt as acknowledged (Stewart &

⁷ Furthermore, the researcher will utilise relevant libraries to read available literatures around the principle of the R2P. This will enable the researcher to collect data from other sources of information such as published journal articles, text books, newspapers, and social media platforms, researched reports from think tanks, communiques from regional organisation and sub-regional actors such as AU, Arab League, IGAD, Arab Maghreb as well as stated positions of various groups on the Sudan and Libya crises, including their involvement.

⁸ For example, satellite news broadcasting channels, such as the British Broadcasting Cooperation (BBC), Al-Jazeera, Russia Today, CNN as well as Press TV, are vital in this study as the researcher will listen to their archived news, press conferences, live discussions as well as live interviews with expert analysts in the field of the R2P, and how it was applied in various contexts.

Kamins, 1993:1). This possibly allows for improved research conclusions regarding the central research question. In this study, for example, the use of documentary search data provided the researcher with valuable and instrumental data which was important in answering the research question and making informed conclusions. However, despite the tremendous advantages related with using documentary search as a data collection tool in research, this technique is criticised for being time consuming and, sometimes, providing outdated data.

1.5.8.2 In-depth interviews

In this study, in-depth interviews, also referred to as qualitative or unstructured interviews, were used to collect data from selected participants with specific relevant information and experience on the R2P and its application in Sudan and Libya. Neuman (2014: 54) defines in-depth interviews as, “a technique of collecting data with about 15 to 35 people selected because for their first-hand knowledge about a topic of interest, and these interviews are usual conducted on face-to face basis”.⁹ In this regard about 25 participants were interviewed. This technique was therefore suitable for this study because it offered room for further clarifications of essential issues that were at stake. In the process, interview guides were developed and used to solicit data from key informants and probing questions were asked to further explore the underlying factors that led to the failure by the international community to implement the R2P in Sudan and Libya. However, the method of collecting data using in-depth interviews has its own drawbacks.¹⁰ Selecting the “right” key informants may be difficult. However, the researcher used purposive sampling to ensure that the selected participants were the suitable candidates to be interviewed. Therefore, during the process of data analysis, the study employed critical discourse analysis, which takes different forms like thematic analysis as shall be discussed below.

⁹ According to Holstein (1995), in-depth interviews help to elicit detailed open-ended answers to identify triumphs, constraints, and proposed solutions.

¹⁰ As Crotty (1998:59) notes, it is also more difficult to conduct because it is challenging to reach and schedule interviews with busy or hard to reach respondents such as those in top positions; diplomats, policy makers, senior state officials as well as other individual experts.

1.5.9 Critical discourse analysis

Critical discourse analysis is a qualitative data analysis technique mostly used in studies that are informed by critical paradigm (Fulcher, 2010). It is driven by the need to understand the pressing social issues of the society. According to Locke (2004: 2), critical discourse analysis is a qualitative research method used for data analysis. It seeks to understand events or phenomenon under study by ways of understanding meaning. Other scholars such as Van Dijk (2006: 251) notes that critical discourse analysis requires a factual interdisciplinary approach in search for meaning and account for complex relationships in talk, social opinion, text, power, society and cultures. This technique allows researchers to describe, interpret, analyse and critique standard sources and conventional description of relevant information to the study when doing data collection and analysis. Under critical discourse analysis, researchers analyse texts, interactions, social practices at the local, international, institutional and society levels to find the underlying meaning. Locke (2004:1) notes that critical discourse analysis deals with fundamental causes and consequences of issues.

The use of critical discourse analysis in this study was informed by its ability to give the researcher the platform to understand the reason for the international community's failure to implement the R2P in Sudan and Libya in a way which is critically informed. This is because critical discourse analysis does not only seek to understand the phenomenon under study, but rather to understand, interpret, analyse and critique the data collected (both primary and secondary) in order to make informed conclusions regarding the reasons or (factors) behind the international community's failure to implement the R2P in Sudan and Libya. The aim of critical discourse analysis is to reveal the underlying motivation or cause of a particular event, in a way that seeks to provide answers (Locke, 2004).

Moreover, the utility of critical discourse analysis is enshrined in the researcher's ability to make analysis, interpretations and explanations through reflexive and rigorous methods of analysis, (i.e.; thematic analysis) during the process of data analysis (Fairclough, 2001). Therefore, critical discourse analysis enabled the researcher to understand why the R2P failed in Sudan and Libya in an informed way. There are different forms of critical discourse analysis, and one of them is thematic analysis, which was used in this thesis as discussed below.

1.5.10 Thematic analysis and presentation

Thematic analysis is a form of critical discourse analysis that was used to analyse data collected using in-depth interviews. Thematic analysis is a method for “identifying, analysing and reporting patterns within data” (Braun & Clarke, 2006:6). In thematic analysis, data is encoded into themes (Boyatzis, 1998), and the emerging themes become categories for analysis (Fereday & Muir-Cochrane, 2008:82).¹¹ In this study, coding refers to the process of identifying themes within the available data and giving them an “identity mark”.¹² Coding allowed the researcher to review the entire data collected by identifying its most substantial meaning. This method is flexible and allows the researcher to return to the initial propositions establishing the conceptual framework to ensure that the analysis is reasonable in scope as acknowledged (Baxter & Jack, 2008:553). The different themes or categories of analysis includes: factors that led to the failure of the R2P in Sudan and Libya; Regional and sub-regional actors and the failure to implement the R2P Norm; etc.

Thematic analysis strategy is usually suitable for qualitative research. It is defined by Aihajailan (2012:12) as analysis methods which look within all collected data to identify common subjects and issues that persist, and identify the main themes that summarise various views the researcher would have collected. In the process, the researcher expected to gather voluminous information from several transcripts by several different participants because each and every participant had her or his views regarding the implementation of the R2P in Sudan and Libya. The use of thematic analysis strategy enabled the researcher to detect key factors such as emotions that influence responses made by participants. For example, in an interview with some participants, the researcher noted that emotional reaction to the NATO bombardment of infrastructure in Libya was instrumental in influencing the perceptions of that particular respondent. Therefore, the use of thematic analysis was important for the researcher to interpret the views of participants in terms of coding and categorising them in various themes. In doing so, the researcher identified recurring themes and made conclusion that match with what participants were trying to point out and the reason for their views.

¹¹ Coding refers to marking the segments of data with symbols, descriptive words or category name (Aihajailan, 2012).

¹² As noted by Aihajailan (2012), coding is done in thematic analysis to make links between different parts of the data collected, and this is normally derived from the views of the respondents.

The use of thematic analysis significantly helped the researcher to produce and present data in a clear and comprehensive format to reflect the reality of the data collected using different methods such as documentary search and interviews with participants scattered in various locations (Creswell, 2009; Hayes, 1997). To present and display the collected data through thematic analysis, the researcher used numerous data presentation techniques including use of verbatim quotations, headings and subheadings, supporting facts such as figures, presenting differences and similarities, linking concepts, theories and ideas, and explaining the core relationships within the data, as well as narrative texts.¹³

Despite the essential role which thematic analysis played in the data analysis process of this comparative study of the R2P in Sudan and Libya, it is imperative to note that there is no agreement of what thematic analysis is and how it should be done although it is widely used in qualitative case study researches (Braun & Clarke, 2006; Boyatzis, 1998). Thematic analysis depends on the nature of study and how the researcher seeks to achieve his or her intended goals. The absence of clear and concise guidelines around thematic analysis opens it to criticism as a reliable analytical approach (Bryman, 2012:23).¹⁴ Notwithstanding these weaknesses, thematic analysis was a preferred analytical approach to this study because of its ability to reflect real-life contexts. In this study, the researcher identified themes within the available volumes of data. After the process of data analysis, it is advisable for the researcher to present and discuss the trustworthiness of his or her study and how it was achieved. The next section proffers that in this study.

1.5.11 Validity and Reliability

In the field of research study, it is significant for researchers to establish the legitimacy of the research findings by guarding its “trustworthiness” in the eyes of research readers and fellow researchers. The term “trustworthiness” entails the extent to which the research findings are valid and reliable in terms of consistency, soundness, credibility, applicability and appropriateness of methods and techniques used as well as the integrity of the final conclusions of the study (Goetz

¹³ Using various data presentation skills, as Gibbs (2002) notes, makes a comparative study clearer, and improves the credibility of the study by making it valid for other researchers in the same field (Patton, 1990). Thematic analysis, therefore, is central to this study.

& Le Compe, 1982).¹⁵ In far-reaching contexts of qualitative research methodology, the concept of validity is understood as the integrity and application of techniques, and the exactness used by a researcher to ensure that research findings accurately reflect the information obtained, while the term reliability entails consistency in the use of data analysis procedures (Long & Johnson, 2000).

As such, it is necessary for the researcher to discuss and explain how reliability and validity in this study were ensured so as to protect the integrity and authenticity of the research findings. As Patton (2001:14) notes, validity and reliability are two key factors which many qualitative researchers should be concerned about while designing a study, analysing results and judging the quality of research findings. In this comparative study of the R2P in Sudan and Libya, the researcher used various strategies to ensure its trustworthiness as discussed below.

One of the strategies used by the researcher to enhance the validity of this study is triangulation. In the field of social research, the notion of triangulation has risen as a significant methodology in issues within qualitative approach to evaluate and control bias. It refers to the use of various sources of data, methods, and approaches to data analysis in the research process in an attempt to understand the phenomenon under study. The purpose of using this strategy is to avoid personal biases of researchers and overcome deficits inherent in the use of single methodology and methods, thereby increasing the validity of the study (Denzin, 1989). In brief, it is a strategy of mixing data or methods and theories so that diverse views cast light upon the phenomenon under study. Thus, in this study, triangulation occurred at the research methods level. In terms of methods triangulation, the researcher used documentary search and in-depth interviews. These methods provided the researcher with more information of diverse views, which was important when making informed conclusions on how the R2P was applied in Sudan and Libya. This enabled the researcher to cross-check whether the methods used in the data collection process presented similar information to reflect what is on the actual ground, thus improving the validity of the study.

Finally, a careful checking for representativeness in the data collected during the process of data analysis and presentation is also another strategy was used by the researcher to enhance reliability

¹⁵ Despite the fact that these concepts originate from quantitative research methodology, there is a considerable ground for qualitative researchers to ensure trustworthiness of their findings using the same concepts (Guba & Lincoln, 1994).

and validity of study findings. The process of categorising and coding important themes out of the available volumes of information gathered allowed the researcher to identify similar themes emerging from different content and views of participants. This practice of caution in data analysis enhanced validity and reliability of study findings. The above are various ways that were used by the researcher to enhance trustworthiness of research findings. The process of gathering information from participants, however, also involves the researcher to abide by important ethical considerations that needed to be outlined and discussed in this study.

1.5.12 Ethical Considerations

Ethical considerations in research methods require a special deference by researchers for their findings to gain credibility and sincerity in the world of fellow researchers.¹⁶ What is considered as morality and ethics in day to day life is a matter of agreement among members of a group or community (Babbie, 1993:448). Various groups have, as a result, agreed on different codes of conduct. As such if one intends to live in a given society she or he should know what is considered as its ethical and unethical practices. Therefore, it is always recommended that for one to conduct a social scientific research he or she must be aware of the general principles shared by researchers with regards to what is “appropriate” and “inappropriate” in carrying out a scientific investigation.

Ethics in academic research refers to fundamental principles in which all researchers are supposed to adhere throughout the process of research so as to make their research findings acceptable and credible to consumers, including fellow researchers.¹⁷ This necessity is more emphasised for researches that target specific vulnerable populations such as children, disabled citizens and marginalised groups, who are part of the phenomenon under study. Since this comparative study involved a close interaction of the researcher and human participants (interviewing experts and ordinary people affected by conflicts), it was prerequisite for the researcher to adhere to specific ethical considerations such as maintenance of anonymity and confidentiality, voluntary participation, informed consent and protecting participants from being harmed in one way or

¹⁶ The act of being ethical is defined as compliant to the standard of practice of a particular community, group or profession (Webster’s New World Dictionary, 1999).

¹⁷ As Neuman (2000) notes, research ethics comprises a set of norms and values as well as codes of conduct which regulate the practices of carrying out a scientific research which involves the participation of human beings.

another as well as to abide by the rules and regulations of conducting a scientific research at Rhodes University, as shall be discussed below.

As its academic practices are aimed at improving the way researches by students are conducted under its jurisdiction, Rhodes University encourages responsible researchers to seek approval from the Ethics Committee before beginning any process of data collection that involves human and animal subjects. In this regard, the university established an independent committee called the Rhodes University Ethical Standards Committee (RUESC) to ensure that all research activities conducted by students and other researchers at campus are done in a responsible way, and meet contemporary ethical principles. Hence, the researcher applied for clearance to the Rhodes University's ethics committee through the department's 'ethics committee in order to start the process of collecting data from various participants.

In carrying out this research, the maintenance of confidentiality and anonymity was a vital ethical consideration adhered to by the researcher to protect participants from any possible harm. Confidentiality and anonymity are related terms in research but are distinctive concepts that should be understood differently. The notion of anonymity refers to the situation in which a researcher cannot identify a particular response with certain participants; while confidentiality refers to circumstances in which a researcher can identify a given participant's response and promise not to publish it (Babbie, 1993:450). In this regard, the researcher removed any opportunity that may, in one way or another, led to inference of the identity of the participant from which the information was obtained. To achieve this, during the process of data collection by in-depth interviews, the information obtained was recorded on a transcript under specific codes number signifying the respondent, location and views. This is because participants understood the implementation of the R2P in Sudan and Libya from different perspectives and these could encompass sensitive issues such as human rights violations, poor governance systems, and crimes against humanity, genocide, and ethnic cleansing. The maintenance of anonymity in this study was therefore imperative. The researcher was fully convinced that assuring anonymity improved the prospect and accuracy of responses.

In terms of maintaining confidentiality in the study, the researcher used various strategies, including the removal of all names and addresses from the interview guide form and the transcript

in which the data was recorded, and these were replaced by identification codes. Before the interview process, the researcher also made it clear to participants that the information provided was going to be treated with high levels of confidentiality. This increased the degree of accuracy of the information provided by participants during the process of in-depth interviews.

Informed consent is also another essential ethical consideration that was considered in this research study. Informed consent involves the process of telling research participants about the purpose and nature of the study so as to obtain their verbal and written consent to participate (Babbie, 1993). Participating in the study was voluntary and there were no rewards to be given to participants. This was made clear to participants before their involvement. For example, in this study, the researcher used procedures on written consent forms which were sent to participating officials, individuals, groups and organisations such that they could make an informed decision in advance on whether to participate or not. The signing of the consent form was mandatory for all participants.

1.6 Chapter Outline

This thesis consists of six chapters which are outlined below:

Chapter 1 is the introduction of the study. The chapter provides a background context of the study in which major issues underlining the subject understudy are highlighted. In this chapter, the premise of the main argument is presented. The study argues that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Furthermore, the overall purpose of the study is also highlighted in this chapter. The purpose of the study is to understand reasons for the failure of the R2P in Sudan and Libya with a particular focus on regional and sub-regional actors and their interactions with the international community. This chapter also presented and discussed the research strategy used in answering the central research question of this study. The chapter outlined the paradigm which guided this study, the methodological approach, and methods that were used in data collection. In this study, the researcher was driven by the critical research paradigm perspectives through the use of qualitative methodology. The chapter also discussed the use of a comparative approach in this study and its contribution to the main objective of this thesis. The chapter further highlighted how the

information gathered from various participants was analysed. In this regard, thematic analysis was used, and its strengths and weaknesses were discussed in this chapter. The researcher further discussed the strategies that were used to enhance validity and reliability of the study findings to consumers and other researchers. The chapter also presented and discussed ethical considerations as well as challenges which were faced and how these were overcome during the process of this research. The next chapter is a review of literature of the study. In summary, this chapter is an introductory chapter that provides the context of the study with regard to problem statement, research objectives, research methodology and a brief justification for undertaking this study.

Chapter 2 covers a historical background of humanitarian interventions based on the realisation that understanding the doctrine of the R2P requires one to have an appreciation of how humanitarian interventions have been perceived and conducted across the globe. The chapter thus provides a historical development of the R2P principle by noting major events and developments that laid the foundation for the international human rights regime from the period before 1945 to the present time. The chapter also notes that by signing the Treaty of Westphalia in 1648, states started to develop a sense of collective responsibility in their relations with each other. It is also through this chapter that the study noted the essential role of liberal thoughts towards the growing human rights regime across the globe in the 21st century, as these thoughts were instrumental in influencing the creation of international organisations such as the League of Nation (LON) and UN. The measures used to assess the success or failure of the R2P in Sudan and Libya were discussed here. In the chapter also, significant benchmarks for assessing the implementation of the R2P are discussed. It is argued in this chapter that the implementation of the R2P in various countries for the past years has been marked with inconsistencies, and has been less optimal and less impressive.

Chapter 3 focuses on case studies of this thesis. It gives an overview of the nature and origins of both the Sudan and Libya crises, and the manner in which the IC responded to these crises, particularly through the principle of the R2P. The chapter shows that the way the IC responded to Sudan (Darfur) and Libya crises failed to achieve the intended goal of protecting civilians from war crimes, crimes against humanity, genocide and ethnic cleansing. The evidence for the R2P failure is provided in this chapter. The chapter also highlights the role of regional organisations

such as the AU, IGAD, Arab League and Arab Maghreb in response to both crises. In this regard, the chapter notes that regional organisations and sub-regional organisations are important drivers of the R2P principle, especially during the implementation process as they can spearhead the implementation process and influence the UNSC decision to implement it. It is this chapter that highlights the fact that the international community's implementation of the R2P was marked with the failure to implement the R2P in both cases.

Chapter 4 function as a literature review of the study, it discusses other explanations of why R2P failed. In this chapter, the various explanations on the reason for the failure of the R2P including Sudan and Libya are discussed . In so doing, the researcher connects these explanations to the wide literature on the success or failure of the R2P while paying a particular attention to the failures of humanitarian interventions. It was noted in the analysis of this chapter that most explanations on the failure of the R2P are based on the politics of Great Powers in the UNSC and their national interest motives. This is a broadly held view from most scholars and researchers of the R2P, however it was stressed that this study seek to explain the failure of R2P with a particular focus on regional organisations and sub-regional actors and their interactions with the international community.

Chapter 5 focuses on the reason why the R2P failed in Sudan and Libya. It is a findings and analysis chapter comprising both primary and secondary data that was collected through interviews and documentary search. The chapter argues that although the factors related to the politics of these powerful countries contributed to the failure of R2P, in both cases (Sudan and Libya), the international community's implementation of the R2P principle depends not only on the political will and interests of the big powers countries (UNSC members) but also where that political will exists, is dependent on behaviour and actions of regional and sub-regional actors as they interact with the international community during the implementation. The chapter further notes that regional and sub-regional actors, other than global ones, are key stakeholders to the R2P and its implementation, and they play an instrumental role in the implementation of the R2P process. In this regard, the argumentation posited in this chapter is that in both Sudan and Libya, the international community's implementation was characterised by a break-down of the relationship between regional and sub-regional actors like AU, states and global institutions such as UN, and

this break-down contributed to the failure by the international community to apply the R2P in Sudan (Darfur) and Libya. The involvement of regional and sub-regional actors in both Libya and Sudan (Darfur), the challenges faced by these actors in both cases, and how they played a part to the failure by the international community to apply the R2P is also discussed in this chapter.

Chapter 6 focuses on the Summary, Conclusion and Recommendations. The chapter provide the overall conclusion to the study in line with the central objective of the thesis. The next chapter is a historical overview of the conception of the R2P norm from a global perspective.

CHAPTER 2

RESPONSIBILITY TO PROTECT (R2P): A HISTORICAL OVERVIEW

2.1 Introduction

The previous chapter is an introductory section of this thesis, it deals with the background context of the study, problem statement, the significance and theoretical framework of the study. This study sought to understand the reason why the R2P principle failed in Sudan and Libya. The major argument that was laid down in the preceding chapter is that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. The preceding chapter also highlight the overall purpose of the study. The purpose of this study is to understand why the R2P failed in Sudan and Libya, with a particular focus on regional and sub-regional actors and their interaction with the international community.

This chapter seeks to trace and outline the conception of the R2P principle from a global perspective and its applicability using specific cases so as to understand the way the principle of R2P was applied. This is particularly important since this thesis is a comparative study of the R2P in Sudan and Libya, the chapter serves as a source that provide a clear picture of the term R2P and its history. Importantly, it is in this chapter the researcher clarify the measure used to assess the success or failure of the R2P in Sudan and Libya so as

to inform the comparison of how the principle was applied in both cases. For the sake of clarity, this chapter will also define relevant concepts in this thesis. The discussion on the history of R2P in this chapter is informed by my view that, “current events are largely informed by historical ones and the future is shaped by current events”. Basing on this realisation, it is crucial to understand the historical development of the responsibility to protect (R2P) so as to explain the nature of its existence and the perceived global perspective. Therefore, to clearly understand the meaning of the R2P, it is vital to understand where the need to protect civilian populations came from by illustrating the history of mass killings and crimes against humanity, the accountability of states over time as well the evolving human rights regimes since 1945. The researcher will therefore examine how these changes and atrocities, coupled with the accountability of states over-time have

informed the notion of humanitarian intervention and subsequently led to the formulation of the R2P as a humanitarian norm.

The discourse around the notion of the R2P is understood as a concept for intervention in states by the IC (preferably through the UN Security Council approval) for the prevention of genocide, ethnic cleansing, mass killings and human rights violations taking place, in a country which is unwilling (or unable) to stop it. Hence the R2P principle is more relevant and suitable in cases where the responsible countries of concern to the catastrophe are exhibiting signs of inability or unwillingness to end the situation on the ground (Abey Suriya & Mehta, 2009; Welsh, 2011). The R2P norm thus provides a new way of conceptualising sovereignty in order to move towards the practice of national and international accountability.

2.2 The Period before 1945 and Mass Atrocities

The era before 1945 was largely characterised by massive atrocities which, in most cases, the perpetrators were not held accountable. Throughout the medieval and ancient periods, mass atrocities, crimes against humanity such as rape and ethnic cleansing were only a matter of indifference to all but their victims. Non-combatants such as women, children and civilians were not exempted from violence.¹⁸ However, the coming in of the Peace Treaties of Westphalia in 1648 and the creation of the modern system of sovereign states completely changed the behaviour of states towards international events: they became equal to each other under the law, not subjected to external control, and not interfering in each other's internal affairs (Evans, 2008). Thus, states started to develop a sense of collective responsibility in law, which then demonstrates the accountability of states overtime.

Although it is not easy to identify circumstances or an event where states looked beyond their own territorial and colonial borders or beyond their own immediate economic and security interests to halt atrocities before 1945, there are few cases in which states intervened in other state's affairs to protect civilian population and pursued their interests.¹⁹ All these cases show how states were

¹⁸ This would make it difficult to identify the perpetrators from an individual or collective perspective because the participation and victimization of violence was not selective (Evans, 2008:13).

¹⁹ For example, the intervention by 19th century great powers in the Ottoman Empire to protect Christian and Jewish civilians, and the intervention by the Ottoman Empire in 1860s in the fight against French occupation of Syria and Lebanon (which was justified as an attempt to protect trade interests) (Lowe, 2011:1).

increasingly becoming interested in intervening in other state's affairs to protect vulnerable civilians. In addition, the foundation of the Red Cross movement in 1863 by Henry Dunant and the introduction of the first Geneva Convention of 1864, which obliged states to protect foreign nationals during the war, demonstrate that some sense of collective morality was gradually finding its paths towards civilian's loss of lives.

2.3 The Period of 1945-1990s

Just as World War I led to the formation of the League of Nations; World War II led to the formation of the United Nations. These efforts were meant to build a stable global order in which humankind could live peacefully in harmony with one another. The extermination program of the Nazi Holocaust was a shocking setback, and an ignominy to the collective morality of humanity. However, the coming in of the UN led to major developments in terms of human rights, including development of international human rights law and international humanitarian law which were meant to improve the protection of civilians across the globe. However, despite positive efforts by the UN in the post-Cold War period, the organisation's capacity to prevent mass killings, ethnic cleansing, crimes against humanity and human rights violations were exposed in numerous occasions.²⁰ These crimes are alleged to have been perpetrated by states and received little attention from the UN which failed to prevent such massive loss of civilian lives.

There were forms of humanitarian interventions which occurred during the post-world wars, in which the nations intervening in the internal affairs of other states based their claims of humanitarian reasons. The motives of these countries were primarily to protect their own citizens while at the same time attempting to promote their strategic geo-political or economic interests.²¹ Despite their humanitarian claims, their actions were globally condemned. There were also other forms of intervention in the internal affairs of other states based on genuine humanitarian reasons. For instance, in 1979 Vietnam intervened in Cambodia to overthrow the Khmer Rouge regime that

²⁰ The killing of an estimated number of more than 100 000 Hutus in Burundi and the displacing of thousands in 1972, the Idi-Amin's killing of civilians in Uganda 1974, the Bokassa killing of civilians in Central Africa in 1979, the poison gas attack on civilians by Saddam Hussein's forces in the Kurdish region in 1988 and the Indonesian massacres of up to 500 000 alleged communist party members in 1965 (Evans, 2008).

²¹ Belgian intervention in the Congo in 1960s, US and Belgian in Stanleyville (1968), Belgian and the French in Shaba province of former Zaire (1978), US in the Dominican Republic (1965), in Grenada (1983), and in Panama (1989), Tanzanian invasion of Uganda (1979) (Evans, 2008).

had contributed to the massacre of an estimated 2 million civilians. Although Vietnam's role was regarded as a violation of Cambodia's sovereignty, this intervention halted civilian massacre and managed to prevent the continuity of these atrocities (Evans, 2008).

The need to promote international peace and security by the international community through the United Nations Security Council (UNSC) was increasingly affected by the ideological competition between the US and the Soviet Union. This made it difficult for the organisation to effectively carry out its mandate, especially of maintaining peace and security. The sense of insecurity from the newly independent states over their sovereignty and the awareness of their perceived fragility, led to the adoption of the principle of non-intervention in form of Article 2(7) of the UN Charter. This was an attempt to protect themselves from threats of the powerful states (Seybolt, 2007). During this period, the focus of countries was to maintain their strategic alliance and they were unwilling to impose any constraints on states that were not in compliance with their foreign policy objectives. This made it difficult for states to work together as a global village towards peace and security. Hence during this period, the international system could not enforce collective measures to prevent mass atrocities and other related forms of massive human rights violations.

2.4 Liberalism and the Growing Human Rights Regime

The core of liberalism is informed by beliefs in the 20th century espoused by Woodrow Wilson, the former US President, that a system of collective security, promoting self-determination of peoples and eliminating power politics would prevent war (Karns & Mingst, 2010). This was first noted in his 14 points under which the Treaty of Versailles and the covenant of the League of Nations (LON) were found.²² Thus the liberal theory was critical in the growing understanding of the need to work together towards ending human problems. Liberalism views individual human beings as the primary international actors. For liberals, states are the most important collective actors, though pluralistic rather than unitary actors (Karns & Mingst, 2010). In this regard, democratic practices such as free and fair elections, freedom and human rights, including moral and ethical principles (in the context of democratic states), power relations and bargaining among domestic and transnational groups and changing international system all play a contributory role

²² The role played by the LON, therefore, proves the significance that liberals place on the international institutions for a collective approach in problem-solving (Karns & Mingst, 2010).

in shaping the state's national interests and policies (Karns & Mingst, 2010), as well the growing human rights recognition on the global system. Liberals place importance on non-state actors and transnational as well as trans-governmental groups.

According to liberals, power is important, but it should be exercised in the framework of rules and institutions which make international cooperation possible. Moreover, liberals expect mutual interest to increase with greater interdependence, communication, knowledge and the spread of democratic values (Karns & Mingst, 2010). They base their argument on the fact that enhanced cooperation results in improved peace and stability, justice and welfare. Thus, the core assumption of liberalism is that the cooperation of states is largely based on mutual gain (Walt, 1998). Although liberals acknowledge that individuals or states seek personal interests or gains, they also believe that individuals share some interests, which can in one way or another make domestic and international cooperation possible (Jackson & Sorensen, 2015).²³ Therefore, despite the fact that the historical trends of the idea of human rights, the 21st century has been a period in which members of the IC sought to establish a system of government based on the promotion of human rights. Most governments are now striving to improve their human rights records and are working together with international organisations such as the UN, NGOs, regional blocks and civil society to enhance such commitment.

Generally, liberals are supportive of international law and international organisations, and view international law as one of the major instruments for framing and maintaining order in the international system (Henkin, 1979:22). The war crimes tribunals such as those held in Rwanda and the former Yugoslavia, and the hybrid courts in Cambodia and Sierra Leone as well as the creation of the International Criminal Court all explain how international law plays a key role in promoting human rights accountability across the globe. Thus for liberal thinking, the use of international law as an attempt to prevent the loss of civilian lives and provide justice is critical, especially where the responsible states are unable or unwilling to protect lives and persecute perpetrators of human rights violations. For liberals, international organisations are arenas for negotiating and developing coalitions, they are the primary means for mitigating the dangers of

²³ The emergence of international organisations like the UN is noted by liberals as such example of the predisposition of states cooperation across the globe (Walt, 1998).

war, promoting development of shared norms and enhancing global order (Karns & mingst, 2010). They can be used to solve a substantive international crisis and can be used to constrain the behaviour of states which breaches international peace and security.

With time the theory of liberalism experienced major revitalisation based on the desire to challenge the realist views that world politics is anarchic and limited when it comes to cooperation among states. This revival was facilitated by the increasing interdependence in the 1970s led by neo-liberals, who argue that, even if the anarchy constraints the willingness of states to cooperate, states nevertheless can do so with the help of international institutions (Grieco, 1993:177). Therefore, international institutions are critical in the international system as they can facilitate what happens in the global order. States that have continuous interactions with each other choose to cooperate despite the anarchy in the international system. The constant interaction also motivates states to engage in efforts which create international institutions, which in turn moderate state behaviour, guarantee framework for interaction and a ground for bargaining (Karns & Mingst, 2010). Therefore, this explains the reason why R2P, as a norm of humanitarian intervention, was unanimously agreed by states in 2005 at the UN General Assembly Summit.

In the revival process, liberal internationalism is another such strand of liberalism theory which can best help to explain the growing human rights regime in the 21st century, particularly the need to halt mass human rights violations and crimes against humanity through humanitarian interventions. It is one of the pillars of liberalism which discuss the validity of humanitarian interventions. Under this strand, humanitarian intervention of militaristic nature can be justified as a last resort and as a measure to protect civilians from crimes against humanity, genocide, war crimes and ethnic cleansing (Doyle & Recchia, 2010). Liberal internationalism bases its premises on the impression that when mass atrocities are being carried out against civilian populations whose respective government is expressing signs of inability or unwillingness to protect them, then international actors can intervene to ensure the protection of civilians by halting mass atrocities using all necessary measures, including military force. Therefore, as liberal internationalists argue, when intervening to protect civilians through multilateralism, all necessary measures should be undertaken regardless of the cost, as shown in the context of Sudan, which host the most expensive UNAMID mission in the world. Thus, because of its emphasis on mutual

cooperation of states through multilateralism, liberalism as a theory explains the growing human rights regime in the 21st century.²⁴ Most of these interventions were aimed at protecting civilians. However, all these interventions were as also assumed to be shaped by other political motives of the intervening states, and in most cases, political motives of states overrode humanitarian objectives (Paris, 2004). Liberalism theory therefore provides a framework that explains the 21st century growing human rights regime. It lays the foundation of developing human rights legal and operational mechanisms which are essential in the current world order. It is important to note that liberal ideas play a critical role in the understanding of the historical development of humanitarian interventions, particularly the R2P principle.

Furthermore, liberals argue that in any humanitarian intervention, military option must be taken after all peaceful efforts have been exhausted. In addition, the ultimate aim of such intervention must be the protection of civilians from massive human rights violations, which are widely regarded as threats to international peace and security. Such intervention should not be conducted unilaterally, but rather multilaterally with the authorisation of the United Nations Security Council (UNSC). This is because liberal internationalists believe that multilateralism prevents great powers from pursuing national interests instead of humanitarian goals during the process of intervention (Doyle & Recchia, 2010). Therefore, given the above, it is clear that the foundation of the R2P is based on the liberal world perspective. The liberal emphasis on the protection of human rights is core to the R2P doctrine. The R2P principle calls for the international cooperation to protect citizens if their respective states fail to adhere to their obligations.

2.4.1 The nature and dynamics of human rights regime since 1945

To understand the historical nature and dynamic of human rights regime, historians have moved beyond the 1940s to focus more on the period of the Post-Cold War time, which was argued to be responsible for the salience of human rights (Eckel & Moyn 2014). Series of events that occurred during the late 1960s and 1970s played a key role in establishing the foundation for current international human rights regime. One of the crisis was the Biafran War in Nigeria from 1967 to 1970. During that time, the Secessionists from Biafra started a movement to secede from the

²⁴ This is demonstrated by humanitarian interventions in Iraq (1991-93), Somalia (1992-93), Kosovo (1999), East Timor (1999), Sudan (2006), Mali (2012), and Libya (2011).

Nigerian Federal Government because they believed that they were politically marginalized. The main causes of the war were ethnic, cultural, religious and economic grievances. Consequently, it was alleged that about 100,000 soldiers and between 500,000 to 2 million civilians died (Nkwoncha, 2010; Eckel & Moyn, 2014). It also led to immense international condemnation and widespread moral outrage as many people allegedly considered it a genocide (Eckel & Moyn, 2014). Thus, this is one of the events that led to the foundation of the international human rights regime that exist today. For example, it prompted the establishment of *Medicine Sans Frontieres* translated from French to *Doctors Without Borders*—a central humanitarian group in modern world (Eckel & Moyn, 2014). Therefore, one cannot disregard the role that the Biafra crisis played in demonstrating the relationship between humanitarianism and human rights.

In the following decade, more international human rights organizations became more prominence. For example, the Amnesty International successfully campaigned against torture. During this period, there were campaigns and appeals for states to value and respect human rights. This gained momentum after coups in Southern Cone of the Americas around 1973 (Eckel & Moyn, 2014). These events attracted international solidarity and led to enhanced calls to respect human rights. Moreover, these incidents played an influential role that led to the signing of the Helsinki Accord in 1975 which became a framework of human rights principles during this period (Eckel & Moyn 2014).²⁵

Moreover, since the adoption of the Universal Declaration of Human rights in 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), the present-day human rights system appears different as compared to the past decades (UN Chronicle, 2009). There have been significant developments in attempts to expand the coverage of international human rights law across the globe since the Second World War. The adoption of the UN Charter in 1945, which is binding (in theory) to all UN member states, was such an important development which signified the commitment of countries towards the promotion of human rights. This led to an increase in human

²⁵ The Helsinki Final Act was an agreement signed by 35 nations that address the range of prominent global issues in so doing had a far reaching effect on the Cold War and US-Soviet relations(Eckel & Moyn 2014).

rights law at the global scale. However, in the past few years, the focus has now shifted to the implementation of human rights norms, the need to develop a more secure world order, where human dignity is observed (UN Chronicle, 2009). The need to enforce human rights practice has now become inevitable. In recent years, due to changing nature of threats on humankind, there has been much emphasis on individual accountability for massive human rights violations; crimes against humanity, war crimes and genocide as well as ethnic cleansing. The subsequent establishment of international criminal tribunals, such as ICC, Hybrid Court on Sierra Leone and Cambodia, and the International Tribunal Court on Rwanda, represents major dynamics that took place and constitutes efforts towards human-centred kind of international law and human rights. This is coupled by the seemingly progressive efforts made to extend judicial mandates to include human rights and acceptance for equal rights as well as the fact that all rights are justiciable. However, despite significant improvement towards human rights, the continuous evolution of global human rights regime depends much on the behaviour of non-state actors towards the creation of an environment conducive to the recognition of human rights norms and values (UNSG report, 2005). Non-states actors such as NGOs, churches and individual actors have been so influential in advancing awareness on vital issues, thereby creating a ground for human rights treaties and norms adopted by the UN to thrive on. In Africa, sub-regional communities such as the Economic Community of West African States, the Common Market for Eastern and Southern Africa, the Southern African Development Community (SADC) and the East African Community (EAC) - have also been involved in the promotion of human rights, despite their primary role of economic integration. In some instances, these RECs help in promoting human rights, particularly in their judicial systems. For example, the East African Court and the SADC tribunal are such courts which demonstrate the extent to which sub-regional organisations have been dedicated in enhancing human rights (UNSG report, 2005).

This evolving human rights regime can further be understood through the Hedley Bull's (1979) theory of "the anarchic state" who observed that the anarchic international system is made up of two possible sources of order; the 'pure system variety' and the 'social system variety'. The pure system constitutes an anarchical state system in which order is only preserved through states acting on their own interests rather than a sense of common understanding or being guided by institutional rule. Thus, in such a system, the prevention of human rights violations, crimes against humanity

and genocide can only be prevented if states are acting purely in pursuit of their own interests. This, therefore, explains the nature of humanitarian interventions that has been taking place across the globe. The 2003 US intervention in Iraq is such example where interests overridden the institutional rules of UN. The selective application of the R2P coupled with implementation inconsistencies in some cases can also be understood from such perspective, thereby explaining the varying nature under which the principle of the R2P has been applied.

Another source of order noted by Bull is the anarchical international society. This is a kind of international system in which order is preserved by the presence of an international society that does not operate in the shadow of states (Bull, 1979). In such a system, order is maintained through shared interests, understanding and values coupled with a culture of being bound by common rules and institutional practices, habit and organisation (Bull, 1979). In this system, order is achieved through cooperation based on mutual understanding and interests. In other words, states respond to the international crisis when every country sees the existing problem as being an international threat to global peace and security. The adoption of major human rights laws: (Universal Declaration of Human Rights), treaties (UN Charter), Ottawa treaty and the adoption of R2P in 2005 by the UN-General Assembly are such international commitments which indicates the importance of anarchical international society. In this system, states are mainly focused on working together with civil society; NGOs, INGOs, and other non-state actors towards fulfilling the needs of humankind, including protecting them from crimes against massive human rights violations. Therefore, this theory can best help to understand the manner in which multiple actors such as regional and sub-regional actors were involved in the international community's application of the R2P principle in Sudan and Libya, and how their interactions with the international community played a part to the process of implementing the principle.

2.5 The Post-Cold War Era

In the history of international politics and strategies, 1990, is believed to have marked the end of the Cold War. This period has been a turning point in the history of international peace and security. It removed the fear of interventions by bigger powers to protect civilians and restore peace in the internal affairs of other states. This was because the Cold War ideology, which seemed detrimental to the effectiveness of the UNSC, was no longer there (Brown, 2008). The 1990s saw

the occurrence of major human catastrophe in Africa and Europe (in the Balkans). The post-Cold War era became the period of intra-state wars or civil wars, in which civilian populations were the most vulnerable to violence and the first victims of conflict.

The UNSC began to consider internal wars and other events with massive human rights violations as threats to international peace and security. In some instances, the council responded to these cases with a legitimate intervention. However, the UN approach of collective security struggled to effectively respond to these new dynamics of conflicts (Brown, 2008). Numerous military operations of humanitarian nature were, as such, carried out to protect civilians who were vulnerable to massive human rights abuses, crimes against humanity, ethnic cleansing and genocide.

These interventions differed in magnitude and nature of operations, but had similar objectives. For example, Liberia (1990-1997) became the first African country to experience intervention. The troops from the Economic Community of West African States (ECOWAS) arrived to halt a bloody civil war from escalating into an uncontrollable conflagration and were endorsed by the UNSC after the operation had been completed. Another humanitarian intervention authorised by the UNSC was in northern parts of Iraq (1991) when the US and its allies managed to establish a safe haven to protect the Kurds who were under brutal campaigns to destroy them by Saddam Hussein. In Haiti, the UNSC approved the deployment of a multinational force against the military Junta that had overthrown a democratically elected president, Jean-Bertrand Aristide (1994-1996). In a similar operation in 1999, the UNSC also authorized deployment of a multinational force in East Timor and gave the mandate to the Australian government to restore peace and security after massive human rights violations coordinated by the Indonesian government following the successful referendum for independence of the East Timorese people (Evans, 2008; Seybolt, 2007; Brown, 2008). Therefore, this shows how the international community started to seriously take decisions to interfere within the internal affairs of other countries to protect vulnerable civilians. These kinds of interventions differ from the present-day form of interventions in which countries seem to prioritise their interests rather than the actual purpose of intervention. As a result, these interventions have resulted in major questions on whether they are conducted within the confines

of acceptable international standards. Such questions justify the purpose of this study, which is to understand why the R2P failed in Sudan and Libya.

2.6 Modern turning point for the R2P in the Post-Cold War periods

The desire to provide practical protection measures for ordinary civilians who were at risk of losing their lives became inevitable because some states are unable or unwilling to take necessary concrete steps to protect civilians and ensure their safety. This is mainly driven by a collective moral responsibility of ‘never again spirit;’ and the previous failures by the international community to protect civilians from mass atrocities or prevent genocide. However, the questions of whose morality coupled with self-interests of states and power politics remain some of the key obstacles to effective and efficient implementation of these measures. The conflicts in Rwanda, Srebrenica and Kosovo are among notable events which played important role in the development of the R2P concept as shall be discussed below. These cases provided testimonies that human beings were increasingly becoming vulnerable to inhumane treatment by state actors, and needed to be decisively protected (ICISS Report, 2001). They immensely contributed to the growing international consensus and action toward taking responsibility in the face of massive human rights violations; crimes against humanity, genocide, ethnic cleansing and war crimes.

2.6.1 Rwanda (1994)

The Rwandan crisis was caused by the friction between the Rwandan Patriotic Front (RPF) (a predominant Tutsi anti-government group) and the late Juvénal Habyarimana led government (predominantly Hutus). This escalated into a civil war that intensified in the 1990s, and in a very short of time, became one of the greatest humanitarian challenges the world has ever faced. The conflict was mainly driven by historical ethnic differences and negative perceptions which existed between the two ethnic groups (Prunier, 1995).²⁶ The Rwandan civil war became an African tragedy in which more than 6 million people were displaced while others lost their lives trying to find safety. This happened in the face of the IC which had capacity to stop such massive civilian loss of life coupled with barbaric crimes against humanity and deliberate acts of human rights

²⁶ The ethnic differences are believed to have been created by the colonial powers during colonial time in Rwanda. The crisis further led to what was formerly acknowledged by the United Nations as ‘a genocide’ in which an estimated 800 000 civilians were killed (Prunier, 1995).

violations in Rwanda. As observed in the ICISS Report (2001), UN peacekeeping forces were present, though not in sufficient number at the outset; and credible strategies were available to prevent, or at least greatly mitigate, the slaughter which followed. However, the UN-Security Council could not take the necessary action to halt the killings (Laegreid, 1999). The failure of the UN or IC to act during the 1994 Rwandan genocide and atrocities, in which an estimated number of nearly one million people were killed despite the presence of 2500 strong UN peacekeepers at the onset of the killings, caused a widespread condemnation from scholars, humanitarian actors, policy makers and amongst members of the IC themselves, including Rwandese people. The re-evaluation of humanitarian international norm in the context of mass killings taking place in a particular country become significant and necessary and was being advocated from all angles (Policy Advisory Group Seminar Report, 2007).

There was lack of willingness from the international community to protect and prevent the genocide, which is widely seen as a failure of international will of ‘civil courage’ at the highest level. As a consequence of such deliberate inaction, the Rwandan tragedy destabilised the Great Lakes region and its impact is still felt across the region. The Rwandan atrocities in 1994 laid bare the full horror of inaction.

2.6.2 The Bosnian conflict (Srebrenica massacre) (1995)

The Srebrenica massacre is one such painful scenario in which civilians lost their lives under the watch of the international community. The problem started after the death of Yugoslav leader Josip Broz Tito in the 1980s. The countries experienced growing levels of nationalism within the different Yugoslav republics which threatened to throw their union apart. This intensified after the mid-1980s with the rise of the Serbian leader Slobodan Milosevic who assisted to foment discord between Serbians in Bosnia and Croatia and their Croatian Bosniak and Albanian neighbours (Menashem, 2015). The tension stretched after Slovenia, Macedonia and Croatia declared their independence.²⁷ There was an overall failure by the international community to provide acceptable solutions to all actors involved in the conflict, particularly the ethnic minorities

²⁷ It alleged that the recognition of these states by the European Union (EU), US, and the UNSC of the right to self-determination was identified as a leading cause for the ethnic cleansing that took place in Bosnia (Menashem, 2015).

created by the dissolution of former Yugoslavia, through serious negotiations to establish new international borders.

The war which followed in Croatia saw Serb-dominated Yugoslav Army supporting Serbian separatists in their brutal clashes with Croatian forces. The clashes left an estimated 8000 Muslim Bosnians dead at the hands of paramilitary Christian Bosnian groups at Srebrenica (Menashem, 2015).²⁸ This incident is largely seen as one of the worst humanitarian crises of 1992-1995 after the Rwandan catastrophe. In 2007, the International Court of Justice held that, “the acts committed at Srebrenica were committed with the specific intent to destroy in part the group of the Muslims of Bosnia-Herzegovina as such, and accordingly these were acts of genocide” (The International Criminal Tribunal for the Former Yugoslavia cited in the Global Policy Forum, 2010). The war in Bosnia demonstrated the potentially negative impact of regional involvement in internal conflicts as highlighted by the role of key European countries in this conflict (Policy Advisory Seminar Report, 2007). Therefore, the failure of the United Nations or the international community to mitigate or prevent these massive massacres of thousands of civilians is another notable event which exposed gaps and ambiguities in the international community’s humanitarian interventions, and the lack of willingness within the IC members to prevent civilian massacres.

2.6.3 The Kosovo crisis (1999)

The Kosovo crisis in Europe was also another humanitarian catastrophe in which civilians were massacred on a massive scale. The conflict was characterised by civil war and gross human rights violation by state apparatuses. The war was mainly fought between the Federal Republic of Yugoslavia, consisting of the Montenegrins and Serbians, and the Kosovo Albania rebel group known as the Kosovo Liberation Army. These fighting groups enjoyed the ground support from the North Atlantic Treaty Organisation (NATO) and the Albanian army. The armed conflict ensued from 28 February 1998 to 11 June 1999. In the process, the Serbian militia group carried out brutal killings and crimes which could be categorized as crimes against humanity against Kosovar

²⁸ As such during the Bosnian war in the early 1990s ethnic cleansing, genocide and other serious crimes were committed on all sides (Global Policy Forum 2010). The war is believed to have claimed over 800 000 lives.

Albanians and other minority groups in the country (Betti, 2010). The Serbian militias used various repressive actions to displace thousands of civilian Kosovars.²⁹

In response to this crisis, NATO, some European states and the United Nations appointed Richard Holbrooke as a special envoy to help resolve the conflict. They also passed Resolutions 1199 and 1203 to condemn the massive human rights violations and crimes against humanity taking place in Kosovo and reminded the involving parties that their actions were threatening international peace. However, all these actions were found wanting as civilians continued to be vulnerable to the conflict. As a result, NATO intervened under Operation Allied Force to bring the conflict to an end. This operation raised so many questions, particularly its legitimacy and legality based on the view that NATO had no UNSC mandate to interfere in the internal affairs of other states. Therefore, the use of force by NATO was illegal under international law although some scholars justified it on moral grounds as ‘a moral act’ (The Independent International Commission on Kosovo, 2000).

Thus, in some scenarios, humanitarian interventions raise questions with regard to legitimacy and legality whether the cause was just; or whether there were sufficient evidence to justify an intervention. Further questions include: Were all peaceful means exhausted to justify an intervention? Did the intervention receive appropriate authority? (ICISS Report, 2001). All these questions became critical on the future of humanitarian intervention and how responding to massive human rights, crime against humanity and genocide should be done. The tragedies of Rwanda (1990-1994) and Srebrenica (1995) which occurred under the leadership of Kofi Annan as UN Secretary General were, therefore, precursors to his call for humanitarian interventions when responding to a catastrophe. However, these interventions came under spotlight and immense criticism due to enshrined potential manipulations. This prompted Annan’s acknowledgement of these censures as he noted that:

²⁹ In January 1999, the Serbian forces killed 45,000 civilian Kosovars in what is widely regarded as the Racak Massacre (Betti, 2010).

“If humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that affect every precept of our common humanity?”
(ICISS report, 2011).

The above-mentioned conflicts happened at the end of the Cold War when expectations of effective collective actions were at its height because of the emerging new world order that required strong mechanisms to replace those made obsolete by the end of the Cold War. Rwanda, Kosovo and Bosnia had a profound effect on how humanitarian interventions must be perceived, understood, analysed and handled in future. Therefore, these incidents are among the driving moral cases that led to the adoption of the R2P as way of finding the best way of preventing mass atrocities.

2.7 The Origins and Development of the R2P

Historically, the development and existence of the notion of “responsibility to protect” was largely influenced by the contribution of many prominent African scholars (Adebajo, 2007).³⁰ In his scholarly work, Mazrui provided a distinction between foreign interventions as illegitimate, and inter-African interventions which, through his “racial sovereignty” regarded interventions by Africans as being more legitimate than those from external actors (Mazrui, 1967). The idea of the protection of civilians and preventing massive loss of lives as result of external interventions, was fundamentally advanced by African scholars such as Ali Mazrui (Policy Advisory Group Seminar Report 2007:13). This is mainly because of colonial history attached to the African continent; countries were suspicious of the potential impact of external interference in their domestic affairs. This reveals the roots of the idea that informed the existence of the “responsibility to protect” as norm.

In the year 1998, another prominent African scholar and former OAU Secretary General and Chief AU mediator in Darfur, Salim Ahmed of Tanzania, argued for the need of government’s accountability and responsibilities in matters related to managing their internal conflicts in

³⁰ The Ali Mazrui’s notion of “continental jurisdiction” in 1967 sought to legitimate the slogan of “African solutions to African problems”, as the newly independent states in Africa strove to keep the continent free from external actors during the Cold War.

Africa.³¹ To him, regional organisations were the “first line of defence” and called on them to promote democracy, human rights and economic development” (Salim Ahmed cited in Utunnu & Doyle, 1998: 245). He also argued that, “every African is his brother’s keeper” and emphasised for the use of African culture and social relations to manage conflicts (Deng, 1993:17). The late former UN Secretary General, Boutros-Boutros Ghali also castigated Western powers for neglecting Burundi, Liberia and Somali in the 1990s while focusing more on the “rich men’s war” in the Balkans and ignoring the African continent, which is the home of numerous conflicts. In this regard, humanitarian interventions were being considered as a solution that would help to prevent civilian massacres and put an end to ongoing crises. Furthermore, in 1999, Kofi Annan observed that, “States are now widely understood to be instruments at the service of their peoples, not vice-versa. Nothing in the UN charter precludes that there are rights beyond borders” (Annan, 1999). Therefore, such statements made Kofi Annan the most enthusiastic and vociferous prophet of humanitarian intervention in modern times (Policy Advisory Group Report, 2007).

The discussion and explicit platform of the R2P began with scholarly work at Brookings Institution and the 1996 publication of *Sovereignty as Responsibility: Conflict Management in Africa*.³² In this regard, the main aim was to operationalise the idea of protecting civilians and to persuade the African governments to protect population in danger within the continent’s changing environment of the post-Cold War era. According to Deng (1996), in situations of armed conflicts, countries are so often divided on fundamental issues of sovereignty and legitimacy, with some calling for external intervention and that the validity of sovereignty must be judged by the views of their population rather than those of governments or warlords (Deng at al., 1996). The idea of responsibility to protect gained momentum in 1998, in what came to be known as the “Mandela Doctrine”.³³ This idea materialised when the AU formerly endorsed it. As observed, Article 4 (h)

³¹ According to Ali Mazrui “We should talk about the need for accountability of governments and of their national and international responsibilities. In the process, “we shall be redefining sovereignty” (Gomes cited in Edmond & Donald, 1996: 41).

³² In his writings, Francis M. Deng, the current UN Special Adviser for the Prevention of Genocide and Mass Atrocities and other authors suggested that just as governments had certain sovereignty rights over their territory and other state privileges, they also had various sovereign responsibilities to protect their citizens from calamities (Deng at, al 1996).

³³ While addressing gathering in Burkina Faso, Nelson Mandela noted that Africa has a duty and a right to intervene to root out tyranny, “we must all accept that we cannot abuse the concept of national sovereignty to deny the rest of the continent the right and duty to intervene when behind these sovereign boundaries people are being slaughtered to protect tyranny” (Policy Advisory Group Report, 2007).

of the 2002 Constitutive Act of the African Union stipulates the right of the Union to intervene in the internal affairs of member state pursuant to a decision of the Assembly in respect to grave circumstances of genocide, crimes against humanity and war crimes (Aning & Atuobi, 2009).

Given the above, the African continent played a leadership role in the conceptualisation of the R2P doctrine. African policy makers such as Francis Deng, who later became Special Advisor to the UN Secretary General on the Prevention of Genocide, led the conceptualisation of the idea of “sovereignty as a responsibility” which laid the foundation of the R2P (Deng et al., 1996; Evans, 2011). Through Article 4(h) of the AU’s Constitutive Act of 2000, African leaders recognised the responsibility of the organisation to intervene in the internal affairs of member states to protect citizens from egregious human rights violations during humanitarian crises. The Constitutive Act stresses military intervention as being a measure of last resort, and emphasises diplomatic, peaceful measures such as dialogue, as the best option in conflict situations. Furthermore, the Ezulwini Consensus of March 2005 shows the extent to which African governments acknowledged the importance of African responses to conflict situations requiring urgent action by accepting the R2P normative framework in their common position (Mwansali, 2008).

Subsequent to AU efforts in conceptualising responses to human vulnerabilities, the 2001 Canadian-sponsored International Commission on Intervention and State Sovereignty (ICISS) was established with the objective of coming up with concrete ideas on the R2P. The Canadian government sponsored commission was co-chaired by the Australian, Gareth Evans, and Algerian, Mohamed Sahnoun. The ICISS report on three pillars: *The Responsibility to Protect* argued that, while sovereign states have the primary “responsibility to protect” their own citizens, if they prove unwilling or unable to do so, the IC must act regardless of political sensitivities. The ICISS report prescribed three levels of action under responsibility which include *a responsibility to prevent, a responsibility to react* and *a responsibility to rebuild* (Aning & Atuobi, 2009). Substantively the report outlined five criteria which should be used to determine such form of interventions: the seriousness of the threat must justify the use of force; the purpose of military action must be to avert the specific threat; all non-military options must previously have been exhausted; the use of military force must be proportionate to the security threat; the chances of the military actions to meet the threat must be high (Evans, 2004).

However, the above definition was superseded (it is now outdated) by the UN Outcome Document of 2005 and 2009 UNSG report on the R2P and its implementation. In this regard, the implementation of the R2P rests on three pillars which are highlighted in paragraphs 138 and 139 of the World Summit Outcome Document of 2005. The first pillar focuses on the idea that states have the primary responsibility to protect their civilians from genocide, war crimes, ethnic cleansing and crimes against humanity. The second pillar emphasises on the international community's responsibility to assist and encourage states to fulfil their responsibility to protect, especially by enabling them to address the primary cause of genocide, war crimes, crimes against humanity and ethnic cleansing. The third pillar focuses on the responsibility of the international community to take timely and decisive action to prevent genocide, ethnic cleansing, war crimes and crimes against humanity through the UNSC under Chapter Seven of the UN-Charter (Bellamy, 2015: 6), and this should be undertaken on a case by case basis and in collaboration with regional and sub-regional organisations (UNSG Report, 2009).

Furthermore, according to Bellamy (2015: 5), these three pillars are not sequential and are of identical importance, that is, without all three of them the principle of the R2P would be incomplete in application. All three pillars must be implemented in a way consistent with the purpose of the R2P and provisions of the UN-Charter. It is also important to note that effective action under pillars **one** and **two** may make action under pillar three redundant. More significantly, pillar three action should also contribute to the future achievement of pillar one goals, thereby ending massive human rights violence and marking the beginning of the era of social regeneration and institutional capacity building to make future violence less likely to occur. Moreover, in his 2012 and 2014 report on implementing the R2P, the UNSG discussed the fact that the UN and its variety agencies have valuable experience in assisting societies in recovering from war crimes, genocide, war genocide and ethnic cleansing. Such institutions provide funding to build strong institutions, legislation, attitudes and practices to lessen the possibility of their recurrence. Hence it is recommended that these agencies help the affected societies to recover from crimes related to the R2P. The precise language of the contemporary R2P doctrine was adopted at the UN General Assembly summit of 2005 as an effort to promote collective action by the IC to protect civilian populations from serious human rights violations and crimes against humanity. The UN summit's outcome document of 2005 "affirm(ed) that every sovereign government has a 'responsibility to

protect' its citizens and those within its jurisdiction from genocide, mass killing, and massive and sustained human rights violations" (UN-General Assembly, Outcome Document, 14 September 2005). Since then, the international community through the UNSC's fifteen members, has made numerous references to the doctrine of the R2P as shall be explained below.

2.8 The R2P in Practice

The use of the R2P doctrine to protect civilians from crimes against humanity, genocide, ethnic cleansing and other grave crimes was first applied in Sudan in 2006 under Resolutions 1674 and 1706, authorising the deployment of the UN peacekeepers in Darfur in the same year. The responsibility to protect was also referenced in Libya in 2011 when the UNSC passed Resolutions 1970 and 1973 after massive allegations of gross and systematic violation of human rights in civilian populated areas. Through the use of the R2P language, the UNSC requested for an end to the violence, "reminding the Libyan government's responsibility to protect its citizens" and imposed numerous sanctions. In the same process, the situation in Libya was referred to the International Criminal Court by the UNSC. Due to further escalation of the Libyan crisis, Resolution 1973 was adopted and implemented by North Atlantic Treaty Organisation (NATO) with the intention to establish a no-fly zone to protect civilians from aerial bombardment by Gaddafi forces.

Since this research is a comparative study of the R2P norm application in Sudan and Libya, it is essential for the researcher to outline and discuss various conflicts in which the principle of the R2P was used by the IC to respond to massive human rights violations. This would assist to determine measures and the criteria of assessing the success or failure of the R2P application. It would also help to understand the reason why the R2P failed in Sudan and Libya. The trend of international community's application of R2P is crucial to this study as it will provide a historical picture of the way the R2P was applied in specific cases. Thus, the implementation of the R2P in Kenya, South Sudan, Yemen, Syria, Ivory Coast and Central African Republic is discussed below.

2.8.1 Kenya (2007-2008)

The post elections crisis in the East African nation of Kenya in December 2007 led to bloodshed and massive displacement. The conflict was largely based on the tensions between Mwai Kibaki

and Raila Odinga supporters over the presidential results which claimed Kibaki's victory while Odinga and his supporters were not convinced by the outcome of the elections.³⁴ The crisis in Kenya was of concern to the international community to the extent that Ban Ki-moon, the UN Secretary General, characterized the post-elections events in Kenya as a worrying issue concerning the R2P. He decided to use diplomatic steps in resolving the Kenyan crisis in which Kofi Annan led the process as a mediator. The early action by the government of Kenya to prevent the situation from escalating was given a priority by the international community. The international community acted swiftly through the R2P in its preventive efforts to assist the Kenyan government to ensure that domestic tensions are addressed before they escalate. The Kenyan authority was reminded of its primary responsibility to protect civilian from massive human rights violence. The failure to take such necessary measures when massive human rights violations are occurring results in a transfer of responsibility to protect to the international community (Jahannes, 2011). To halt the situation on the ground, the international community responded swiftly to the Kenyan conflict because the crisis was slowly rising to the level crimes against humanity and the level of violence that the R2P is designed to respond to.

Scholars such as Thakur (2010) observe that the application of the R2P in the Kenyan crisis did not involve any kind of military interventions or sanctions. This was particularly because the UN Secretary General avoided the debate by invoking the R2P as a solution even without UNSC approval, which would have easily politicized the debate (Thakur, 2010:17). The outcomes of Mr Annan's engagement proved the significance of having an outside player when he succeeded in preventing an escalation of the Kenyan crisis, thereby making the Kenyan case a success story in the history of the R2P in action (Axworthy & Rock, 2009:9).

The UN, regional organisations and other actors such as churches and civil society groups were crucial to ending the Kenyan conflict. It was the involvement of these actors that played a key contribution in this regard. In the context of Kenya, enhanced interactions between the AU, the East African Community and the international community played a major role to the way the R2P was implemented. Moreover, the positive role played by Annan in resolving the Kenyan crisis

³⁴ The crisis escalated within a short time leading to an estimated number of 1000 deaths as well as 600,000 internally displaced Kenyans (Sheila, 2008:2).

demonstrates that a working together approach or a multilateral approach to resolving internal conflicts can always lead to success. The diplomatic approach used by Annan testifies the extent to which diplomacy can be used to prevent massive crimes against humanity from happening. According to Annan, “when you have ethnic violence, if you don’t mediate quickly, you get a hopeless situation” (Jahannes, 2011:3), and he further noted that “when we talk of intervention, people think of the military but under R2P, force is a last resort”. Thus, the Kenyan case shows how political and diplomatic approaches remain a vital mechanism of preventing the escalation of conflicts. Given the Kenyan case, diplomacy was prioritised instead of a military solution. However, in other countries such as Libya, diplomacy was not even given a chance. There was quick military intervention led by NATO (Bellamy, 2011:1), which again demonstrate the inconsistent nature of the international community’s R2P implementation. Implementation seems to be defined according to interests of powerful countries rather than moral grounds. The Kenyan scenario is therefore regarded as a successful R2P effort in preventive intervention. Regional and sub-regional actors’ involvement in mitigating the crisis and preventing the crisis from escalation stand as a critical indication that these actors are important when it comes to the implementation of the R2P. Their involvement and interactions with the international community may contribute to the success or failure of the R2P. Not only the involvement of these actors led to the success of the Kenyan scenario, but their involvement was also enhanced level of collaboration and cooperation between the UN and regional and sub-regional actors which made it a success case study of the R2P scenario.

2.8.2 Ivory Coast (2011)

The doctrine of the R2P was also referenced and cited by the international community in the 2011 crisis in Ivory Coast. After the disputed 2010 general elections, the main opposition leader, Alassane Ouattara, was declared a winner by the elections commission. The clashes were between the loyal forces of the incumbent President Laurent Gbagbo and those allied to Alassane Ouattara. The conflict soon turned into a bloody civil war when statistics of clashes started to show up.³⁵

³⁵ The crisis was characterized by crimes against humanity on both sides. An estimated number of 3000 civilians were killed in the battle between the supporters loyal to the incumbent head of state and the main opposition leader (Almustafa et al., 2013).

The situation on the ground attracted the attention of the IC because civilians were the victims and major casualties of the clashes.

The UNSC responded to the state of affairs by authorising the protection operation of civilians under the R2P's frameworks (Global Centre for the Responsibility to Protect, 2012;1). The UN peacekeeping forces in the country were expanded under the UN mandate. At the same time, the UNSC passed Resolution 1975 which called for the imposition of targeted sanctions against Gbagbo's inner circle, and ordering him to hand over power and step down immediately. The UNSC further ordered the UN peacekeeping force, United Nations Operations in Ivory Coast (UNOIC), to take "all necessary measures" to protect the lives of civilians and property. It is in this context that a UN led, and French supported military campaign began on the 4th of April 2011 against the forces loyal to Gbagbo. In the efforts to protect civilians and restore peace in the country, the former president, Gbagbo, was arrested on the 11th of April 2011 and handed over to the International Criminal Court (ICC) to face charges of crimes against humanity (Massaa et al., 2013). These charges ranged from being the indirect co-perpetrator of murder, persecution, rape and other criminal acts which took place in the country.

Thus, the Ivory Coast conflict in 2011 is another scenario where the R2P norm was applied through various strategies including preventive measures and coercive mechanism that include sanctions, legal intervention in the form of ICC and military operations encompassing all the necessary measures to protect civilians and restore peace and security in the western African country. The Ivory Coast crisis shows the important role of regional bodies such as ECOWAS in spearheading and leading the process of protecting civilians. ECOWAS led the initiative and the UN-Security Council joined in March 2011. Hence, regional organisations are critical in the implementation of the R2P, if they are backed up by the UNSC and trusted with such responsibility. The successful implementation of the R2P in the Ivory Coast case study illustrates an important role of enhanced cooperation and collaboration between regional and sub-regional actors and the UN. The case of Ivory Coast also indicates that regional and sub-regional actors are important partners of the UN in the implementation of the R2P, and failure to involve them or cooperate with them may result in the failure to implement the R2P principle.

2.8.3 South Sudan (2011)

The framework of the responsibility to protect was also referenced by the UNSC in its response to the South Sudan civil war of 2013. In 2013 the newly established nation of South Sudan, registered another political dimension in the history of the African continent's efforts to stabilize the horn of Africa. The political conflicts which sparked between the South Sudanese themselves could not be ignored by the IC as the crisis had gained ethnic dimension coupled with mass ethnic killings, massacres and crimes against humanity being committed on both sides of the conflict.

The tensions within the ruling party, the Sudanese People's Liberation Movement (SPLA), led to internal fighting between members of the presidential guard on the 15th of December 2015. The fighting rapidly spread throughout the capital Juba and other regions of the country.³⁶ The crisis escalated into ethnic clashes between the Dinka and the Nuer ethnic groups, each supporting Kiir and Machar respectively. It is alleged that 200-300 civilians were killed on 16 December 2015, coupled with ethnic killings and massacres (International Coalition of Responsibility to Protect (ICRtoP), 2014). The UN further observed that the death toll was over 10, 000 and an estimated number of 4.9 million people were in need of humanitarian assistance (International Crisis Group Report, 2015). United Nations High Commission for Refugees further revealed that 204,000 had fled South Sudan with the number of refugees expected to rise to more than 340,000 by the end 2015 (ICRtoP, 2014). Human Rights Watch also described the situation in South Sudan as worrying and mounting to war crimes (ICRtoP, 2014). To further demonstrate the seriousness of the international community towards the need to protect civilians, in his visit to South Sudan, the UN Assistant Secretary General for Human Rights observed that the government and rebels were responsible for mass atrocities taking place in the country (ICRtoP, 2014). In addition, the UN Special Advisor for the Prevention of Genocide and Responsibility to Protect warned that targeted attacks in the country could be classified as war crimes or crimes against humanity (ICRtoP, 2014).

After South Sudan attained its independence, the UNSC passed Resolution 1996 in 2011. The resolution called for establishing a UN peacekeeping mission in South Sudan (UNMUSS), to help

³⁶ The crisis emanated largely from the political misunderstandings between Kiir (President) and Machar (Vice President), in which the president was accusing the vice president and his allies for attempting to overthrow him through *coup d'état*, and arresting eleven officials.

and advise the government in fulfilling its responsibility to protect civilians. Due to tensions in the country, in February 2014, the UNSC observed the need to strengthen the existing UN peacekeeping mission (UNMISS) by reiterating its steadfast support on behalf of the IC to protect civilians, including foreign nationals as well as conducting human rights monitoring and investigations, and facilitating humanitarian food assistance to populations in need (UN Report on South Sudan, 2015).

Clearly, the way in which the R2P was used to respond to the South Sudan demonstrates how unprepared the international community is to ending conflicts situations as its response to the crisis did not yield the much need results. The current situation in South Sudan testifies to this argument because the South Sudanese are still displaced in camps and vulnerable to ethnic violence. It is not clear why the international community has failed to protect and prevent massive human rights violations in South Sudan. There seems to be hesitation and unwillingness to decisively take necessary measures as was the case in Libya where NATO operations had to be launched in a very short time. The case of South Sudan shows how national interests of big powers can sometimes override the moral responsibility of states to halt massive human rights violations through the principle of the R2P. Hence, one cannot deny that national interests of bigger powers were among the cause of the slow response to the crisis of South Sudan.

2.8.4 Yemen (2011)

The doctrine of the R2P was also further referenced and quoted by some members of the international community, particularly UNSC in response to massive loss of life and properties in Yemen. The Arab uprising in the Middle East and North Africa in 2011 left the nation of Yemen with various forms of political dynamics and political instabilities. The country experienced several acts of violence emanating from government authorities unleashing state military apparatuses on dissenting civilians. On 21st October 2011, the UNSC passed Resolution 2014 which condemned the human rights violations perpetrated by Yemen authorities and called for the formation of a transitional power authority and holding of free and fair presidential elections. The resolution reminded the Yemen government of its “primary responsibility to protect its population” (Global Centre for the R2P, 2014). As further noted by the UN Office for the Coordination of Humanitarian Affairs (OCHA), the ongoing fighting between Houthi rebels and pro-government

forces as well as Saudi Arabia's aerial strikes resulted in various estimates of civilian deaths, and ordinary Yemenis and foreign nationals continued to be the victims of the fighting in Yemen. It is alleged that about 2800 civilian deaths from explosive weaponry in a period of six months was recorded. There were also allegations of sporadic targeted killings, and increasing acts of human rights violations on civilian population (Global Centre for the R2P, 2014).

In the case of Yemen, there is no similarity in the way the R2P was applied across the globe. There seems to be selective application, given the case of Darfur or Libya. The fighting between rebels and government forces made civilians more vulnerable to indiscriminate killings coupled with various types of war crimes and crimes against humanity. But the international community did not take necessary measures to protect and prevent atrocities as the government was unable to protect civilians. This, therefore, raises questions of who should be protected and not. Power politics seemed to be the driving factor in the Yemen crisis. This hinders effective implementation of the R2P because countries tend to prioritise their interests rather moral obligations. Therefore, the level at which the R2P norm has been used in the context of Yemen reflect another dimension in the application of this doctrine. The consistency that characterises the international community's application of the R2P norm to protect civilian is evident if one is to analyse how they responded to Yemen conflicts. The situation in Yemen was a reminder to the states of their primary responsibility to protect civilians from crimes against humanity, war crimes, genocide and ethnic cleansing. They were supposed to take further action to protect and prevent massive human rights violations. The international community's response to the Yemen crisis also demonstrates the extent of the selective application of the R2P in comparison to Libya, South Sudan and Sudan.

2.8.5 Syria (2012)

The Syrian crisis, which began as a protest against the Bashar al-Assad government in 2011, quickly turned into civil war with both sides accused of war crimes and human rights violations. The reactionary and repressive approach by the Syrian government led to the degeneration of the crisis into a civil war that goes on to date. As noted by Rami (2012:2), the UN Human Rights Commission confirmed that the bombings and clashes between the government troops and the rebels had claimed more than 100 000 lives by 8 August 2013. Ban Ki-Moon called for the need to find a political solution to end the crisis in Syria. The crisis caused major civilian displacements

and a huge number of civilians remain vulnerable to indiscriminate aerial bombardments (as of 2016).

The situation in Syria was condemned by the General Assembly and the Human Rights Council. They condemned the “widespread and systematic” human rights violations and demanded the Syrian government cease all violent acts and protect its population. The high commissioner for human rights urged the UNSC to act responsibly and protect the Syrian population, and further recommended referring the situation in Syria to the ICC (High Commissioner for Human Rights Report, 2012). In his statement, the Secretary-General’s Special Advisor on the Prevention of Genocide, Adama Dieng, noted that “the Government of Syria is manifestly failing to protect its populations,” and therefore, “the international community must act on the commitment made by all Heads of State and Government at the 2005 World Summit to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including their incitement,” (High Commissioner for Human Rights Report, 2012).

The international community’s response to the Syrian crisis shows glaring differences from its response to the Libyan crisis or even the Darfur conflict. The UN and other international actors such the Arab League made several strides to have a peaceful resolution in Syria to end the deaths of civilians and protect them from crimes against humanity, massacres and other grave human rights violations occurring in the country. All peace efforts failed.³⁷ This was actual an attempt by the UN to use the responsibility to prevent the crisis from escalating like in the case of Kenya, but the process failed, and Kofi Annan resigned, citing lack of cooperation from both sides as well as the Security Council (Gladstone, 2012). The failure to respect the ceasefire process by both sides of the conflict, and lack of regional as well as international cooperation made it difficult for Annan to successfully implement his peace plans (The Telegraph, 2012).

In Syria, the international community failed its obligations of protecting civilians when states are unable or unwilling to do so. Syrians have continued to suffer from the clashes that involve numerous actors in the country. The UNSC remains deadlocked over the Syrian war (Massaa et al., 2013). All efforts stipulated in the R2P framework such as non-coercive measures, diplomatic

³⁷ The peace process was initially led by Kofi Annan and later by Lakhdar Brahimi (UN/Arab League Special Envoy to Syria) after the resignation of the former.

envoys, fact finding missions and a UN ceasefire have been attempted but failed to end the crisis. The doctrine of the R2P was ineffective in Syria as continued loss of civilian lives, crimes against humanity, massive human rights violations remain the order of the day.

The case of Syria is another event which shows how competing interests of powerful countries in the UNSC can be a hindrance to the adoption and implementation of the R2P in an emergency situation. This is evidenced by the way the UNSC failed to agree on any kind of sanctions or referral of the Syrian case to the ICC or use of force under Chapter VII of the UN Charter as what happened in the case of Sudan and Libya so as to protect civilians. Russia and China have thrice vetoed resolutions aimed at having a Libyan-style of intervention (Massaa, at al., 2013). Hence, consistency remains problematic when it comes to the adoption and implementation of the R2P, and interests tend to override the moral grounds to act in situations that require a humanitarian response like in Syria. Thus, as in the case of Syria, the researcher in this thesis agrees with the realists' views that the R2P may be a political cover for big power intervention and has nothing to do with morals and liberal principles to improve human conditions. Again, the case of Syria demonstrates the international community's inconsistencies and failing efforts in responding to massive human rights violations through the R2P as there is selectivity in the UNSC adoption and application of the R2P.

2.8.6 Central African Republic (2013)

The Central African Republic (CAR) is another conflict where the doctrine of the R2P has been referenced and quoted by the international community in the attempt to protect civilians who were vulnerable to the crisis.³⁸ The fighting between the Seleka and anti-Balaka groups resulted in more crimes, human rights violations, and targeted killings being committed on civilians by both sides of the crisis (Global Centre for the R2P, 2015).

In response to this crisis, the UNSC strongly “emphasised for the primary responsibility of the Central African authorities to protect the population as well as to ensure the security and unity of

³⁸ The civil war began after the overthrow of President Francois Bozize by Seleka rebels (a Muslim led group) on March 24, 2013. This led to the creation of an opposing militia group known as Anti-balaka (predominately Christian).

its territory”. The council further stressed their obligations to ensure respect for international humanitarian law, human rights law and refugee law (Global Centre for the R2P, 2015). In this regard, the UN Secretary General, in March 2014, proposed for the establishment of nearly 12,000 strong UN peacekeeping mission force in the Central African Republic. The UNSC passed six resolutions between October 2013 and April 2015 that emphasised the interim government’s responsibility to protect the civilian population (GCR2P’s Timeline of International Response to the Situation in CAR).

The use of the R2P framework in the context of CAR demonstrates the continuous commitment of the international community to protect civilian population, especially when a state is unable or unwilling to take all necessary steps to protect civilians from crimes against humanity, war crimes, ethnic cleansing and genocide. It also shows that states are still the ones with the primary responsibility to protect their population. However, despite the international community’s efforts to protect the civilian population in CAR, civilians remained at imminent risk of mass atrocities. Even after holding the first round of presidential elections, the overall situation in the country continued to be marked by insecurity, and human rights violations remained at large. This prompted the UNSC to further engage on CAR by passing on another Resolution 2262, which renewed sanctions, including armed embargoes as well as recalling the primary responsibility of the CAR authorities to protect populations (UNSC Resolution 2262, 2016). Thus, the international community’s response to the situation in CAR, shows the need for an improved way of implementing the R2P norm in different context, for example, there has no arms embargoes on South Sudan, where more civilians are vulnerable to tribal killings.

2.9 Evaluation of the R2P in Practice

Thus, given the above cases, the practice of the R2P has been marked with success and failures in certain cases, as the Kenyan case demonstrates. In the Kenyan case, enhanced collaboration between the UN and regional and sub-regional actors played a contributory role to the preventive efforts of the international community. The Kenyan scenario shows the importance of these actors in the implementation of R2P. Of importance to note is the fact that the international community has never completely ignored referring to the R2P frameworks whenever responding to major

crisis which occurred after 2005. The international community always remind states that they possess the primary responsibility to protect their populations, as observed in the above cases.

The above conflicts, however, illustrate that the practice of R2P is characterised by implementation inconsistencies, including a complete failure to respond massive human rights violent conflicts by the international community as observed in the case of Syria and Yemen. In general, the application of the R2P in various contexts has been unimpressive. It has been marked by selectivity and double standards that are hinged on the national interests of powerful countries, UNSC members in particular, who see the principle as a right channel of achieving their interests. The IC seems not to have a clear threshold on how and when to apply the principle of the R2P. In other cases, the effectiveness of the R2P to restore peace and security, and to decisively prevent loss of civilian lives and properties remain debatable and questionable, as noted in the context of CAR and Yemen. The above analysis also shows that the international community's commitment to intervene in the framework of the R2P have always been higher in Africa than in the Middle East, Europe and other parts of the world. Thus, since this study is a comparative study of the R2P in Sudan and Libya, this researcher must seek to understand the reason why the R2P failed in both cases with a focus on regional and sub-regional organisations and their interaction with the international community which ought to lead to informed conclusions on reasons for the R2P failure in both Sudan and Libya.

2.10 Conceptualisation of Key Terms

This thesis uses some technical terms and concepts which need to be defined and contextualised.³⁹ In this regard, it is vital to describe the doctrine of the R2P, sovereignty as a concept, the notion of consistency, and other technical notions used in this study. As further argued by Bourdieu & Wacquant (1992), the empirical analysis of a phenomenon consists of presenting its mental representation and showing how it is viewed and understood by different people in a particular socio-cultural, economic and political environment. The meaning of the phenomenon is also fully understood or grasped when it is cross-checked with the view and representation that those

³⁹ As noted by scholars such as Turton (2003), conceptualising something or a phenomenon is to construct it as an object of knowledge; to make a sense out of it or make one's mental representation of it or interpret it in order to act in relation to it.

involved make of this particular phenomenon. Hence, it is essential to define and contextualise the terms used in this thesis for the purpose of clarity.

Sanctions

In the R2P framework, sanctions are often viewed as an alternative to military force. By punishing an offending party economically, socially, or politically, rather than militarily, those who impose sanctions hope to solve a conflict without the mass suffering and sacrifice caused by war. They are coercive measures imposed on countries or particular individuals within a state so as to exert pressure on them or government to stop perpetrating or allowing the commission of massive human rights violations on civilian population (ICRtoP, 2009). In the context of the R2P they can be approved by the UNSC (using article 41 of the UN-Charter), individual governments or regional organisations. These measures may include arms embargoes, trade bans, travel bans, limited diplomatic engagements, assets freezing and boycotts.⁴⁰ Sanctions have sometimes been effective, and are widely used. However, their use is much more common than their success. Studies indicate that only five to, at most, 30 per cent of sanctions result in the desired change as indicated by Smith (2004: 01). Smith (2004: 01) observes that “sanctions involve one party attempting to change another party's behaviour without the use of weapons or the military

Peacekeeping

International community's response to massive human rights violations on civilian population also involves the deployment of peacekeepers in the conflict situation. This is usual done when the respective countries are unable or unwilling to protect them. The concept of peacekeeping is understood as a field of operation that was first established by UN with the knowledge of the concerned parties, so as to help prevent and halt the ongoing conflicts between these fighting. Peacekeepers operate at the UN command or a regional organisation's command, and are required to use force when necessary and maintain their neutrality during the process of restoring peace (Goulding, 1993). In today's world, the current UN peacekeeping system is mostly authorised by

⁴⁰ It is in this context that the UNSC imposed sanctions on CAR through Resolution 2262 which included armed embargoes, Libya 2011 through resolution 1970, Ivory Coast 2011 under resolution 1975 and Sudan 2005 through resolution 1591.

the UNSC, under Article 39 of the UN-Charter. The UNSC has the mandate to determine the presence of breach of peace, threat to peace and any act of aggression across the globe, and shall then decide on measures to be adopted in accordance with Article 42 of the UN-Charter, to restore peace and halt the ongoing crisis. Article 42 of the UN-Charter is a provision for the use of force or deployment of UN-peacekeepers.⁴¹

2.10.1 Atrocity crimes justifying the implementation of the R2P

There are most serious crimes of concern to the international community as a whole: genocide, crimes against humanity, war crimes and ethnic cleansing (Article 5-8 of the Rome Statute). These crimes were further identified in the 2005 World Summit Outcome Document of the R2P as crimes which require prevention and collective action by the IC. These were cited in the documents as the circumstances which justifies the implementation of the R2P. Therefore, since this thesis is on the R2P, it is vital to define and contextualise these crimes for the purpose of clarity and interpretation on the meaning attached to these technical words as used in this study.

(a) Genocide

The term genocide involves the intentional mass destruction of entire groups, or members of a group. The word ‘genocide’ is a combination of Latin word *genus* (kind, type, race) and *cide* (to kill), and was framed by Raphael Lemkin, in his writing on the events of the Second World War (Lemkin, 1947). The Rome Statute define genocide as any crime of the acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group. The Rome Statute also states some key features of these crimes as including the acts of killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent birth within the group, forcibly transferring children of the group to

⁴¹ In this regard, the UN Secretary General, in March 2014, proposed for the establishment of nearly 12, 000 strong UN peacekeeping mission in the Central African Republic. Further, the UNSC passed Resolution 1996 in 2011. The resolution called for establishing a UN peacekeeping mission in South Sudan (UNMUSS), to help and advise the government in fulfilling its responsibility to protect civilians

another group (Kittichaisaree, 2001).⁴² Therefore, any situation happening in a particular country with sincere characteristics of genocide can activate the implementation of the R2P. At the same time the individual responsible for this crime could be prosecuted under an internal tribunal. The act of genocide is an international crime, in which the international community has the obligation to prevent it from happening, although under the R2P, the primary responsibility is in the hands of states.

(b) Crimes against humanity

An act is regarded as a crime against humanity if carried out as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack in terms of murder, extermination, enslavement, imprisonment, deportation or forcible transfer of population in a way that deprive the physical liberty and present a clear violation of fundamental practices of international law (Article 7 (1) of the Rome Statute, 2002).⁴³ In most cases the vulnerable group against this crime are civilians or, in the case of armed conflict, the person who does not take part, no longer takes part or not eligible (under age) to participate in armed aggressions. The acts of torture (being intentional infliction of severe pain, or suffering upon a person in the custody), sexual violence (including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence), (Article 7 (1a)-7 (1j) of the Rome Statute, 2002), persecution in the form of severe deprivation of fundamental rights contrary to international law, enforced disappearance being the arrest, detention, or abduction of persons by or with the authorisation of the state or political organisation (Article 7 (1a)-7(1j) of the Rome Statute, 2002), followed by the refusal to acknowledge that deprivation or give information on the whereabouts of these persons, with the intentions of removing them from the protection of the law for a long period of time. Also, the crimes of apartheid which include inhumane acts committed in the context of authorisation by the regime in power over a certain race, all constitute the crime against humanity (Article 7 (1a)-7 (1j) of the Rome Statute, 2002).

⁴² The first prosecution of such crime was in 1947, when Nazi leaders were tried in Nuremberg; and later on in Yugoslavia, under the Internal Criminal Tribunal on Yugoslavia (ICTR) 1993; and Rwanda, through International Criminal Tribunal on Rwanda (ICTR) 1994.

⁴³ This term was first used to condemn the atrocities committed by the Turkish forces against their own Greek and Armenian subjects during the World War I in 1915.

Thus, crimes against humanity and genocide are all acts that states must guard against. They constitute international crimes. Under the doctrine of the R2P, the primary responsibility to prevent the occurrence of these crimes is with the state. Hence, states must do all what it takes to ensure that their organs, officials and institutions do not commit these crimes. Also, states should not assist other states or informal groups to commit crimes against humanity through giving them financial capacity, assets and weapons in the awareness that such support is being utilized in carrying out crimes. The crimes against humanity is different from a genocide, because it requires no proof such as a planned process, ethnic group, or intentions but slightly focus on a widespread and systematic endeavours to target civilian population with unlawful forms of violence which include fierce acts referred to as grave breaches of human rights laws.

(c) War crimes

The responsibility of states to protect their civilian population from war crimes was strongly laid out under international humanitarian law (IHL). IHL provides a strong foundation for states to be responsible when it comes to the protection of their civilians, under Geneva Conventions of 1949 and 1977 Protocol I and II.⁴⁴ The non-combatants are protected under these conventions, to the extent that even an individual troop can be held accountable for the crimes committed in the battle field.

Specifically, Article 8 (2) (a) of the Rome Statute provides that acts of grave breaches committed during international armed conflict against persons or property protected under the provisions of the relevant Geneva Convention will amount to a war crime. These acts may include, unlawful killing, torture, inhuman treatment, including biological experiments, wilful causing of great injuries, serious suffering to the health or body, extensive destruction and appropriation of property, not justified by military necessity and done unlawfully (Article 8 (2) (a) of the Rome Statute, 2002), to mention the few, all constitute war crimes. The persons protected under this article are combatants who are considered to have injuries, illnesses and shipwrecked.⁴⁵ Therefore, the

⁴⁴ These conventions came as an attempt by bigger powers to minimise the effects of war on civilians and property (Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War).

⁴⁵ Under this crime, properties such as medical centres, schools and churches are protected unless destroyed or attacked under military necessity (Kittichaisaree, 2001).

commission of this crime can, in one way or another, be a pretext of international community's intervention under the doctrine of the R2P or through one of its judicial mechanism by referring these crimes to the ICC.

(d) Ethnic cleansing

The crime of ethnic cleansing has been subjected to definitional pluralism because of its lack of immediate legal meaning. As noted by Cohen & Nordas (2015:1), the attempt to remove people of certain ethnic or religious group from a particular area through the use of force or intimidation signifies the notion of ethnic cleansing. This can be done through the use of various methods such as killing, threat, humiliation and destruction, and is mostly done to ensure that return is not possible. In the real sense, the crime of ethnic cleansing is an umbrella term, and no specific crime with that name, but the actual practice covers the host of criminal acts under this term. In January 1993, the United Nations Commission of Experts report to the Security Council defined ethnic cleansing as rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area (Cohen & Nordas, 2015).⁴⁶ Therefore, ethnic cleansing refers to forcible deportation and transfer of certain ethnic group within civilian population with the main intention of permanently removing them from a territory controlled by the perpetrators using various means which falls under the crimes against humanity (Scheffer, 2007:8). Given the above crime, the primary responsibility to protect civilian population is with states under the doctrine of the R2P. However, the inability or unwillingness of a state to necessarily take measures to protect civilians gives the international community the responsibility of ensuring that civilians are protected from the crime of ethnic cleansing.

2.10.3 The concept of sovereignty

The notion of sovereignty is another important concept that informed and contributed to the idea of responsibility to protect. This concept dates back from the period of the Treaty of Westphalia in 1648 and played a key role in the establishment of a system of independent and equal units. One cannot talk about the doctrine of the R2P without having an appreciation of sovereignty as an

⁴⁶ The report further observes that ethnic cleansing was done in the former Yugoslavia through murder, torture, arbitrary arrest and detention, extra judicial executions, rape, confinement of civilian population.

influential concept in the history of humanitarian intervention. In the field of international relations, for the past hundred years, state sovereignty has been a defining principle of interactions of states and a foundation of global order.⁴⁷ Therefore, it can be argued that the R2P promotes sovereignty because it regards powerful countries as being best placed to protect global citizens in the sense that stronger states should seek to bolster the capacity of weak states to shoulder their own responsibilities to protect their own citizens (UN Secretary-General Ban Ki-moon in a July 2008 Speech). This concept is essential in the maintenance of international peace and security as well as defending weaker states against stronger ones. Thus, sovereignty as a concept guiding international relations, remains fundamental in the UN Charter and customary international law.

2.10.4 Sovereignty and responsibility to protect

Historically, before the adoption of the R2P as a humanitarian norm, questions regarding the legal nature of international mechanism to prevent crimes against humanity, massive human rights violations, massacres and genocide and the obligations owed to external actors inclined to be bordered around and continuing struggle between sovereignty and human rights. There have been fierce arguments between those advocating for humanitarian intervention and those defending the traditional prerogative of state sovereignty who argue that internal events were none of the business of the rest of the world (Roberts, 2008:179). Of importance to reckon is the fact that, since the foundation of UN, the international community has adopted a series of international legal instruments to protect human rights, but the primacy of the principle of state sovereignty rendered these principles largely ineffective in practice. Even the existence of the 1948 Genocide Convention, under which the principle of non-intervention can be overridden, could not prevent the Rwandan genocide. However, the concept of non-interference came under serious scrutiny in the 1990s after a series of intrastate and interstate conflicts resulted in massive humanitarian crises in most parts of the world. Since then, the right to humanitarian intervention dominated the international system, giving rise to debates over the need to uphold fundamental human rights of citizens in contrast to the need to protect state sovereignty (Policy Advisory Group Seminar

⁴⁷ The concept generally refers to the rights that states enjoy territorial integrity, political independence and non-intervention (Bellamy, 2009:1).

Report, 2007).⁴⁸ Therefore, the notion of state sovereignty played a key role in the emergency of the R2P and continue to influence the manner and practice of the R2P because states such China and Russia still resist the attempt by the UNSC to allow any form of intervention in the internal affairs of other states based on the concept of non-interference. Measures determining the success or failure of the R2P in Sudan and Libya are discussed below.

2.11 Measures of Determining the Success or Failure of the R2P in Sudan and Libya

For purposes of clarity, it is critical in this study to highlight the measures used to determine the success or failure of the R2P in Sudan and Libya. As noted by Smith (2006:8), because there is no internationally applicable measures for rating peace operations, including humanitarian interventions under the umbrella of the R2P, scholars, researchers and analysts have reached conflicting conclusions based on their unique criteria for rating international peace and security operations. In attempting to define a successful R2P operation, Seybolt (2007:30, 2008) notes that the R2P operation can be considered successful if it was effectively applied in accordance with available framework and manage to save lives of civilian populations that would have otherwise died. However, counting the people who survived can be problematic because it would reflect a non-event scenario (Seybolt, 2007). It is therefore vital to set out other criteria to determine the success or failure of peace operations, including the R2P application in Sudan and Libya.

In this thesis, as earlier noted, the overall objective of applying the R2P is to protect civilian populations from genocide, crimes against humanity, war crime and ethnic cleansing (UN-Outcome Document report, 2005: 31). The R2P implementation in Sudan and Libya was therefore assessed as failure or success on the basis of this objective.

To attain this broader goal of the R2P, through the pillar one, the international community must encourage states to adhere to their primary responsibilities to prevent genocide, war crimes, ethnic cleansing and crimes against humanity. In this regard, various measures are undertaken to improve the practice of the R2P. They include encouraging the peer-review of the performance of states towards fulfilling the R2P commitments; ensuring that states are signatory to the relevant

⁴⁸ As noted by Kofi Annan in conceptualizing the dilemma of “humanitarian intervention”, the traditional legal concept of “state sovereignty” might, in some circumstances, have to yield to the sovereignty of individual citizens (Speech by Kofi Annan 1999 in the UN General Assembly).

instruments of human rights law, international humanitarian law as well as the Rome Statute of the ICC; states should help other international legal institutions including the ICC to, for instance, locate and arrest these wanted criminals for crimes against humanity; and the R2P should be localised into society so that they are owned and acted upon by locals (UNSG report, 2009). The 2013 UNSG report further emphasises that states should engage with regional or sub-regional organisations in order to promote cooperation and collaboration towards the R2P for technical support and capacity building. This enhances the prevention of genocide, war crimes, crimes against humanity and ethnic cleansing (Bellamy, 2015:3), thereby improving implementation of the R2P. These strategies seek to solve the root causes of the problem (UNSG report, 2009; Pace & Deller, 2005).

Through the pillar two of the R2P, the international community must also assist and encourage states to fulfil their responsibility to protect especially by enabling them to address the primary causes of genocide, war crimes, crimes against humanity and ethnic cleansing (UNSG report, 2009) This is critical because it helps states to build the capacity of strong institutions to prevent crimes before they further escalate (UNSG Report 2009). Such assistance may include giving incentives to warring parties in order to encourage them to pursue peace towards reconciliation and peace building measures; assisting states in carrying out their responsibilities by supporting security sector reform measures so as to build effective and sustainable security forces; to assist countries to build their ability to protect through economic development assistance initiatives which would help to prevent the R2P crimes by reducing levels of inequalities, increasing political participation, empowering the voiceless and improving education (Bellamy, 2015:7). The UNSG further stated that international assistance should help countries and societies to create specific capacities needed to prevent genocide, war crimes, crimes against humanity and war crimes, and to provide assistance to states under pressure before the eruption of crises and conflicts outbreak. The UNSG proposed that UN and regional or sub-regional organisations may provide deployable civilian police to help the affected country (UNSG report, 2009).

Furthermore, in order to achieve the broader purpose of the R2P, the international community must take timely and decisive action to prevent genocide, ethnic cleansing, war crimes and crimes against humanity through the UNSC under Chapter Seven of the UN-Charter (Bellamy, 2015: 6).

This should be done on a case by case basis and in collaboration with regional and sub-regional arrangements (UNSG Report, 2009). However, these measures should be undertaken if a particular state fails to protect its own civilian populations, and if all necessary preventive peaceful means would have failed. These strategies should be adopted when responding to a situation of a definite human caused catastrophe in order to avert human sufferings. Appropriate measures that include coercive mechanisms such as punitive sanctions, international prosecutions and military intervention may be used in situations of extreme danger on civilian lives. Therefore, the timely and decisive application of the R2P can also be used to determine the success or failure of the R2P. This because the failure to intervene in such a manner to prevent mass atrocities may result in delays and further massive loss of lives and extreme danger on civilian populations.

Furthermore, the consistency demonstrated by the international community in the application of the R2P was also a critical measure of determining the success or failure of the R2P principle in Sudan and Libya. The notion of consistency refers to compatibility or following stipulated rules, regulations and guiding framework during the course of actions between different actors beginning from the top to the bottom so that it can be correctly followed by all actors without creating a conflict or doubt (Berndt, 1974:1). This entails that the application of the R2P requires consistency in terms of its overall objectives and other guiding tenets. The success or failure of the R2P can thus be measured on the basis of the operationalization consistency of the international community during the entire process of applying the R2P. The failure to be consistent in the application of the R2P may result in failed efforts of the R2P operation.

Moreover, the intervention through the R2P, in any context, should not leave the affected country ungovernable or in chaos as this would greatly risk human security and may result in massive civilian sufferings (UNSG report, 2012, 2014). This refers to the relationship between the interveners' action and the desired outcome of their operation. The outcome of the intervention is also crucial in determining the success or failure of the R2P principle in any context. This can reflect the manner in which the principle of the R2P was applied and ultimately explain what caused the success or failure. In the case of Kenya, for example, the R2P principle succeeded because of enhanced collaboration and cooperation between the UN, and regional and sub-regional actors.

Therefore, given the above, the failure to implement the R2P in Sudan and Libya was assessed in this study in terms of its main objective and its operationalization. The term operationalization in this study is defined as the manner in which the principle was implemented, including the procedures of adopting the R2P resolutions in the UNSC (for both Sudan and Libya), the actors involved and how they were involved in both cases. The section below discusses the benchmarks for assessing the R2P in Sudan and Libya.

2.12 The Benchmarks for Assessing the R2P in Sudan and Libya

This study sought to understand the reasons why the R2P failed in Sudan and Libya. In achieving this objective, the study pays a particular focus to regional and sub-regional organisations and their interactions with the international community. In this regard, this study argues that the failure to implement the R2P principle is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict.

The way in which the R2P was used to respond to the South Sudan crisis demonstrates how unprepared the international community is to ending conflicts that pose a threat to civilian lives. This was mainly because the international community's response to the crisis did not yield the much need results. The current situation in South Sudan testifies to this argument because the South Sudanese (as of 2017) are still displaced in camps and vulnerable to ethnic violence. It is not clear why the international community failed to protect and prevent massive human rights violations in South Sudan. The case of South Sudan shows how national interests of big powers can sometimes override the moral responsibility of states to halt massive human rights violations through the principle of the R2P.

The Ivory Coast conflict in 2011 is another conflict where the doctrine of the R2P was applied through preventive and coercive measures such as sanctions and military operations encompassed all the necessary measures to protect civilians and restore peace and security in the western African country. However, with regard to this study, the Ivory Coast crisis shows the importance role of regional and sub-regional actors other than global ones, including regional bodies such as ECOWAS and its member states like Nigeria and Ghana in spearheading and leading the process

of protecting civilians. ECOWAS led the initiative and the UN-Security Council joined in March 2011. Hence, regional organisations are critical in the implementation of the R2P, if they are backed up by the UNSC and trusted with such responsibility. Therefore, this is essential to this study which seeks to understand the failure of R2P in Sudan and Libya, particularly with reference to regional and sub-regional actors and their interactions with the international community. This will then lead to new ideas of improving the application of the R2P in future contexts, particularly, the need to build improved collaboration between regional actors and the international community and allowing regional and sub-regional actors to spearhead the implementation of the R2P and play a vital role as was the case in Ivory Coast. Thus, exploring reasons that led to the international community's failure to apply the R2P in Sudan and Libya is critical as the findings of this study may be used for future decisions, which are likely to improve the application of the principle and subsequently improve its relevance across the globe.

In other cases, the international community's efforts to restore peace, stability and development, and decisively prevent massive loss of civilian lives through the R2P doctrine remain debatable as observed in the context of CAR and Yemen. The implementation of the R2P principle remains problematic as national interests of powerful countries, especially UNSC members, tend to override the moral grounds to act in situations that require a humanitarian response like in Syria. In the case of Syria, the researcher argues that, in some instances, the international community's application of the R2P norm may be a political cover for the intervention of big powers and has nothing to do with morals and liberal principles to improve human conditions. The application of the R2P doctrine therefore remains challenging and this necessitated a comparative analysis of the Sudan and Libyan cases to ascertain reasons that led to the international community's failure to apply the R2P in both countries. In this regard, the need to analyse the similarities and distinctiveness in the way the R2P was applied in Sudan and Libya is essential to the understanding of the international community's different forms of intervention through the R2P principle in both cases, and can inform new problem-solving strategies in the future implementation of the principle.

2.13 Conclusion

This chapter provided historical background of humanitarian interventions based on the realization that understanding the doctrine of the R2P requires one to have an appreciation of how

humanitarian interventions have been perceived and conducted across the globe. It has been observed that the period before 1945 was characterised by immense lack of accountability with regards to human rights violations. States were not paying attention to crimes committed against civilians, thus making it difficult to bring perpetrators to account. However, with the signing of the Treaty of Westphalia in 1648, states started to develop a sense of collective responsibility in their relations with each other. Moreover, the creation of Red Cross movement 1883 and the first Geneva Convention in 1964 has been noted in this chapter as critical events that changed the behaviour of states towards developing a sense of collective morality, and the need to work together.

The chapter also observed that the period between 1945 to 1990s was dominated by major political dynamics, including the formation of LON, which attempted to create a stable world order. However, the Holocaust became a setback to the collective sense of moral responsibility of nations. It also emerged that the formation of the UN led to major developments, including international human rights law, which improved the protection of civilians, and avoid other future tragedy such as the Holocaust. The chapter also noted the important role of liberals thoughts towards the growing human rights regime across the globe in the 21st century. Their views were influential in the creation of institutions such as the LON, UN as well as other state practices that respect and promote mutual cooperation among states. Thus, this chapter observed the steering role of liberals thoughts towards human rights development. They believed in the powerful role of institutional capacity in promoting human rights. Hence, liberals thoughts were significant in the adoption of the R2P as a norm of enhancing civilian protection from massive human rights violations.

The chapter also noted that conflicts such as in Rwanda (1994), Kosovo (1999), and Bosnia (1995) were influential examples that stimulated the international community's desire to find ways of ending mass atrocities, coupled with massive human rights violations of civilian populations, especially in situations where respective states are unable or unwilling to ensure their safety. Therefore, these humanitarian crises were among the driving moral factors that led to the adoption of the R2P as way of finding the best way of preventing mass atrocities.

The chapter also acknowledged the significant role played by the African continent in the conceptualisation of the R2P doctrine. Africa played a critical role in coming up with ideas of how

to improve the protection of civilians. It should be noted how African policy-makers such as Francis Deng, who later became Special Advisor to the UN Secretary General on the Prevention of Genocide, led the conceptualisation of the idea of “sovereignty as a responsibility” which laid the foundation of the R2P. The influential role of the African continent has also been noted in Article 4(h) of the AU’s Constitutive Act of 2000. Through this article, African leaders recognised the responsibility of the organisation to intervene in the internal affairs of member states to protect citizens from egregious human rights violations during humanitarian crises. In this chapter, the researcher also used various theories of international relations such as Bull’s theory of “of international anarchical society of states”, liberalism and realism to explain international events around the notion of the R2P, its application, including the growing human rights regime since 1945.

The chapter also discussed measures used in assessing the failure of the R2P in Sudan and Libya. It was highlighted that the failure to implement the R2P in both cases was assessed in terms of the R2P objective and its operationalization and outcomes on the actual ground. Thus, given various arguments and analyses in this chapter, it is important to understand the reason why the R2P failed in Sudan and Libya so as to come up with new and informed perspectives that may (in future) help to improve the way the R2P is applied in specific cases.

In this chapter, it was observed that the practice of the R2P in countries such as the CAR, South Sudan, Yemen, Syria and Ivory Coast was characterised by implementation inconsistencies, sometimes a complete failure, lack of unity in some cases as well as a lack of commitments and willingness to protect civilian populations. The researcher also observed that the principle of the R2P often appears ambiguous, and the circumstances under which interventions should take place are frequently unclear, as was the cases of the case Yemen and Syria, where civilian populations continue to suffer from massive human rights violations under the watch of the international community. The chapter also recognised that the implementation of the R2P has been marked with selectivity and double standards hinged on national interests of powerful countries, who perceive the principle of the R2P as channel conduit to achieving their interests. It was also noted in the chapter that the R2P application in Kenya and Ivory Coast produced a positive outcome which is widely regarded as successful form of humanitarian intervention. This success is attributed to the

manner in which the principle was applied in both cases. Regional and sub-regional actors were highly involved because of an enhanced collaboration between the UN and regional, sub-regional actors which ensured the effective application of the R2P. The next chapter discusses the international community's implementation of the R2P in Sudan and Libya.

CHAPTER 3

THE IMPLEMENTATION OF THE R2P IN SUDAN AND LIBYA

3.1 Introduction

The R2P, as an international norm, was agreed upon by world leaders at the UN-General Assembly, World Summit 2005 (Adebajo, 2007; Deng et al., 1996). The responsibility to protect (R2P) is a norm which aims to ensure that members of the international community (IC) would never again fail to act in situations where individual states cannot act on or are themselves involved in massive human rights violations like genocide, crimes against humanity and war crimes. The principle of the R2P is applied by willing members of the international community in order to protect civilians in conflict situations where the responsible government has failed or is unwilling to provide protection to its citizens. However, the conceptual framework of the R2P has been contested, especially on the implementation phase. Disagreement on the scope and limitations of the R2P remain, especially in regard to the legitimacy and the legality of its operationalization in response to conflict situations (Kuwali, 2012).

As noted earlier on, the central research question that this study sought to answer is: Why did the R2P fail in Sudan and Libya? Thus this chapter is essential in the process of attempting to answer the central research question of this thesis. In this regard, this study argues that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Thus this study sought to answer its research question with a particular reference to regional and sub-regional actors and their interactions with the international community.

The preceding chapter provided a historical background of humanitarian intervention and the R2P. It emerged that the period before 1945 was characterised by immense lack of accountability with regards to human rights violations and states were not paying attention to crimes committed against civilians, thus making it difficult to bring perpetrators to account. The earlier chapter also noted the important role of liberal thoughts towards the growing human rights regime across the globe

in the 21st century. Furthermore, the previous chapter used the international relations theory such as Bull's theory of international anarchical society of states to explain international events around the notion of the R2P, its application, including the growing human rights regime since 1945. It emerged in the preceding chapter that the practice of the R2P in countries such as the CAR, South Sudan, Yemen, Syria and Ivory Coast was characterised by various implementation inconsistencies, sometimes a complete failure, lack of unity in some cases as well as a lack of commitments and willingness to protect civilian populations. It was also noted that the R2P application in Kenya and Ivory Coast produced a positive outcome which is widely regarded as successful form of humanitarian intervention, and regional and sub-regional actors were highly involved due to enhanced collaboration between the UN and regional and sub-regional actors. The previous chapter also discussed measures used in assessing the failure of R2P in Sudan and Libya. The failure to implement the R2P principle in both cases was assessed in terms of its objective and operationalization on the actual ground.

This chapter discusses the nature and origins of the Sudan and Libya crises, and international community's response by providing a trajectory of the R2P experience in Sudan and Libya. The researcher will also make a comparison of the common benchmarks in Sudan and Libya so as to analyse the international community's implementation of the R2P in Sudan and Libya. In this context, key drivers of the R2P in Sudan and Libya are such concepts to benchmark such comparison in this study. The behaviour and actions of various actors towards the conflicts in Sudan and Libya is vital for this study. The 'challenges' faced by these actors during the implementation of the R2P principle and as they interact with the international community in both cases will also be analysed in this study. Thus, this chapter provides an analysis of the role of regional and sub-regional actors as key drivers of the R2P, namely African Union (AU), Arab Maghreb, and the Arab League which were involved in the Sudan and Libya crises. More importantly, this chapter discusses the various analyses that prove the fact that the implementation of the R2P failed in Sudan and Libya.

3.2 The human rights situation in Sudan and Libya at the beginning of the crisis

The origins of the conflict in the Darfur region had economic, political and ethnic dimensions. Its economic roots lie in the competition between pastoralists, generally Arab Africans, and

agriculturalists, generally non-Arab Africans, over resources such as land and water. Among the root causes of the Darfur crisis are religious extremism between Muslims and Christians, political and economic marginalisation and bad governance (Williams, 2009). Thus, political and economic grievances further accelerated the conflict. The conflict escalated to the extent that some civilians were targeted based on their ethnic status or background.

Due to political discontent within the people of Darfur, and the challenges brought by land disputes and spill-over effects from the conflict in Chad, an armed conflict flared up in the 1980s and 1990s. People in Darfur instigated a rebellion after 2000, which eventually led to the escalation of violence in 2003 (Human Rights Watch Report, 2004). The war in Darfur began in February 2003, when two Darfuri rebel movements, the Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), engaged the government forces, expressing their grievances about the political marginalisation and economic neglect of their region. As noted by De Waal (2004:4), the rebels managed to frustrate the government by destroying half a dozen military aircraft and captured an air force army general at an airport in April 2003. The Sudanese government responded aggressively and ruthlessly by deploying heavily armed, mainly Arab troops and reportedly unleashing local Arab militias, the 'Janjaweed' (De Waal, 2004).⁴⁹ There were several attempts to negotiate a ceasefire in late 2003; however, this did not materialise as the government of Sudan conducted air and ground offensive military operation against the rebellion in Darfur in late 2004. Despite the claim by President al-Bashir of Sudan that peace had been restored, the fighting persisted. However, another round of ceasefire discussions resumed in March 2004, in Chad and the ceasefire was signed on 8 April 2004. The ceasefire failed to achieve the intended objective of ending hostilities and restoring peace and stability in the region as government forces and its supporters continued to attack the Darfur based rebels. This made it difficult for the ceasefire to be observed by both sides in the conflict as they kept on attacking each other (De Waal, 2004).

In the case of Libya, the rebellion against the Gaddafi regime started in February 2011 following the North African uprisings in Tunisia and Egypt. However, while the perceived autocratic governments in Tunisia and Egypt exercised restraint and were toppled by the revolutions, Gaddafi

⁴⁹ The situation deteriorated, and the Darfur crisis soon resembled the worst humanitarian crisis globally (Williams, 2009).

declared war on the protestors in the Libyan city of Benghazi. The crisis started as general protests on 15 February 2011 in Benghazi against the arrest of a prominent human rights lawyer who had represented the relatives of prisoners allegedly executed by security forces in Tripoli in 1996 (Daoud, 2011). The demonstrators in Benghazi were expressing their anger against government's security forces over their injustices and demanded accountability and immediate release of the human rights activist. The protests started peaceful but later turned violent after the alleged use of live bullets and excessive force by government security forces to disperse protestors. The situation further turned nasty after the National Conference for the Libyan Opposition announced, "a day of rage" and "clashes" with the security forces on 17 February 2011 (Leiby & Mansour, 2011).

3.3 The threat to lives in both Cases

In Sudan (Darfur), the situation on the ground was characterised by indiscriminate killings, abductions, forced expulsions, systematic and sexual abuses of civilians by both sides in the conflict, although the Janjaweed militia were largely blamed for causing more harm (Williams & Bellamy, 2005: 12). The estimates of the total number of people killed vary, with the Sudanese government pegging the figure at a lowly 10 000 while many activists say it could be as high as 400 000. Over 2.5 million were reportedly displaced. An estimated number of 1.2 million were forced to flee their homes. Among them, 200,000 are alleged to have crossed to Chad for safety while the majority of them were internally displaced and lived in refugee camps in Darfur.⁵⁰ As observed by the USAID in 2004, if the crisis was left unchecked, in two-month time, the number of deaths and casualties could have increased to as many as 2400 per day. The situation was described as a massive campaign of ethnic violence as the victims of the Janjaweed attacks were mainly African farmers, some went as far as labelling the Darfuri situation genocide (Austin & Koppelman, 2004; Winter, 2004; Heyder, 2006). The Sudanese government, which disputed the estimates of the victims and denied any connections with the Janjaweed, appeared unwilling to address the humanitarian crisis.

The situation in Darfur clearly demonstrated the need to protect civilians. They were vulnerable to massive human rights violations, crimes against humanity and ethnic cleansing, and the Sudan

⁵⁰ In addition to that, by the mid-2004, the World Health Organisation was estimating that between 240 and 440 people were dying every day as a result of the conflict (United Nations, 2004:4).

government seemed not ready to halt the ongoing situation. Towards the end of 2004, the need for other strong measures to better protect civilians in the Darfur region dominated discussions at the UN. In his speech before the UN Commission on Human Rights in 2004, the UN Secretary General, Kofi Annan, expressed concerns over the Darfur crisis and reiterated the need for necessary measures to prevent genocide in Sudan. The international community was increasingly faced with the pressure to act, accelerated by massive mobilisation of civil society organisations around Darfur. Cognisant of this, the UNSC reacted by creating an international commission of inquiry to investigate the nature of crimes committed in the Darfur conflicts and specifically determined whether the crimes constituted acts of genocide. The commission led by a prominent Italian judge, Antonio Cassese, started its field investigations and, in a period of three months, produced a detailed report that was widely acknowledged. The report concluded that there was no sufficient evidence of genocide in Darfur but the crimes that were committed were “no less heinous than genocide” (International Commission of Inquiry on Darfur report, 2004). Thus, this demonstrated that the threats to civilian lives, in the context of Sudan-Darfur, were high as the government had expressed sincere signs of unwilling to protect them.

In the context of Libya, as the crisis spread across the country, Gaddafi led government started to aggressively use force to suppress the opposition. There were some reports that the government forces had fired at demonstrators from a military aircraft. These reports prompted the UN Secretary-General to immediately call the involving parties to end the violence on 21 February 2011 (UN Press Release, February 22, 2011).⁵¹ In this regard, civilian lives were in danger; the situation became tense as thousands of protestors became casualties as a result of the ensuing fighting. The government of Libya did not refrain from attacking civilian protestors. Instead, Gaddafi started to call those protesting against him “cockroaches”, eerily reminiscent of the 1994 Rwandan genocide; and vowed to “cleanse Libya house by house” of the “cockroaches”, and pledged no mercy (ICR2P, 2011:1). The situation on the ground was characterised by clashes between armed forces and protestors who had resorted to direct confrontations using weapons such as guns, grenades and other explosive materials.

⁵¹ On the ground, the government was being blamed for unlawful detentions, torture of dissent, and the use of hired mercenaries as well as shooting and aerial bombing of peaceful civilian protestors (UN Press Release, February 22, 2011).

The danger on civilian lives led to various denouncements and condemnations. For example, on 26th February 2011, UNSC expressed grave concern and condemned the Libyan government for violence and repression against civilian protestors, and further reminded the Gaddafi led government to meet its primary responsibility to protect its populations from human rights violations, namely war crimes, crimes against humanity, ethnic cleansing and genocide. The threats on civilian lives also was noted by the UN High Commissioner for Human rights, Navi Pillay, after an international group inquiry into the violence also denounced the use of live ammunition against civilian demonstrators (UN office of High Commissioner for Human Rights Report, 2011). In similar circumstances, a resolution adopted on 25 February 2011 by a group of UN Human Rights experts highlighted that the gross violations of human rights committed by the government of Libya could amount to ‘crimes against humanity’. Through this resolution, the UN Human Rights Council strongly condemned the gross and systematic human rights violations carried out by the Gaddafi led government, including unselective armed attacks on civilians, uninformed arrests, unnecessary detention and torture of protestors, and extrajudicial killings of civilian demonstrators which in one way or another amount to crimes against humanity (UN Human Rights Council Resolution Report, 2011). Through this resolution, the council also established an independent international commission of inquiry to investigate the alleged human rights violations, and requested the Commission to establish the facts around of such violations and crimes perpetrated and, where possible to identify the criminals and bring them to account (UN Human Rights Council Resolution Report, 2011). Thus, this clearly indicates the extent to which human lives were in danger as the threats to lives were so high.

As noted in 138 and 139 of the World Summit Outcome Document from 2005, world leaders committed themselves to ensure the protection of civilians from massive human rights violations such as genocide, war crimes, ethnic cleansing and crimes against humanity 2005 (Outcome Document, 2005). This is when respective governments are unable or unwilling to protect civilians against these crimes, then the IC takes such responsibility to encourage and assist these countries to exercise their responsibility. However, if a particular state fails to protect civilians, the IC intervene through different measures, including the use of economic, political, diplomatic and legal instruments as well as the use of collective force through UNSC approval under Chapter VII of the UN Charter after all measures have been exhausted. The discourse around the notion of the

R2P is noted by Abeysuriya & Mehta (2009: 2) as a concept for intervention in states by the IC (preferably after the UN Security Council approval) for the prevention of genocide, ethnic cleansing, mass killings and human rights violations taking place, in a country which is unwilling (or unable) to stop it.⁵² Therefore, from a moral and legal perspective, the situation in Sudan and Libya required international response through the principle of the R2P. This is because the Libyan head of state had earlier used shocking statements in which he called demonstrators “cockroaches”, “rats” and vowed to hunt them down house by house, reminiscent to the kind of language which characterized the Rwandan tragedy. In addition, the situation in Sudan was described as a massive campaign of ethnic violence (Heyder, 2006:3), in which the victims of the Janjaweed attacks were mainly African farmers, and some went as far as labelling the Darfuri situation genocide. Furthermore, the Sudanese government, which disputed the estimates of the victims and denied any connections with the Janjaweed, appeared unwilling to address the humanitarian crisis. Therefore, the danger on civilian lives in both cases led to various international communities’ involvement through the doctrine of the R2P, which is going to be discussed below.

3.4 The Drivers of the R2P in Sudan and Libya

This section looks at the various forms of humanitarian intervention and how the principle of the R2P was applied in Sudan and Libya as well as the drivers (key actors) behind its implementation. This is because these drivers are among the concepts that benchmark the comparison of how the R2P was applied in both cases. This will help the researcher to explore reasons that led to the international community’s failure to implement the R2P in Sudan and Libya by closely looking at the involvement of actors who implemented the norm. How they were involved and the extent to which their involvement played a part to the international community’s failure to implement the R2P in Sudan and Libya, as well as the challenges faced by the different actors, including the African continent in applying the principle of the R2P in each case. Therefore, the involvement of the AU and Intergovernmental Authority on Development (IGAD) and their interactions with the international community during the implementation of the R2P doctrine in Sudan will be assessed. Similarly, the involvement of the AU, Arab League and Arab Maghreb and their interactions with

⁵² Welsh (2011:1) similarly observes that the R2P doctrine “is more relevant and suitable in cases where the responsible countries of concern to the catastrophe are exhibiting sincere signs of inability or unwillingness to end the situation on the ground”.

the international community as they attempt to implement the R2P principle in Libya will be analysed accordingly. The UN Charter in its framework encourage regional organisations such as the AU and the RECs to obtain a prior UNSC approval in order to engage in peace and security issues in their respective regions. However, regional organisations such as the AU and sub-regional actors such ECOWAS, and SADC do not always abide by this outline due to what they often see as “UN indifference” which they feel could hinder needed action. More so, the 2005 Ezulwini Consensus recognizes that the AU and its RECs should be able to intervene with a UNSC authorisation, despite the fact that many African states are of the belief that in a situation requiring urgent response, such approval could be granted after intervention has been launched (Mwansal, cited in Deng, 2008). Therefore, the researcher believes in the powerful involvement of regional and sub-regional actors in the implementation of the R2P as shall be discussed below.

3.5 Sudan

The crisis in Darfur continued to attract major international attention when the UNSC, the EU, Amnesty International, Human Rights Watch and the International Crisis Group as well as many NGOs, all recognized that the war in Darfur constituted a crime against humanity and ethnic cleansing. They pointed fingers at the central government of Sudan for having played a role. The crisis was further regarded as a ‘genocide’ by NGOs such as Physicians for Human Rights and Justice Africa (Austin & Koppelman, 2004: 19). Describing the situation in Darfur in 2004, Kofi Annan, indicated that the IC cannot stand idle and watch the ongoing situation, and encouraged the international community to take swift and all necessary measures, including military intervention to halt the crisis (Williams & Bellamy, 2005). The US government also acknowledged that genocide may have been carried out, and insisted that there was no further new action from the United States (Speech by Colin Powell in the US Congress, 9 September, 2004, cited in Williams & Bellamy, 2005). However, calling the Darfur crisis a genocide, was not being collectively agreed upon, scholars such as Mamdani argues that calling the Darfur crisis a genocide is a subjective conclusion created for political ground against the Khartoum government (Mamdani, 2007). Therefore, as Mamdani suggests, there were more controversy on calling the crisis ‘a genocide’, which therefore explains the contentious nature of the Darfur crisis.

The first political move by the international community towards Darfur crisis was the UNSC Resolution 1547 in June 2004, affirming the council's position on the Naivasha peace process between the government of Sudan and the Darfur based rebels (Sudan People's Liberation Movement (SPLM/A)). This Resolution called those directly involved in fighting to end the fighting in Darfur and in other parts of the country and to finalise the process of political agreement in due time. Acting under Chapter VII of the UN Charter, on 30 July 2004, the UNSC passed Resolution 1556 to exert pressure on those directly involved in the conflict. This called for the imposition of armed embargoes on Darfur region and supported the AU's role of deploying a protection force in the region (De Waal, 2004).⁵³

It was also through this Resolution that the international community reminded the government of Sudan of its primary responsibility to protect its civilians, particularly Darfurians. Nevertheless, most scholars and experts were of the view that the government of Khartoum had no capacity and will to disarm its alleged local militia, despite having responsibility to protect civilians from massive human rights violations (De Waal, 2004). However, on one hand, Resolution 1556, with aggressive sanctions, was recognised as a threat to the government of Sudan. On the other hand, the resolution was found wanting. According to a report by Amnesty International in 2004, it failed to adopt necessary measures that were urgent to address the appalling human rights situation, and signified an abandonment of the people in Darfur (Aaronovitch, 2004).⁵⁴

Therefore, given the above, it is prudent to argue that the international community's early political response to the Darfur crisis, especially by powerful members, was characterised by indecisive measures, slowness and divisions. For example, China and Pakistan abstained from voting and rejected mandatory measures against the Khartoum government while Russia maintained its position against intervention in Sudan (UN Report, 2004).⁵⁵ For Russia, economic interests were driving its position on the conflict in Darfur because it wanted to maintain its smooth relations

⁵³ Resolution 1556 also gave the government of Sudan 30 days to disarm its alleged Janjaweed militia or face punitive measures such as those provided for in Article 41 of the UN Charter.

⁵⁴ In similar reaction, the US diplomat to UN acknowledged the shortcomings of resolution 1556 by supporting those questioning its effectiveness, particularly, in protecting civilians in the Darfur region (UN Report, 2004).

⁵⁵ This Russian stance can be linked to its commercial interests in the Darfur region, since the country was alleged to have sold military equipment worth \$150 million to Sudan and signed a \$200 million oil deal with Khartoum government in the year 2000.

with the government of Sudan (Peterson, 2004:14). This demonstrates the extent to which the international community's response to the Darfur crisis was marked with controversies and complexities driven mainly by national interests. Moreover, the government of Sudan's representative at the UNSC during the voting process of Resolution 1556 also rejected it as an unfair and unjust policy marked with double standards driven by a neo-colonial mind-set of Western countries (UN Report, 2004). The complexities of the response to the Darfur crisis was therefore demonstrated during the voting of Resolution 1556, where the process was marked with divisions and indecisive actions towards the crisis in Darfur.

The way the EU reacted to the Darfur crisis seems similar to that of the UNSC, which is, relying more on humanitarian and diplomatic efforts. Before 2003, European Commission was a source of funding for many projects in Sudan. However, after the outbreak of the Darfur crisis in 2003, the organisation provided an extra amount of €14 million (euros) to help people in Darfur (William & Bellamy, 2005). Most of EU's efforts were more concentrated in humanitarian assistance, for example, in 2004, EU allocated an estimated amount of €92 million (euros), in addition to its usual allocations of €30 million (euros) for humanitarian purposes for people living in the western parts of Sudan, Darfurians in particular.

In terms of political and diplomatic response, the EU left the AU to spearhead conflict resolution and all endeavours to achieve a political settlement and in the deployment of troops to maintain peace and stability in the region (William & Bellamy, 2005). However, the EU continued to provide technical and financial support in all efforts to end the war, but showed no interest to send their armed forces in the Darfur region. The EU's reason not to militarily intervene in Sudan can be attributed to the unwillingness of political leaders to provide resources for such huge military intervention given its experience in peace keeping across the globe.⁵⁶

In the context of US's response to the Darfur crisis, the outbreak of the Darfur crisis in 2003 and its internationalisation did not attract major US interventions. However, several civil society groups in US; Black Congressional caucus and Christian lobby made the crisis more identifiable

⁵⁶ EU's military interventions in Afghanistan, DRC (2005), Macedonia (2008) and Bosnia (2004), Palestine (2006) and Georgia (2008) (William & Bellamy, 2005; Giegrich & Wallace, 2004).

and well-known to the US government and communities. As result of these efforts, the US government acknowledged the fact that something needed to be done to resolve the war between the Khartoum government and SPLM in Darfur (Deng & Morrison, cited in William & Bellamy 2005). For example, using IGAD as a diplomatic platform, the US government managed to push forward the Naivasha peace process and engaged in more discussions with the Sudanese government, most of the time together with UK and Norway.⁵⁷ Therefore, the oil interests and the pressure from civil society groups in US encouraged the US to get involved in the Darfur crisis using diplomatic measures such as removing Sudan from the list of state sponsors of terrorists. However, the US response was marked by slowness and unwillingness to commit troops on the ground or to establish a safe haven for the people in Darfur.

3.5.1 The role of IGAD in Sudan crisis

IGAD is among other Africa's RECs with stated objectives to achieve peace, prosperity and regional integration in its sphere of influence. The organisation was created in 1996 to supersede the Intergovernmental Authority on Drought and Development (IGADD) which was founded in 1986, with headquarters in Djibouti. It comprises seven African countries, including Djibouti, Ethiopia, Kenya, Somalia, Sudan, Eritrea and Uganda (Young, 2007:6). IGAD was primarily tasked to ensure early detection of reoccurring droughts and timely alarming and mobilisation of the IC. However, the changing political nature of regional environment, characterised by the civil wars, massive displacements, inter-states conflicts and grave human rights violations made IGAD member states to widen its mandate. In 2009, IGAD mandate was expanded to include the need to promote peace, security and stability in the region and to create the mechanisms for the prevention, management and resolution of inter-state and intrastate conflicts. In practice, the need to create and boost the structures and mechanisms for conflict prevention in the region has been dealt with. IGAD has successfully established a Conflict Early Warning Response Mechanism (CEWARN). This institution is mandated to receive and share all necessary information regarding potentially violent conflicts, their outbreak and escalation across IGAD region.

⁵⁷ This made the government of Sudan not to neglect the US pressure, because it was after the 9/11 and US's military interventions in both Iraq (2003) and Afghanistan (2001) (William & Bellamy, 2005).

These developments would not only facilitate the existence of peace in the region but also enhance the involvement of local communities in preventing violent conflicts. In the context of Sudan, working hand in hand with the US and UK, IGAD registered significant efforts towards resolving conflicts within its region. The organisation took a leading role in diplomatic engagements by appointing a Kenyan General, Lazaro Sumbeiywo, to facilitate the mediation process in the signing of the Sudanese Comprehensive Peace Agreement. As noted by Young (2007:24), the signing of the Sudan and Somali peace agreements in quick succession in late 2004 and early 2005 created an impression that IGAD was proving unusually adept at performing its new conflict resolution role. IGAD played an important role in facilitating peace agreements in Sudan. Since the signing of the Comprehensive Peace Agreements (CPA) between Sudan and Sudan People's Liberation Movement in January 2005, IGAD monitored the implementation of the CPA, and contributed two strong peacekeeping battalions from Kenya and Uganda, and secured funding to implement and document the Sudan peace process. The IGAD peace settlements signed within three months appeared to be a remarkable accomplishment, and marked a new era in regional peace and stability, especially considering that both addressed long and complex conflicts. Thus, the IGAD approach towards peace and security in the region shows a further aspect of the organisation's commitments in its legal framework to implement the principle of the R2P. However, despite the involvement of IGAD and the vital role played by IGAD, the conflicts continued to worsen leading to various other measures by the international community, including referring the situation in Darfur to the International Criminal Court.

3.5.2 The use of legal mechanism: International Criminal Court (ICC)

In the year 1998, ICC was created and subsequently came into being in 2002. The court's mandate is to end impunity by holding those responsible individuals accountable for crimes against humanity, war crimes, ethnic cleansing and genocide. However, despite the fact that a clear relationship between the R2P and ICC is rarely noted, these concepts are intimately linked. When a situation is referred to the ICC by the UNSC, it is a clear message to individual leaders that their crimes will not go unpunished. In the actual sense, both the R2P and ICC have a similar focus, which is to address governmental failures or unwillingness to prevent massive human rights violations and atrocities. While ICC is an institution, the R2P lacks any institutional structure (it

is embedded in the UN), but they both acknowledged intervention in situations where war crimes, crimes against humanity and genocide are committed against people (Kerstein, 2011:1).

It is in this context that, the UNSC reacted by creating an international commission of inquiry to investigate the nature of crimes committed in the Darfur conflicts and specifically determine whether the crimes constituted acts of genocide. The commission led by a prominent Italian judge Antonio Cassese, started its field investigations and in a period of three months produced detailed report that was widely acknowledged. The report concluded that there was no sufficient evidence of genocide in Darfur but the crimes that were committed were “no less heinous than genocide” (International Commission of Inquiry on Darfur report, 2004). The commission’s findings made it challenging for states to continuously argue that the primary responsibility to protect Darfurians was still with the Sudanese government, especially after the occurrence of massive human rights violations such as crimes against humanity and war crimes against civilians which are stated in the R2P framework.

The commission also submitted a list of names of 51 individual alleged to have been involved in carrying out these atrocities, and recommended that the UNSC refers the situation in Darfur to the ICC.⁵⁸ However, the suffering of Darfurians coupled with intense lobbying by many NGOs across the globe, the US and other countries abstained in the voting process at the UNSC paving the way for the first time the use of UNSC prerogative powers to refer the situations to the ICC (Kaufman, 2008:343). Despite the objection of the Sudanese government, Luis Moreno-Ocampo, the ICC chief Prosecutor immediately opened investigations across Darfur after the UNSC referral. He held interviews with Sudanese refugees from Darfur based in Chad. In 2007, the ICC Pre-Trial Chamber released two warrants of arrest against leaders of both sides fighting in the conflicts: a minister in the Khartoum government, Ahmed Haroun, and a top ranked leader in the Janjaweed group, Ali Kushayb (De Waal, 2008).

However, the need to find a peaceful solution to the Darfur crisis was further complicated by ICC announcement in July 2008 to charge the Sudanese President with war crimes, crimes against

⁵⁸ This was not an easy task as some members of the UNSC (e.g. the US) were not parties to the Rome Statute: while others (e.g. China and Russia) were strategic allies of the Sudan governments and were reluctant to impose global justice norms due to their non-interference stance.

humanity and genocide. This materialized in March 2009, when the ICC confirmed the indictment and issued out the arrest warrant against the Sudanese President (Flint & De Waal, 2009). President Omar al-Bashir became the first sitting head of state to be indicted at the ICC. The ICC involvement was a controversial response to Darfur as it encouraged the government of Sudan to furiously respond by expelling and temporarily suspending 13 NGOs from Darfur.

Western countries such as US welcomed the ICC's involvement, however, in Africa it was another hollow show. Despite the mutual efforts by Africa and Western countries towards ending the Darfur crisis, the ICC's decision was not welcomed by most African leaders. At the June 2009 AU summit, African governments demonstrated their disappointment by passing out a resolution announcing their refusal to cooperate with the ICC in the context of al-Bashir case (Flint & De Waal, 2009). Hence, this demonstrates the extent to which the international community's intervention in Darfur was met by major set-backs due to lack of cooperation between Africa and supporters of ICC referral in the UNSC. The relationship between the AU and international community over the Darfur crisis collapsed in this regard. The ICC's arrest warrant for the Sudanese President was not welcome in Africa.

3.5.3 The African Union (AU)

The Darfur crisis presented an opportunity for the AU to demonstrate the effectiveness of its security mechanisms. In the context of security, the AU's peace and security architecture places continental organisation under a robust security system comprising African regional organisations. The building blocks of this security architecture are Africa's regional economic communities (RECs). The mandate of responding to situations of humanitarian calamity is based on Article 4(h) of the AU Constitutive Act which was adopted in 2000. The act provides for the right for the AU member countries to intervene pursuant to the resolutions by the Assembly in situations of grave humanitarian circumstances, war crimes, crimes against humanity, ethnic cleansing and genocide. Thus, as the AU's right to intervene, as provided in the Constitutive Act, resembles the fundamental elements of the R2P as a norm of humanitarian intervention.⁵⁹ Thus, the AU's

⁵⁹ Accordingly, the Article 2 of the Protocol concerning the establishment of the Peace and Security Council of the African union (2002:06) stipulates that "the Peace and Security Council shall be cordially supported by the

response to the Darfur crisis was largely informed by the organisation's desire to find an African solution for an African problem. However, like the EU, US and UN, the AU was also reluctant to militarily intervene in the Darfur war without the consent of the Khartoum government, despite having Article 4(h) of the AU Charter, which mandates member states to collectively intervene in circumstances of war crimes, crimes against humanity and ethnic cleansing as Darfur resembled. African states wanted to have their sovereignty absolutely respected, thus no any military form of intervention was to be carried out without the consent of the Sudanese government.

Given this, when the AU realised the deteriorating security situation and escalating conflicts in the Darfur region, it responded through peace and security mechanisms. As noted by Powell (2004:32), the AU effort on the Darfur crisis was undertaken pursuant to its security commitments and obligations within the framework of the Constitutive Act, the Protocol Establishing the Peace and Security Council and the Common African Defence and Security Instruments, all which emphasizes on human security challenges on the continent. The AU established a fact-finding mission in May 2003 to assess the security situation and advise the organisation's directional approach to the conflicts. The mission's recommendations led to the signing of the two agreements between the AU and the Sudan government. The first was the modalities for the establishment of the Ceasefire Commission (CFC), the second was the deployment of an observer mission in the Darfur region in May 2004 and the establishment of and deployment of AU military observers in June 2004. After the deployment of these military observers, a peacekeeping mission (African Union Mission for Sudan - AMIS) followed. The main aim of AMIS was to restore peace and security in Darfur and supervise the implementation of ceasefire as unanimously agreed as discussed below. As noted by Powell (2004), the mandate of AMIS was to:

monitor and observe compliance with the April 8th Ceasefire agreement including any future agreement, to assist with confidence building and to help create conditions sufficiently secure the delivery of humanitarian relief and beyond that, the return of internally displaced [IDPs] and refugees to their homes, in order to increase the levels of compliance of all parties with humanitarian ceasefire

commission of the Panel of the Wise, Continental Early Warning System and an African Standby Forces as well as a Special Fund.

agreement and to contribute to contribute to the improvement of security situation in the Darfur region.

After intensive discussions, the Sudanese government and Darfur rebel groups signed the N'Djamena Humanitarian Ceasefire Agreement in April 2004 (Lanz, 2010). However, this ceasefire was not implemented as the fighting between the two sides did not stop. The only substantial developments achieved were the creation of a Ceasefire Commission and the AU-Mission (AMIS) which worked as a monitoring force despite its lack of adequate peacekeeping military personnel in the field. This improved after the EU managed to increase their financial base leading to an increased number of soldiers to 6,000 in the year 2005 (Mamdani, 2007). This enabled AMIS to improve its monitoring activities and widened its protection tasks mainly on those residing in displaced camps.

However, AMIS did not manage to effectively protect civilians who were vulnerable and needed to be protected from massive human rights violations, crimes against humanity and ethnic cleansing. AMIS was found wanting despite tangible achievements. Campaigners in EU and US called for the deployment of a more capacitated UN peacekeeping mission in the Darfur region (Williams & Bellamy, 2005), which could better protect civilians from massive human rights violations and help to end the fighting.

The need to end the Darfur conflict through a political settlement between the government of Sudan and the Darfur based rebel groups, SLA/M and JEM, became moribund after the failure of the N'Djamena Ceasefire Agreement. This was a setback to those who believed in diplomatic efforts to end the Darfur crisis. However, due to international efforts, a new negotiating process was instigated in 2004 in Abuja, Nigeria. The AU spearheaded the process of mediation supported by various EU and US base international observer groups in terms of funding and technical advisory role. In 2005, the negotiations led to the adoption of Declaration of Principles by the parties to the conflict which set out the cornerstones of a more comprehensive agreement in the future (Brooks, 2008: 413). The continuous efforts of the Abuja peace dialogues failed to register significant progress leading to its subsequent failure. Due to a never give up attitude by the US and EU, they resorted to the use of concessive diplomacy so as to persuade the involving parties to sign the agreement (Nathan, 2006). Consequently, the pressure divided the Darfur based rebels

as factions within the group started to show up.⁶⁰ The pressure by some members of the international community particularly the US and EU, to force the parties to sign the Darfur Peace agreement was aimed at deploying a UN peacekeeping mission to replace the ineffective AMIS in the region; and such a mission needed clear guidelines in the form of a peace agreement. The nature of the Darfur crisis started to make many actors involved in trying to find the solution for the crisis, and to uphold and acknowledge the necessity of humanitarian intervention in the form of the R2P to protect Darfurians from human rights violations such as war crimes, crimes against humanity, genocide and ethnic cleansing. The only appropriate way to achieve such purpose was through the deployment of a strong UN peacekeeping force with a forceful mandate under Chapter VII of the UN Charter (International Crisis Group Report, 2006).

3.5.4 The joint AU-UN Mission in Darfur (UNAMID)

Although, the Sudanese government signed the Abuja Peace Agreement, the Khartoum based government strongly resisted a UN plan to deploy peacekeepers in its territory which it viewed as an imperialist strategy to recolonize Sudan. The Sudanese government resistance coupled with the Chinese support succeeded to stalemate negotiations for a while. The continuous efforts by the UNSC to end massive human rights violations in Darfur culminated in the passing of Resolution 1706 in August 2006, and this mandated the deployment of more than 20, 000 UN peacekeepers in the Darfur region but with the consent of the Sudanese government. Russia, China and Qatar abstained in the UNSC voting process on the ground that the Sudanese government did not grant the consent. Not only these countries but also Britain noted that an intervention could not occur without the consent of the government of Sudan. However, this resolution was the first time for the UNSC to refer to the notion of the R2P in relation to a specific conflict (Glanville, 2012:12).

The UNSC voting process presented an opportunity for the Omar al-Bashir led government to block such deployment. It took a period of more than a year to negotiate further for the deployment of such a UN mission. The Chinese government support on Sudan came under immense criticism to the extent that some NGOs campaigned against China's behaviour towards the Darfur crisis,

⁶⁰ Abdel Wahid who represents JEM and SLM/A faction refrained from signing while the SLA/M faction led by Minni Manawi signed the Darfur Peace agreement with the Sudanese government on the 5th of May 2009 (De Waal, 2006).

“genocide Olympics” were such statements directed to China’s actions by some NGOs (Helen, 2007). As result, due to such pressure, China agreed to the UN efforts of deploying peacekeepers without the consent of the Sudan government. It is in this context when Resolution 1769 was passed by the UNSC in July 2009. The resolution authorized the placement of a joint AU-UN Mission in Darfur (UNAMID), emphasised that the mission should be of predominantly African character. In the process, the UNSC approved the deployment of an estimated 19,555 military personnel and 6,432 police force with a financial budget of approximately \$1.5 billion, thereby making UNAMID one of the largest and most expensive UN peacekeeping mission force in the history of peacekeeping across the globe. The UN mission in Darfur started to operate on the 1st of January 2008 and in October 2009 about 75% military personnel were on the ground despite some delays faced in the process of deployment. This UN response to militarily intervene in the context of the R2P came four years after the violence and two years after the UN Commission of Inquiry had accused the government of Sudan of committing atrocities in the Darfur region (Glanville, 2012). This saw Sudan’s Darfur region becoming a test case for the R2P after intensive rounds of negotiations and exhaustion of various peaceful means at the disposal of the international community. The case of Libya is also discussed below.

3.6 Libya

Due to threats to civilian lives, the situation in Libya was condemned from different angles. The AU, the Secretary General of the Organisation of the Islamic Conference and the Arab League were among major international actors to further express their grave concern over what was taking place in Libya. These organisations went on to condemn the massive human rights violations and international human rights law being committed on the Libyan soil. It was clear that civilian lives were in danger because the situation became tense as thousands of protestors became casualties as a result of the ensuing fighting. The government of Libya did not refrain from attacking civilian protestors(ICR2P, 2011:1).

3.7 Involvement of the International Community (IC)

Alarmed by the situation in Libya, the UN Secretary General called upon the UNSC to take concrete measures to halt the crisis. In responding to the Secretary’s request, the UNSC condemned the use of force against civilian populations through Resolution 1970 of 26 February

2011 (UNSC Resolution 1970, 2011). Through this resolution, the UNSC in its strongest term, condemned the gross and systematic violation of human rights and further expressed deep concern at the death of civilians and unequivocally rejected the incitement to hostility and violence against civilian population made from the highest level of the Libyan government, including from the president himself. Also, in this UNSC resolution, the council urged the Gaddafi led government to act with restraint, end violence, respect human rights and international humanitarian law. In this regard, various measures were taken to try and force the Libyan government to refrain from committing human rights violations, including sanctions in the form of arms embargoes, freezing assets and travel bans on some government officials who were allegedly linked to these crimes as well as referring the situation in Libya to the ICC (ICC Press Release, 27 June 2011; UNSC Resolution 1970, 2011).

3.7.1 The Arab League

After the outbreak of the Libyan crisis, the organisation of Arab countries, the Arab League, took a serious stance against the perpetrators of violence acts on civilian populations. The organisation blamed the Libyan government for its aggressive acts on its civilians. Its first political response was to suspend Libya's membership of the Arab League as part of its political sanctions (UNSC Report , 2011; Leiby & Mansour, 2011). However, the voice of the Arab League did not make any significant impact towards Gaddafi's reaction on civilian protestors. Instead, his loyalist forces continued to attack demonstrators, and this attracted many global eyes. It was the pressure from the Arab League which made the US and EU to rethink of their perceived response to the Libyan crisis. The reaction of the Arab League demonstrates the powerful role of regional organisations in upholding global human rights norms such the R2P. This is particularly because in mid-March, 2011, the Arab League, through its Secretary-General, Amr Moussa, formally asked the UNSC to approve the imposition of a no-fly zone so as to effectively protect the Libyan people who were vulnerable to military attacks from their own government (Leiby & Mansour, 2011). The implementation of a no-fly zone in Libya had an Arab League endorsement. Thus, involvement of the organisation of Arab states can be attributed to have played a crucial role in the diplomatic campaigns for the international community to militarily intervene in Libya through the principle of the R2P. After the authorisation of a no-fly zone through Resolution 1973, the UNSC

specifically acknowledged the important role played by the Arab League as a leading player in regional peace and security issues, especially on Libya, and asked its member states to intervene under Chapter VII of the UN Charter (Resolution 1973, 2011). Therefore, the behaviour of the Arab League towards the need to protect the Libyan people from government attack reflects a moral collective and promising role of sub-regional or regional organisations in promoting the principle of the R2P, and should be commended. However, some scholars such as Cody (2011) believe that the Arab League provided a pivotal supportive factor to members of the international community who wanted to military intervene in Libya for regime change. This is particularly true for the countries such as the US and other EU members that have increasingly become so reluctant to intervene in Middle East affairs since the Iraq war (2003).

It is also important to reckon that one of the pre-condition cited by NATO for any action in Libya was “a solid regional support” like the one offered by the Arab League (Cody, 2011). Thus, through enhanced collaborations with the international community, regional and sub-regional organisations have the capacity to respond to situations that require collective responsibility, as was the case in Libya. It was the Arab League which first requested the UNSC to implement a no-fly zone in Libya through the principle of the R2P. Regional organisations are therefore important in the implementation of the R2P. Both the AU and the Arab League were committed to prevent the death of civilians in Libya but from a different perspective. The AU wanted to exhaust all peace measures and implements its African solution that would lead to durable peace and stability, while the Arab League had its own plan of using military action to overthrow the government which it perceived as ‘illegal’. Hence, the interactions between regional and sub-regional organisations and the international community during the implementation of the R2P principle in Libya was largely characterised by divisions and opposing views from members of the international community including these in the UNSC, Arab League and the AU. This, therefore, makes it relevant for the researcher to undertake this comparative study of the R2P in Sudan and Libya so as to understand reasons for the international community’s failure to implement the R2P in Sudan and Libya, particularly with reference to regional and sub-regional actors. The findings of this thesis will help to improve the future application of the R2P in specific situations like Libya.

Despite international condemnation and UN calls for the Libyan government to refrain from committing human rights violations on civilian populations, the Gaddafi led government remained defiant, and violence escalated. The situation on the ground continued to worsen as civilian protestors were still vulnerable to government attacks. This made the need for other necessary strong measures to protect civilian populations in Libya more inevitable. The first call for strong measures to protect civilians in Libya came from the UN Secretary-General on the 1st of March 2011. Commenting on the claims that the government forces had fired live bullets on protestors, he reminded the General Assembly of its collective challenge to provide real protection for the Libyan civilians (UN Press Release, 1 March 2011). Similarly, on the same day, the AU Commission on Human and People' Rights reiterated and called on the responsibility of the AU through its Peace and Security Council as well as to take all necessary legal and political measures to protect civilian populations in Libya who were under the threats of mass slaughter by their own government.

The incessant calls for international community's strong measures to protect Libyan civilians further came from Professor Ekmeleddin Ihsanoglu, the Secretary General of the Organisation of the Islamic Conference (OIC), on 8 March 2011. He announced that the position of the OIC was similar to those calling for the establishment of a no-fly zone over Libya so as to protect civilians who were vulnerable to Gaddafi's air strikes. He further requested the UNSC to undertake its responsibility with regards to the protection of civilians when their government is unwilling or unable to do so, as was in the context of Libya.⁶¹ Moreover, following two days of deliberations, the European Parliament passed a resolution underlining that the EU and its member countries must adhere to their responsibility to protect Libyan civilians from massive human rights violations. In this resolution, the EU called its high representative and member states to be prepared for a UNSC decision on improved measures, including the possibility of establishing a no-fly zone which was intended at preventing the Gaddafi led government from targeting civilian population. Following the EU's reaction, the Arab League, on 12 March 2011, reiterated its recognition of the rebel movement as the country's legitimate government and called for the UNSC to immediately

⁶¹ Organisation of Islamic Cooperation Report, 3 August 2011.

impose a no-fly zone on Libya (Leiby & Mansour, 2011). The call for a no-fly zone over Libya was further supported by the six Arab Gulf countries (Leiby & Mansour, 2011).

3.7.2 UNSC Resolution 1973

In response to the alarming appeals for the establishment of other strong measures to protect civilians in Libya, the UNSC passed resolution 1973 on 17 March 2011, authorising member states to take all necessary measures to protect civilians and civilian populated areas under threats of attack in Libya, including Benghazi where the protests started. The resolution (UNSC Resolution, 1973, 2011) also excluded any kind of foreign occupation forces on any parts of the Libyan territory (Bellamy, 2011). From a moral perspective, the situation in Libya required such international response as the Libyan head of states had earlier used shocking statements to describe these who were protesting against his government. Gaddafi also had pledged no mercy to those who did not surrender as his armed forces were approaching the city of Benghazi, the rebel stronghold on the 17 March 2011 (Kareem & Kirkpatrick, 2011). Through Resolution 1973, the UNSC mandated member states to establish a no-fly zone and further reinforce all coercive measures imposed on Libya under Resolution 1970 (Bellamy, 2011). Specifically, the resolution authorised “all necessary measures” to protect civilians by all UNSC member states and this gave the North Atlantic Treaty Organisation (NATO) the perfect pretext to launch its military intervention in Libya as part of the international community’s R2P (Sarah, 2011). The UNSC’s response to the Libyan crisis was described as a swift action by the US representative at the UN, Susan Rice, who observed that: “I can’t remember a time in recent memory when the Council has acted so swiftly, so decisively, and in unanimity on an urgent matter of international human rights” (Machnouk, 2011:1). However, despite this unanimous approval for action, China, Russia, Brazil and South Africa had abstained from voting on Resolution 1973 (Merco Press, 2011, 23 March).

3.7.3 NATO spearheading the R2P in Libya

Given the UNSC approval, a Western alliance of states that included US, UK, France and all NATO members militarily intervened in Libya to establish a no-fly zone and ensure the protection of Libyan civilians. During the operation, the US had the mandate of air campaign against Gaddafi forces while NATO assumed the role of enforcing the arms embargoes and a no-fly zone. The

NATO air operations began in March up to October 2011. In mitigating the NATO military intervention in Libya, the former US President, Obama argued that: “Gaddafi himself declared he would show no mercy to his own people, compared them to rats, and threatened to go door to door to inflict punishment. We knew that if we waited one more day, Benghazi, a city nearly the size of Charlotte, could suffer a massacre that would have reverberated across the region and stained the conscience of the world” (Obama, 2011). Therefore, this shows the extent to which the US government and its Western alliance were committed to implement the R2P in Libya. Their willingness to act in Libya was more pronounced than in Sudan. Therefore, the application of the R2P in Libya was driven by Gaddafi’s threat of a large-scale slaughter of “cockroaches”, which the UNSC said might constitute “crimes against humanity”, and this justified the international community’s military intervention against Gaddafi’s government through UNSC Resolution 1973 (2011). These NATO military operations led to the fall of the Gaddafi regime within a period of seven months. Gaddafi was then captured and died in the hands of the opposition on the 20th of October 2011. Within a week, the UN ended its military mandate in Libya, followed by the end of NATO operations on the 31st of October 2011 (Bellamy, 2011).

However, the manner in which NATO and its allies implemented Resolution 1973 (2011) was contentious both in practice and principle. It was marked with implementation inconsistencies. According to Dunne and Gifkins (2011), the anecdotal evidence in Libya reveals the unequivocal gaps and double standards in the implementation. These include the subsequent death of Gaddafi, the overthrow of the regime, and Libya’s movement towards being a failed state, the continuous civilian vulnerabilities to mass atrocities during the crisis, the destruction of infrastructure, and civilian loss of lives which is akin to Darfur’s persisting insecurity despite the application of the R2P.

3.7.4 The AU and the Libyan crisis

The organisation of AU was criticised for not doing enough to halt the Libyan crisis in which massive human rights violations were being committed in the clashes. After the outbreak of the crisis, the AU expressed its support for the legitimate aspirations of Libyans for democracy, and condemned the violation of international humanitarian law by the Libyan security forces on civilian populations. According to Eriksson and Zutterlund (2013:12), there was nothing tangible

and politically strong from the AU to show the Libyan government that its actions were unlawful and could not be tolerated. The AU was on the side of those against the aggressive behaviour of the Gaddafi led government suppressing the protestors. Some member states of the African Union such as South Africa and Nigeria were among countries which voted in favour of establishing a no-fly zone over the Libyan territory to protect civilian under the mandate of the UNSC Resolution 1973 (2011).

The AU's attempt to find a peaceful means to the Libyan crisis came soon after the NATO forces had started to implement the UNSC Resolution 1973. In responding to NATO air strikes, the AU drafted a peace process in what was widely known as "AU's Road Map for Libya". This aimed at negotiating an immediate ceasefire and a peace settlement between the Gaddafi led government and the Benghazi based National Transition Council (NTC). The African Union's delegates to negotiate this road included Presidents of South Africa, Uganda, Congo-Brazzaville, Mali and Mauritania. The delegation claimed to have secured Gaddafi's willingness to cooperate and negotiate with the NTC in the process of ending the crisis. However, the AU roadmap was allegedly not supported by the Western powers, and some African countries such as Rwanda, Botswana, hence, the NTC rejected it (Hove, 2015:1). As result, the AU's desire for a negotiated settlement in Libya became increasingly awkward as the conflict degenerated into a total civil war amid the AU's unclear position regarding the opposition forces. It is apparent that the AU's position on Libya was in direct contrast to the internationally held consensus (Eriksson & Zutterlund, 2013), especially the big powers such as the US, UK and France, as well as the powerful countries in the Arab League, that is, Saudi Arabia and Qatar. Therefore, the African Union was denied the chance to spearhead the process of ending the Libyan crisis. Some scholars believe that the African Union deserved the chance to be actively involved in resolving the Libyan crisis. As noted by Evans: "the AU peace plan 'almost certainly' would have failed because of Gaddafi's intransigence. Nevertheless, the P3 should have given South Africa and the AU a chance to try it out. Likewise, it was also possible that removing Gaddafi from power might have been necessary to protect Libyan civilians. But the P3 should then have made this case to the other members of the Security Council" (Institute for Security Studies, 2015). The African union's road map towards the Libyan crisis was largely driven by the need to find 'an African solution to an African problem' based on its three pillars, namely ownership, commitment and shared values.

3.7.5 Arab Maghreb

The fact that Libya is considered among the ‘brotherly’ Maghreb countries such as Morocco, Algeria, Mauritania and Libya, the Libyan crisis and the subsequent humanitarian intervention through the R2P was not perceived in the same way by member countries. On one hand, some member countries such as Mauritania and Algeria were not supportive of external intervention into Libya’s internal affairs in fear of the negative impact of such intervention, if not well conducted. The future of their region’s security and stability was the driving motive the Mauritania and Algeria’s behaviour towards the conflict in Libya. While on the other hand, Morocco went on to join coalition of the willing to intervene in Libya through the R2P doctrine, under the authorisation of the UNSC, Chapter VII of the UN Charter (Resolution 1973 (2011)). It is argued that Morocco chose to side with Western countries so as to fortify the Moroccan regime within the region. Hence, the way the Arab Maghreb responded to the Libya conflict reflects the element of inconsistencies of the IC in implementing humanitarian intervention through the R2P doctrine because it created divisions within its member states. There was no collective understanding of what should be done to restore peace and security in Libya. Neither Algeria, nor Morocco and Mauritania were able or willing to influence or take a leading role to halt the ongoing situation in Libya as has been the case in the context of IGAD in Sudan. For instance, Algeria and Mauritania decided to follow the AU roadmap, while Morocco wanted an immediate political solution to end the Libyan crisis, thus the only way possible was to follow the UN and NATO and other intervening countries from outside. Morocco participated in various special international discussions on the Libyan crisis (in Paris, Doha and London) in which they focused on decisive and successful military victory (Nour-Bin-Anjar 2011). Morocco also voted in favour of Resolution 1973, while Algeria took a neutral position in order to respect international law (Resolution 1973 (2011)).

However, in the beginning of the crisis, these countries would agree on some points like the collective call for a peaceful solution to the Libyan crisis; respect for Libya’s territorial integrity; and stance against foreign intervention. Therefore, the nature in which Maghreb states responded to the Libyan crisis, reflect the extent to which humanitarian intervention through the R2P (using force), can present numerous challenges to regional countries, especially when countries have different views over what should be done to protect civilians. The Arab Maghreb’s response to the

Libyan crisis was thus marked by divisions, unwillingness and lack of collective moral responsibility among member states, particularly because of the fragmented nature of the international community's response to the crisis. Regional countries were not given the chance to spearhead the process of ending the Libyan crisis as was the case for AU and IGAD in the Darfur region. Therefore, this justifies the undertaking of this comparative study in Sudan and Libya to understand the reasons for the international community's failure to implement the R2P in both cases. It is hoped that the findings of this thesis may in one way or another contribute to the improvements in the application of the R2P by the international community in future interventions. Given the role played by various actors, including regional and sub-regional actors in the implementation of R2P in Sudan and Libya, the following section will discuss proofs of the R2P failure in both cases.

3.8 The Failure of the Responsibility to Protect in Sudan and Libya

3.8.1 Sudan

As argued previously in this study, the implementation of the R2P failed in Darfur. As noted by Davies (2012: 1), the way the principle of the R2P was applied in Darfur failed to achieve its objectives, particularly that of protecting civilian populations from massive atrocities, that is, crimes, crimes against humanity, genocide and ethnic cleansing. This failure to achieve the intended goal of the R2P was mainly because the international community's response to the Darfur crisis was not conducted in timely and decisive way. The ICs response to the Darfur crisis was almost identical to that of Rwanda 1994. As noted by Piiparinen (2007: 2), "... the intervention force of the UN Assistance Mission in Rwanda (UNAMIR II) arrived in Rwanda after the genocide had been committed." As highlighted by Prendergast and Fowler (2008:1), the Darfur crisis was ignored because there was low political will from members of the international community to militarily intervene to halt the crisis at its earlier stages. The same scholars point out that by July 2005, at least 50 000 civilians had been killed in the Darfur region. The precedence of diseases due to malnutrition and poor living conditions within the displaced camps had increased the number of casualty to 180 000, while nearly 2 million refugees were suffering in internally displaced camps and more than 200 000 refugees from Darfur had crossed over to neighbouring Chad.

This failure to implement the R2P in timely and decisive manner was evident in the manner in which the R2P language was discussed. It took more than six months of dialogues to discuss Resolution 1706, which had the language of R2P within its components. A full deployment of peacekeepers to protect the people of Darfur was approved by the UNSC through Resolution 1769 in 2009. This was almost seven months after the outbreak of the Darfur crisis. Hence, in this view, the international community's response to the Darfur crisis was characterised by a lack of urgency as the response was slow while huge number of civilians were in dire need for safety and vulnerable to mass atrocities (Weiss, 2011:3). The international community could not stand for its commitment to decisively intervene in timely manner to the situation of danger to international peace, particularly a danger to civilian population in Darfur. The government of Sudan had clearly failed to protect civilians. As the principle of the R2P reveals, when a particular country is unwilling to protect its civilians from crimes against humanity, war crimes and genocide, the international community should intervene and protect them. Instead, the international community's response to Darfur was slow, poor and inefficient and failed to achieve the intended goal. The international community failed to prevent and protect civilian populations from war crimes, genocide, crimes against humanity and ethnic cleansing and the incitement for these atrocities, in a timely and decisive manner (De Waal, 2004, 2007, 2008, and 2013). This illustrates the fact that the international community failed to implement the R2P in Darfur.

In addition, from 2007 to 2012, the security situation on civilian lives in the Darfur region remained extremely dangerous with persistent heavy fighting between government forces and the Sudan People's Liberation Army resulting in more than 105 000 civilian casualties in Darfur (The R2P Monitor report, 2016; Davies, 2012; Pace & Deller, 2005). The insecurity faced by civilians caused more sufferings and displacement to Darfurians, and at least one third of people moved into displaced camps (Lanz, 2011: 10). Moreover, since the deployment of UNAMID in Darfur, civilians are still vulnerable, and the situation continues to deteriorate, with huge number of civilians facing ongoing inter-communal violence. Heavy fighting between the government and the Sudan People's Liberation Army in the northern parts of Darfur resulted in massive displacement of over 105 000 civilians. Previous fighting between the Sudan Armed Forces and rebel groups had contributed to the displacement of more than 233 000 civilians during the year 2015, with a total of 2.6 million people who are displaced now in the Darfur region (R2P-Monitor

Report, 2016). This is a strong indication that the operationalization of the R2P in Darfur failed to achieve the intended goal of protecting civilians from crimes against humanity, genocide, war crimes and ethnic cleansing. In all these wars, civilian populations are the primary victims. According to Cohen (2011), the primary victims of the overwhelming majority of deaths by violent conflicts are civilian populations who experience massive suffering including disease, famine, displacement, and loss of property, crops, and other inhuman suffering. This explains the extent to which the failure of the R2P in Darfur led to devastating consequences on civilian populations.

The failure of the R2P in Darfur is also discussed by De Waal (2007:1054) who argues that the pursuit of the R2P principle to protect the people of Darfur did not achieve its objective. In this regard, the overall objective of the R2P and its implementation in specific cases is “to protect civilian population from genocide, crimes against humanity, war crime and ethnic cleansing,” (UN-Outcome Document report, 2005: 31). To achieve this broader objective, the international community must encourage states to prevent these four crimes; encourage and help states to execute these responsibilities and support the UN in establishing early warning mechanism to prevent atrocities. The international community must be prepared to take collective action in a timely and decisive manner through the UNSC, including Chapter VII on case by case basis and in cooperation with relevant regional organisations and other appropriate local arrangements should peaceful measures and the national authority fail to protect civilian populations (Paragraph 138-139 of the UN Outcome Document Report 2005: 31). Therefore according to De Waal, the international community failed because of insufficient conceptualisation of the R2P and the confused advocacy campaigns around the Darfur crisis. For De Waal, more and equipped international troops could have managed to save many lives at the early stage of the crisis. However, the fact that such forces could have managed to save massive lives is flawed because by 2007 many civilians required safety and were in an extremely critical situation of need. The rise of various rebel movements (under incompetent leadership), coupled with the ruthlessness of the Khartoum government contributed to threats on civilians lives in Darfur (De Waal, 2007: 1054). This illustrates the fact that the R2P failed in Darfur.

Moreover, the operationalization of the R2P in Darfur failed despite the demands of Resolution 1769 passed by the UNSC in 2009. The resolution also approved the deployment of an estimated

19 555 military personnel, and 6 432 police force with a financial budget of approximately \$1.5 billion, making UNAMID one of the largest and most expensive UN peacekeeping missions in the history of peacekeeping across the globe (UN report on Darfur, 2009; (Lanz, 2012). The failure of the R2P in Darfur is also noted by Reeves (2018:1) who argues that the failure by UNAMID in Darfur continued to increase over the years. This failure is an indication that the R2P failed in Darfur as peacekeepers were deployed primary to implement the R2P principle. UNAMID's forces failed to protect civilians in timely and decisive manner, most of their operations were always late as they came after the sin had been committed (Reeves, 2018). These peacekeeping forces tasked to protect civilians in Darfur were also vulnerable to attacks from armed groups involved in the Darfur crisis (Lanz, 2012), hence making it difficult for the mission to effectively achieve its main objective, which was to protect civilians from crimes against humanity, war crimes, genocide and ethnic cleansing. The failure of UNAMID led to major displacement and massive loss of lives. It is estimated that almost 3 million people from Darfur live in the Eastern Chad, with more than half of them displaced since the deployment of UNAMID 2008 (Reeves, 2018: 1). This clearly testifies to the fact that the R2P failed in Darfur. Therefore, despite that Darfur hosted one of the largest and expensive humanitarian interventions across the globe, the purpose of protecting civilians was not achieved.

3.8.2 Libya

Akin to Darfur, the international community's efforts to implement the R2P principle failed to achieve its intended objective, which was to protect civilians from crimes against humanity, war crimes, genocide and ethnic cleansing. As highlighted earlier on, to achieve this broader objective, the international community ought to encourage states to prevent the four crimes against humanity by encouraging and helping states to execute their responsibilities and supporting the UN in preventing such crimes. The international community must be prepared to take collective actions in a timely and decisive manner through the UNSC, including Chapter VII of the UN Charter on case by case basis and in cooperation with relevant regional organisations and other appropriate sub-regional arrangements should peaceful measures fail and the national authority manifestly fail to protect civilian populations (Paragraph 138-139 of the UN Outcome Document Report 2005: 31). In addition, the UNSG report of 2012 and 2014 recommend that military intervention through

the R2P, through the IC should not leave the affected country ungovernable or in chaos, in any context, as this would greatly risk human security and may result in massive civilian sufferings.

Despite the fact that the R2P implementation in Libya was a legitimate action, the manner in which it was applied was marked with inconsistencies and double standards that affirm the failure of the R2P operations. In less than a month of the operation, the primary objective of the intervention in Libya changed into the overthrow of President Gaddafi's government. As noted by Lopez (2015:1), the implementation of the R2P in Libya was transformed from civilian protection to a campaign to overthrow the Gaddafi government, and this was outside the UNSC Resolution 1973. As noted by scholars such as Gifkins (2011), looking at the idea of the R2P as a principle, the UNSC Resolution 1973 (2011) in theory, and what actual happened on the ground, the R2P in Libya was another scenario as the implementation principle was dominated by ambiguities. The UNSC resolution 1973 "expressed its determination to ensure the protection civilians and civilian populated areas while at the same time affirming Libya's sovereignty, independence, territorial integrity and national unity." Through the UN Charter, Chapter VII, it "demanded the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians. To achieve this, it "authorised member countries to take all necessary measures to protect civilians and civilian populated areas while excluding a foreign occupation force of any form on any part of Libyan territory." In addition, it authorized a No Fly Zone, described as "a ban on all flights in the airspace of the Libya Jamahiriya to help protect civilians," established an arms embargo and provisions to enforce it, and imposed an additional freeze on Libyan assets. It also sought to "prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya" (UNSC resolution, 2011, Mar. 17; Larison, 2016;1). However, it is important to reckon the fact that there was no anywhere in the text of the resolution that talked about "a regime change." According to Lopez (2015: 1), if the main objective of NATO operation and its allies was to protect civilians, it would have been adequate to implement a no-fly zone over Libya, and bomb all security forces that were of direct threat to civilian lives and then try to negotiate a ceasefire with the cooperation of regional organisations like the AU, Arab League, and Arab Maghreb. The manner in which the regime change objective quickly became the agenda of the implementers is inconsistent with the R2P framework and did a great damage to the R2P as a principle of

humanitarian intervention (Genser cited in Lopez , 2015:1). This, therefore, demonstrates the extent to which the R2P principle failed in Libya.

Moreover, the failure to implement the R2P by the international community in Libya is also demonstrated by inconsistencies that marked the implementation process. The implementers, NATO and its allies like Qatar, violated both the R2P resolutions, that is UNSC Resolutions 1973 (2011) and 1970 (2011). These resolutions had placed and emphasised arms embargo on Libya during the implementation of the R2P. However, the Benghazi rebels were deliberately armed with weapons supplied by Western powers and this was contrary to the mandate of the UNSC resolutions (Eyal, 2011:1). The rebels were also trained, an act which was described by the Russian Foreign Minister as a crude violence of Resolution 1970 that imposed arms embargoes on Libya (Bellamy & Williams, 2011: 30). Consequently, this created an unstable security situation in the country due to massive flow of unregistered weapons. Arming rebels was a big mistake, as most people had no military experience and were obsessed with carrying out revenge killing of alleged Gaddafi supporters (Larison, 2016;1). As result of the international community's humanitarian intervention in Libya, the country remains highly unstable today as peace and security continue to be elusive. The situation in Libya has worsened, civilians are still vulnerable to several armed attacks. According to Keerthi (2012: 3), the security situation in Libya has been deplorable and worsening with a very passing day. Before the R2P, the country had no multiple rebel groups, but after the implementation of the R2P, more rebel groups occupy many parts of the country. For example, the country now host more than 11 rebel groups, including Islamic State, Libya Dawn, Libya Shield, Pro-GNC group, Ansar-al Sharia, Benghazi Revolutionaries Shura Council, Derna Mujahadin Shura council, Ajadabiya Revolutionaries Shura Council, Armed force and Allied Units, Zintan, al-Sawaiq and Al-Quaqua Battalions (*BBC News*, 2016, January 11).

The implementation of the R2P in Libya seems to have yielded nothing because Libyans still lived in fear for their lives (after the implementation of R2P) due to endless fighting and most them are in displaced camps while others die when trying to cross the Mediterranean Sea to find safety in Europe. The implementation of the R2P caused harm on civilian population rather than preventing it (Corner, 2017: 4). This is in contrast to the UNSG Reports of 2012 and 2014 which recommend that military intervention through the R2P, in any context, should not leave the affected country ungovernable or in chaos as this would greatly risk human security and may result in massive

civilian sufferings. Ever since the fall of the Gaddafi led government, there has been no governing authority to effectively maintain peace and security. Those who took arms against Gaddafi during NATO intervention are not willing to give them up (Keerthi, 2012). It is alleged that almost 125 000 rebels were armed and more than 8000 detainees who were regarded as Gaddafi supporters were tortured in 60 detainee centres in the country under the control of armed groups (Navi, 2012; International Crisis Group, 2011). This demonstrates the fact the implementation of the R2P failed in Libya.

Moreover, during the implementation of the R2P in Libya, it is alleged that NATO strikes led to more collateral damages on civilian populated areas. For example, 60 civilian deaths and 55 injuries were confirmed by the International Commission of Inquiry Group on Libya in areas without military facilities thereby contradicting the main objective of protecting civilians (Keerthi, 2012). The NATO military bombardment was prevalent and received criticism for their offensive approach. Russia brought this to the attention of the international community as civilian casualties were the outcome of NATO operation and China expressed its discontent in the way the UNSC Resolution 1973 was being implemented by NATO and its allies (Bellamy & Williams, 2011:31). This makes it relevant for this study to categorise the implementation of the R2P in Libya as a failure.

The failure of the R2P in Libya was further pointed out by the former UN Peacekeeping Mission (MINUAR) Commander in Rwanda 1994, Romeo Dallaire. In his interview at Carnegie Council of International affairs in 2014, he indicated that, “the R2P as a principle did not fail in Libya but we failed to implement the R2P.” In this regard, he blames the international community for failing to implement the R2P in Libya by arguing that failing to deploy troops on the ground is one such big mistake that contributed to the current mess in Libya. He questions the effectiveness of a no-fly zone and stands against the way rebels were armed with weapons (Dallaire, 2014). According to Tom (2017:1) using ground troops to create safe zones and protecting civilians on the ground could have been an effective strategy because it was unclear how the protecting of civilians was to be carried out using air power only while at the same time respecting Libyan sovereignty, territorial integrity and unity. Therefore, all these uphold the fact that the R2P implementation

failed in Libya. The process was marked with inconsistencies and double standards that are contrary to the whole idea of the R2P principle and its framework.

The failure of R2P in Libya was also acknowledged by the former US President, Barack Obama who, in an interview with *BBC News* on the 11th of April 2016, said that, though intervening in Libya was the right thing to do, failing to prepare for the aftermath of the ousting of Gaddafi was one of his administration's mistakes, because Libya is now "a mess" (*BBC News*, 2016, April 11). This shows that the R2P failed in Libya. In addition to that, while describing the situation in Libya after the R2P, Donald Trump, when campaigning for the US president on *CNN News*, observed that, "right now, Libya, nobody even knows Libya, frankly there is no Iraq and there is no Libya. It's all broken up. They have no control. Nobody knows what's going on" (*Buzzfeed News* online January, 2016). This remark, therefore, shows the extent to which the implementation of the R2P in Libya resulted in worsening the situation in the country and failed to achieve its intended goals. This again put the principle of the R2P and its capacity to protect civilian populations in future scenarios into question. Therefore, despite the fact that the implementation of the R2P in Libya by NATO and its allies managed to prevent a potential loss of lives in Benghazi, the manner in which the principle was applied on the ground resulted in a failure. There is therefore ample evidence that demonstrate the failure of the R2P in both Sudan and Libya, which is the main concern of this study that seek to understand the reasons why the R2P failed in these two cases.

For the purpose of comparison, the international community's R2P interventions in Sudan and Libya, although on a different time line, had both similarities and differences that lend themselves to comparison. Both governments of Sudan and Libya were involved in massive human rights violations perpetrated against their civilian populations and, in each context, the crises presented a danger to civilian lives as respective governments were not willing to protect their own civilians (Arieff, et al., 2010; Young, 2007). In both cases there was also use of ICC referral (ICC Press Release, 2009 & 2011). Of importance to note is also the fact that in both case studies, there is ample evidence to demonstrate that the implementation of the R2P failed.

What differentiates the two case studies is that both international community's R2P interventions were undertaken on different time lines. In Sudan (Darfur), the crisis began in 2003, and massive

human rights abuses ended eight years later after the deployment of UNAMID troops (Lanz, 2012; Davies, 2011). In Libya, the crisis started in 2011 and is still ongoing up today (but the process to apply the R2P norm by the IC ended in 2011). Also, in terms of the key members of the international community who spearheaded the process of the R2P implementation in Sudan and Libya, the AU played a leading role in the Darfur crisis (Sudan), while the mandate to implement the R2P norm in Libya was undertaken by NATO (Bellamy, 2012; AU report, 2010). In both cases, the protection of civilians was the main goal.

However, despite the fact that both Sudan and Libya have similarities and differences that lend them to comparison, there has been no comparative study to date regarding the underlying factors that led to the failure of the R2P in both countries, with a particular focus on the role of regional and sub-regional actors. As of today, for example, the study that was done by Dzimiri (2016) “The application of R2P and the international community’s response to humanitarian crisis in Zimbabwe and Darfur” focuses on the impact of politics on the operationalization of the R2P. This study concluded that the political will of the powerful countries plays an instrumental role in determining where, how and when the implementation of the R2P should take place. It provides the reason why the R2P debates are continuously subjected to a political narrative by revealing that national interests of powerful countries in the UNSC tend to override the primary moral objectives of humanitarian intervention principles like the R2P. Moreover, a different study by Simura (2014), *Military intervention and international law: A critical analysis of the international community in the political uprising of Libya and Syria*, examines military intervention in the internal affairs of other states in terms of the international law. The study established that military intervention for humanitarian purposes is controversial and subject to abuse by ambitious powers, as was the case in Libya. The explanations by these comparative studies are not adequate to the understanding of the reason why the R2P fail. They point fingers to UNSC members and their motives based on national interests. All these studies tend to overlook the fact that the successful implementation of the R2P may be hindered by the manner in which the principle is applied, especially the obstacles related to the involvement of regional and sub-regional actors and their interactions with the international community. These actors are important partners of the UN in the implementation of the R2P (UNSG Report, 2014). In this regard, these actors cannot be separated from the global policy implementation and adoption (such as the R2P principle). In the field of IR, regional and

sub-regional organisations can aid opinion building, influence global decision-making process, facilitate implementation of resolutions or agreements, enforce treaties, laws, monitoring established agreements, and promote negotiations, etc. (Marks at al., 2014: 12). Therefore a comparative study was perceived essential in this regard in order to realise the main objective of the study, which is to understand the reasons why the R2P principle failed in Sudan and Libya.

3.9 Conclusion

The purpose of this chapter was to discuss the nature and origins of the crises in Sudan and Libya, and international community's response through the principle of the R2P. The chapter provided a trajectory of the R2P experience in Sudan and Libya. It emerged in the chapter that the war in Darfur emerged more visibly in 2003 due to clashes between the SLA and JEM, and the government forces together with pro-government militia (the Janjaweed). The Darfur crisis resulted in massive human rights violations such as indiscriminate killings, abductions, forced expulsions, systematic and sexual abuses of civilians by both sides in the conflict, although the Janjaweed militia were largely blamed for causing more harm. The international community responded to the conflicts in Sudan through several ways, but mainly using the doctrine of the R2P, with diplomatic engagements and military interventions. In Sudan, the AU spearheaded most of the conflicts resolution processes in the Darfur region. However, the international community's response to end fighting and suffering of civilians in the Darfur region remained questionable as large scale human rights violations continued, and most of the people were still displaced and lived in camps.

In this chapter, it also emerged that, despite the lack of resources and capacity to monitor the whole region of Darfur, the role played by the AU through AMIS is an indication of the commitment and political willingness of the AU towards the doctrine of the R2P. In Darfur, the AU responded to the crisis by coordinating security, humanitarian aid and political and diplomatic negotiations. It engaged multilateral interventions to combat, and curtail further catastrophic humanitarian situations. The AMIS mission also shows how regional organisations can be instrumental in implementing context-specific and systematic R2P if given enough resources and support. The refusal by the Khartoum government to allow deployment of an exclusively UN force in preference for a regional force shows how actors such a regional organisations, for example, the AU, remain

critical to the implementation of the R2P. This has made the AU to be at the forefront of initiatives to end the Darfur crisis.

The chapter also highlighted that the Libyan crisis that started with the protest against Gaddafi government in February 2011. As a result, thousands of protestors became casualties due to ensuing fighting. The fighting between the protestors and the government forces attracted a major international response as Gaddafi called the protestors cockroaches, and promised to hunt them down one by one. In the chapter, it emerged that the international community's intervention in Libya, through the use of sanctions, judiciary mechanism and NATO military forces, was driven by the threat of large-scale slaughter of 'cockroaches', which the UNSC said, might constitute crimes against humanity. The chapter also shows that, unlike in Sudan, the AU had no major involvement in the Libyan conflict as NATO spearheaded the application of the R2P through its military might. It also emerged that in both cases, regional and sub-regional organisations experienced numerous challenges that hindered their operations towards the implementation of the R2P principle. However, as observed in this chapter, despite the international community's intervention in Libya to protect civilians and end the violence, the manner in which they intervened to implement the principle of the R2P was questionable as it failed to achieve the intended objective of protecting civilians from war crimes, crimes against humanity and other mass human rights abuses. Furthermore, even today (the year 2016) civilians are still vulnerable to massive human rights violations, and the country of Libya is heading towards a failed state.

In this chapter, it was noted that the international community's application of the R2P in Sudan and Libya did not manage to achieve the intended goal of protecting civilians from crimes against humanity, war crimes, genocide and ethnic cleansing. The implementation of R2P was marked with inconsistencies, double standards and instances that led to the failure of R2P. In the context of Libya, the implementation of the R2P seems to have yielded nothing because Libyans, it resulted in civilian sufferings. The situation during and after the application of the R2P in Libya was characterised by arbitrary arrests, unlawful killings, torture of civilians, and lack of authority to hold the perpetrators accountable. This again questions the international community's capacity to restore peace and protect civilians from massive human rights violent conflict through the R2P principle. This seems to be the situation in the Darfur region, where at least one third of people are

still displaced in camps and civilians are still vulnerable as the situation continues to deteriorate at (the time of writing this thesis in 2015). The AU-UN peacekeeping forces tasked to protect civilian in Darfur have also been vulnerable to attacks from armed groups involved in the Darfur crisis, hence making it difficult for the mission to effectively achieve its main objective, which is to protect civilians from massive human rights violations. Therefore, the international community's implementation of the R2P in both Sudan and Libya seems to have been characterised by inconsistencies and other challenges related to the involvement of regional and sub-regional actors and their interactions with the international community. This made it difficult to achieve the intended goals of the R2P norm, particularly that of civilian protection.

The chapter also provided an analysis of the key actors, including regional and sub-regional actors' position on the principle of the R2P by discussing the drivers of the principle who played an important role in its implementation in both Sudan and Libya. Thus, regional actors such as AU, Arab League, Arab Maghreb and IGAD. It emerged that regional organisations like AU, Arab League, IGAD and Arab Maghreb have the capacity to influence the international community's decisions to implement appropriate measures to respond to humanitarian crises, including spearheading the implementation process, as has been the case of AU in Darfur.

The next chapter is a review of literature of the study.

CHAPTER 4

LITERATURE REVIEW

4.1 Introduction

In the preceding chapter, it was observed that the nature and origins of the Sudanese (Darfur) and Libyan crises were humanitarian crises that attracted international attention, and various measures by members of the international community, including the application of the R2P. It emerged in the previous chapter that the application of the R2P in Sudan and Libya did not manage to achieve the intended goal of protecting civilians from crimes against humanity, war crimes, genocide and ethnic cleansing. The implementation of R2P was marked with inconsistencies, double standards and multiple instances that led to the failure of R2P. In the preceding chapter also, the researcher provided the analysis of the key actors, including regional and sub-regional actors' position on the R2P by discussing their involvement in its implementation in both Sudan and Libya. Regional and sub-regional actors such as AU, Arab League, Arab Maghreb and IGAD were discussed in this regard. Furthermore, the earlier chapter presented and discussed theoretical underpinnings of the study and the research strategy (which is qualitative methodology) used in answering the central research question of this study. It was discussed earlier that the process of information gathering in this study involved the use of data collection instruments such as documentary search and in-depth interviews, including the use of thematic analysis for data analysis.

This chapter is a review of literature of the study. The term literature review in the field of social science research was defined long back by Merriam (1988: 6) as a scholarly interpretation and synthesis of published work of the subject under study. Arlene (2014:1), like other scholars, avers that literature review is about surveying books, scholarly published articles and other relevant sources to a given area of research or theory in order to evaluate these works in the context of the research problem under study. It also helps to identify a gap in literature that this study sought to address. All in all, the purpose of literature review is to reveal to readers of the study how the research under investigation fits within the wider field of the study. Literature review therefore helps to situate the focus of the study within the framework of the broader academic community of the field of the study, in this case, international relations. In this case, the researcher reviews literature on the implementation of the R2P in Sudan and Libya.

4.2 Explorations of literature on the failure of the R2P in Sudan and Libya

This chapter is presented in different themes on the basis of the study's research question: Why did the implementation of the R2P fail in Sudan and Libya? In this regard, the chapter provides a discussion on other scholarly explanations of why the R2P failed Sudan and Libya. In so doing, the researcher connects the explanations to the wide literature on the success or failure of the R2P while paying a particular attention to the failures of humanitarian interventions.

As noted earlier on in this study, the principle of the R2P was formally adopted by the UN member states in 2005 during the General Assembly Summit. These UN member states unanimously agreed that the international community has the right and duty to act in the framework of the UN Charter to protect civilian populations from mass atrocities related genocide, war crimes, crimes against humanity and ethnic cleansing, especially when a national government has manifestly failed to protect these vulnerable populations (Bellamy, 2015: 3). The R2P principle places a limit to national state sovereignty; states are no longer allowed to carry out massive human rights violence and use their national state sovereignty as a shield for their wrong doing. As a result, the principle of R2P has been at the centre of the international community's response to humanitarian crises across the globe in the field of international relations. Despite the official adoption and unanimous consensus by all UN member states, the implementation of the R2P in Sudan and Libya, has been questionable and resulted in the failure to achieve the intended goal of protecting civilian populations from war crimes, crimes against humanity and genocide, including storing peace and stability. However, it must be stressed that the reason for the failure to implement the R2P in Sudan and Libya has been subjected to explanatory pluralism. Hence it is essential to discuss other explanations for the failure of the R2P implementation in various contexts, including Sudan and Libya. These explanations are thematically discussed below.

4.2.1 Power struggle in the UNSC

The power struggle in the UNSC is pointed out among the foremost reasons for the failure of humanitarian intervention including the R2P application in Sudan and Libya (Peta, 2017: 3). When it comes to international peace and security, the UNSC is bestowed with the power and an obligation to intervene or approve the implementation of the R2P or other form of intervention aimed at restoring peace and stability. In this regard, in accordance with the UN-Charter through

Chapter VII, the UNSC is the one tasked with the mandate to authorize any form of the R2P intervention (World Summit Outcome Document on the R2P, 2005). Power struggle in this context entails the extent in which states compete for control and influence the UNSC decision taken when responding to the R2P situation. According to (Bell, 2008:5), the struggle for power is globally in time and space and, indeed, a way of life in international politics. States tend to prioritise national self-interests that seek to maximize and maintain their status of superpower or great power at the world stage (Twibanire, 2016). This power struggle is mostly deep-rooted in the strategic interests of the powerful countries in the UNSC, that is, the permanent five (P5) (Twibanire, 2016). These strategic interests may include economic, geo-strategic and political interests. According to Mwanawina (2017:1), “there is a growing pandemic of internal power plays amongst the UNSC member states and it is crippling the council’s ability to effectively execute its mandate.” The P5’s commitment towards the implementation of the R2P thus tends to be influenced by national interests rather than moral reasons, thereby resulting in the failure of efforts to apply the R2P principle. For example, in the context of Sudan-Darfur, since the outbreak of the crisis, UNSC Resolutions 1674 and 1706 (2006) presented the first time the UNSC mentioned the principle of the R2P in its response to a country specific conflict. The negotiations leading to the UNSC adoption of resolution 1706 took six months. These negotiations were so tense and challenging because of the difficulties presented by the inclusion of the R2P language in the resolutions. The UNSC voting process was characterised by abstention of China, Russia and Qatar (Gifkins, 2015: 14). The delays caused by the UNSC’s failure to reach a consensus on whether to implement the R2P contributed to the failure to successfully implement the R2P in Sudan.

Furthermore, the UNSC had no collective view whether to implement the R2P principle in the Darfur crisis. The issue of consent of the host country complicated the matter. The Sudanese government challenged the UN decision and refused to give consent. The UNSC was divided on this matter as some of its members, such as China, were in support of the Sudan government and did not want the inclusion of the R2P language in the UNSC resolution on Darfur. The US and China also had a different view with regard to the inclusion of consent in Resolution 1706, which further complicated the problem (UN report on Darfur, 2006: 14; Gifkins, 2015: 15). The diplomats who were involved in the negotiations leading to the UNSC Resolution 1706 described

the process as highly contentious and the outcome as the worst UNSC resolution in the history of international peace and security largely because it called for a legally binding peacekeeping mission but could not put it into practice (Lynch, 2010: 2). This was because the issue of consent complicated the matter. This further explains how the power struggle in the UNSC can negatively affect the implementation of the R2P to timely and decisively protect civilian populations from genocide, war crimes, crimes against humanity and ethnic cleansing, thereby leading to stalling the efforts in the implementation of the R2P principle.

Similar to Sudan, the power struggle in the UNSC was noted in the process of voting for the UNSC Resolution 1973 in the context of Libya. It was characterised by divisions in terms of consensus as five countries that include Russia, China and non-permanent members of the UNSC-Brazil, Germany, and India abstained. Resolution 1973 was the first time the UNSC authorized the non-consensual use of force against a running state (Bellamy & Williams, 2011: 10). These power struggle events in the UNSC are among other explanations that help to understand the reasons for the failure of the R2P in Sudan and Libya.

The process of adopting the UNSC resolutions as well as the nature of such resolutions reflect the extent to which power struggles can contribute to the failure to successfully implement the R2P principle. In Sudan-Darfur, the use of force without the consent of the Sudanese government was problematic. Another challenging issue was also to find consensus on the inclusion of the R2P language in the UNSC Resolution 1706 (2006). This made it difficult for the international community to effectively protect civilians in Darfur as the negotiations in the UNSC took about six months while civilians were dying and vulnerable to mass atrocities. This was also happening regardless of the fact that all members of the international community had unanimously committed themselves to the principle of the R2P in the 2005 UN-General Assembly summit. It is surprising that some countries did not want the inclusion of the R2P language in the resolution. The abstention of some UN member states such as Russia, China and Qatar, for whatever reasons, also explains the extent to which having a collective view in responding to mass atrocities through the principle of the R2P can be difficult. It makes the process of protecting civilians to appear more rhetoric rather than practical. It also exposes the commitment and political will of members of the

international community, particularly the bigger powers, towards responding decisively and timely to situations of large-scale violations of human rights (like was in Darfur).

4.2.2 Inertia or unwillingness of the UNSC members to take action

As shown in the above discussion, UNSC members or the powerful countries are at the centre of the reason why the R2P failed in Sudan and Libya, including humanitarian interventions prior to the official adoption of the R2P in Sudan and Libya. However, this is not adequate when it comes to seeking to understand the reason why R2P failed in Sudan and Libya. As noted by Murphy (2005: 3), the failure of humanitarian intervention dates long back even before the official adoption of the R2P due to the UNSC behaviour towards the moral justification to protect civilians from genocide, war crimes, crimes against humanity and ethnic cleansing. According to Murphy (1996), the UNSC exercises monopoly over the implementation of humanitarian intervention. This leads to selectivity especially when deciding on how and when to intervene. This observation is in contrast with arguments for power struggles but rather shows national interests or foreign policy issues to control UNSC. Murphy's argument is evident in the case of Rwanda in 1994 where the country's political crisis escalated to a genocide. The United Nations formally acknowledged that the Rwandese crisis, in which an estimated 800 000 civilians were killed and about 4 million displaced, was 'a genocide' (Prunier, 1995: 2). The Rwandan crisis is regarded as a failed case of humanitarian intervention before the R2P adoption. The failure of the UN or international community to act during the 1994 Rwandan genocide and atrocities, despite the presence of 2500 strong UN peacekeepers at the onset of the killings, caused a widespread condemnation from scholars, humanitarian actors, policy makers and amongst members of international community themselves including Rwandan people (Barnett, 1997). There was a lack of willingness to act from international community, particularly the UNSC member countries. The powerful countries in the UNSC were not willing to send troops in Rwanda to halt genocide; they choose not to act (Barnett, 1997). This demonstrates the extent to which the inertia of the UNSC has been influential in the failure of humanitarian interventions. According to Murphy (1996), in some instances, the potential for the timely and robust response to humanitarian crises authorised by the UNSC is immensely frustrated by political divisions, thereby leading to the failure of humanitarian intervention as was in the case of Rwanda, Sudan and Libya.

4.2.3 Lack of proactivity to humanitarian crises by powerful countries

Similar to the inertia of the UNSC members as described above, the lack of proactive responses to humanitarian crises is also highlighted by Christensen (2018: 4) as a reason why the implementation of the R2P fail. To him, this happens when the international community is unwilling to commit much needed resources such as human and financial to support ground operations of the R2P in a specific country. In the context of Sudan, for example, Peta (2017) and Christensen (2018) contend that members of the international community, for example, EU, NATO member states, and other powerful countries in the UNSC were unwilling to contribute troops and financial support to humanitarian intervention in Darfur. According to De Waal (2007: 1054), more equipped international military forces would have helped to halt the massive human rights violence at the earlier stage of the crisis. He maintains that the security situation for the Darfurians was immensely poor in 2007 and additional resolute international pressure could have brought in better equipped international military forces at an earlier stage of the crisis. Therefore, the unwillingness from the powerful countries to contribute military forces to intervene in Darfur is widely regarded as one such factor that led to the failure to implement the R2P in Sudan.

However, while the above stand out as a relevant explanation, De Waal's analysis was largely focused on the role of big power countries in providing ground troops at the early stage of the conflict. He fails to articulate whether the outside troops were going to be welcomed by regional and sub-regional actors. This is an important weakness for De Waal's study. This is another scholarly trend demonstrates the extent to which the reason for the R2P failure, including Sudan and Libya, has been immensely attributed to the role of big power countries. Although these explanations are relevant in the context of why the R2P failed in Sudan and Libya, they are not adequate to the understanding of R2P failure in both cases.

Furthermore, the explanations by Christensen , Peta, Deitelhoff, and De Waal are Western and Eurocentric, and do not wholly engage the reasons why R2P failed in Sudan and Libya as they fail to include the involvement of regional and sub-regional actors and their interactions with the international community. This would have provided a complete analysis of the reason why the R2P failed in Sudan and Libya. In both cases, regional actors' involvement and their interactions

with the international community was characterised by actions and challenges that may help to explain the failure of R2P. This study sought to explain the failure of the R2P in Sudan and Libya by paying a particular attention to the regional and sub-regional actor's involvement. Understanding the reason for the failure of the R2P, specifically in Sudan and Libya in this regard would improve the depth of the available literature on reasons why the implementation of the R2P fail in various cases across the globe.

4.2.4 The conceptual complexities of the R2P

The failure of R2P in in some instances can also be as a result of the conceptual complexities of the R2P. De Waal attempts to explain the failure of the R2P in Darfur the context of complex challenges associated with the conceptualisation of the principle. He argues that the failure of the R2P in Darfur is deep-rooted in its inadequate conceptualisation, particularly in response to the Darfur crisis. As noted by Borarinsson (2013: 2), the principle of the R2P has no criteria or 'a threshold' to determine whether a particular humanitarian crisis is appropriate for the R2P implementation. This makes it difficult for the international community to determine whether human rights violations constitute a genocide. This further creates delays in decision-making process at the UNSC and allows the UNSC members, in some instances, to dismiss or block the use of the R2P language or block the intervention on the basis that the crimes committed do not justify an intervention.

Scholars such as Williams and Bellamy (2005), contend that the failure to protect civilians at the early stage of the crisis in Darfur was as result of the arguments in the UNSC on whether the crimes committed could be classified as genocide and whether they justify the implementation of R2P. The fact that the implementation of the R2P is largely dependent on the political will of the UNSC members and that the R2P itself has no threshold to determine what constitute a genocide, illustrate the conceptual complexities of the R2P and provide a framework to powerful countries to achieve their interests. The absence of clear threshold on what constitutes crimes such as genocide in the R2P framework makes the world's powerful states to reluctantly participate (in good faith) in the adoption and implementation of the R2P principle. It is for this loophole that geo-political strategic interests tend to override the moral reasoning of protecting civilians through the R2P. For example, the way the principle of R2P was applied in Libya was characterised by

double standards (on the side of NATO and its allies). This led to many scholars, political analysts, diplomats and political leaders like Mugabe and Museveni wondering whether the principle of the R2P is a real tool (that can be trusted) to intervene in the internal affairs of other for the main purpose protecting civilians from massive human rights violations (Mugabe Speech at the UN General Assembly Summit, 2011). This culminates in failed efforts in the implementation of the R2P by the international community.

Gifkins (2011: 10) aptly contends Libya provides another scenario in which the implementation of the R2P principle illustrated inadequate conceptualisation due to the discrepancy between the UNSC Resolution 1973 (2011) in theory, and what actually happened. For example, the death of Gaddafi and the overthrow of his government are such exemplary cases in which those who implemented the UNSC resolution overstepped their mandate. This might be the case since the UNSC Resolution 1973 did not include the change of government in Libya in its framework (Eyal, 2011:3). This shows that the R2P is prone to abuse by the implementing actors, especially those with hidden agendas. This is because if and when the international community intervention takes place, the fullness of the intervention differs and becomes less satisfactory to stipulations set by the R2P framework.

At the beginning (during the approval process at the UNSC), the intervention (in principle) may look like a fully-fledged R2P exercise but in the end (during the implementation on the ground), it appears like just another kind of interventionism of a full-blown war, different from the actual R2P norm in terms of its framework (Lanz, 2012; Bellamy, 2011, 2016). This contributes to failed efforts of the R2P implementation. Therefore, the manner in which the R2P is applied reflects the intentions of implementers, which may not be to protect civilians but to maintain and preserve national interests of the powerful countries like the US, France, UK and other countries such as Russia and China (Eyal, 2011: 11). Though both UNSC Resolutions 1973 (2011) and 1970 (2011) had placed and emphasised arms embargo on Libya during the implementation of the R2P, the Benghazi rebels were deliberately armed with weapons supplied by Western powers which was contrary to the mandate of the UNSC resolutions (Eyal, 2011). These are inconsistencies and double standards highlighted by other scholars as having contributed to the failed efforts in the implementation of the R2P in Libya.

4.2.5 Operationalization inconsistencies on the side of implementers (NATO and its allies)

Moreover, the failure of R2P in Libya is also attributed to the behaviour of implementing agents. Eyal (2011: 4) submits that the implementation of the R2P in Libya was marked with undesirable acts (arming rebels, and facilitating regime change, etc.) led by implementers. These acts are highlighted as discrepancies that led to failed efforts of the R2P in Libya (Gifkins, 2011), that the implementation of the R2P in Libya was thus characterised by ambiguities due to the discrepancy of its framework and the UNSC Resolution 1973 (2011) in theory, and what actual happened (Dembinski & Reinold, 2018: 12). The implementing agents overstepped their mandate by killing Gaddafi and overthrowing his government. The UNSC Resolution 1973 did not include the change of government in Libya in its framework.

Moreover, during the implementation of the R2P in Libya, it is pointed out that NATO strikes led to more collateral damages in civilian populated areas believed to be pro-Gaddafi government supporters. For example, 60 civilian deaths and 55 injuries were confirmed by the International Commission of Inquiry Group on Libya in areas without military facilities thereby contradicting the main objective of protecting civilians (Keerthi, 2012: 2). These are some of the inconsistencies highlighted as reasons why the R2P failed in Libya (O'shea, 2012: 6; Dallaire, 2014; Eyal, 2011).

However, despite the fact that these may be justified reasons why the R2P failed in Libya, these explanations tend to pay much attention to the involvement of NATO and its allies on the ground, rather than assessing the whole process of the R2P implementation. A holistic assessment would include efforts and inconsistencies of various actors involved in the operationalization of the R2P in Libya. As argued in this study, Libya intervention was characterised by a little involvement of regional and sub-regional actors. Thus, assessing the role of NATO in Libya is not adequate to providing explanations on the reason why the R2P failed in Libya. There is therefore a need to go beyond NATO by analysing the involvement of regional and sub-regional actors and their interactions with the international community during the implementation of the R2P principle. In this regard for example, NATO had its own interest which could run contrary to the UNSC. Previous scholars thus failed to point out that the AU and other actors such sub-regional organisations' involvement could have done the R2P operations differently as opposed to NATO. This approach would give an in-depth understanding of the R2P and how it failed in Libya.

Further to that, scholars and researchers focus on the behaviour of big powers when explaining the failure of the R2P in Libya or Sudan though this is inadequate because there are numerous reasons that explain the R2P failure in these two cases, including the involvement of regional organisations and their interactions with the international community. These actors can encourage states to fulfil their obligations in the framework of the R2P; they can spearhead the implementation of the R2P; they can take coercive measures against the country's authority that incite massive human rights violence. For example, the Arab League suspended the Libya of its membership in 2011 after its fail to fulfil its R2P obligations (UNSG report, 2011). The 2011 UNSG report considers regional and sub-regional arrangements as vital partners of UN towards the R2P implementation. This study therefore sought to explore the reason why the R2P failed in Sudan and Libya paying a particular attention to regional and sub-regional actors.

The involvement of regional actors towards the success or failure of humanitarian intervention dates back to 1990s. It is argued that the role of Turkey in the 1991 operation safe haven to protect the Kurds refugees from Iraq forces led to the successful humanitarian intervention by Western countries in Northern Iraq (Borarinsson, 2013: 26). In this case, Turkey as a local actor in the Middle East region played an essential role in mobilising international political support to protect the Kurds in Northern Iraq. This demonstrates that the importance of regional and sub-regional actors in the implementation of humanitarian intervention dates back to the period before even the official adoption of the R2P in 2005 (Borarinsson, 2013). It would be an incomplete approach to attempt to explain the failure of the R2P in Sudan and Libya without paying a particular attention to regional and sub-regional actors. Therefore, this study add literature to the existing explanations of the failure R2P implementation in Sudan and Libya with a particular focus to the involvement of regional and sub-regional actors.

4.2.6 The failure to identify the source of a problem

The failure of the R2P, particularly in Sudan and Libya, is also ascribed to the failure by the intervening actors to recognise the source of the humanitarian crisis and engaging proper actors to halt the ongoing mass human rights violence. This is among the existing explanations of other scholars on the reasons why humanitarian interventions, including implementation of the R2P, fail in specific cases. According to Seybolt (2007:12), the successful implementation of humanitarian

intervention aimed to halt massive human rights violence against civilian populations is largely dependent on the ability of implementing actors' recognition of the source of the problem and engaging appropriate form of actors to end the problem. This phase is regarded as an important stage of halting mass human rights violence through humanitarian intervention like the R2P. The failure to identify the source of a humanitarian crisis results in failed efforts because the intervening actors may end up addressing the symptoms rather than the actual cause of the problem. As noted by Lanz (2011:5) the reason why the R2P failed in Sudan is because the intervening actors failed to solve actual causes of the problem as more focus was directed to protection rather than prevention. Despite the deployment of a robust international peacekeeping mission in Darfur, the outcome on the ground demonstrates the fact that humanitarian intervention failed to achieve intended goals (De Waal, 2007: 1054).

Although the above explanation of the failure of the R2P in Sudan and Libya are relevant, their proponents tend to ignore the involvement of regional and sub-regional actors. This is an inadequate approach to the comprehensive understanding of the reason why R2P failed in Sudan and Libya. Regional and sub-regional actors who are important stakeholders to these conflicts should not be underestimated as their involvement and interactions with the international community in the implementation of the R2P is tremendous, as articulated in the UNSG report (2011). These actors (regional and sub-regional organisations) are critical to the implementation of the R2P in so many ways including contributing troops for peacekeeping. Regional and sub-regional actors have the capacity to encourage states to adhere to their R2P responsibilities; and are able to play awareness campaigns against massive human rights violence and incitements. Furthermore, they are able to internalize the R2P framework into their security mechanism and spearhead the implementation of the R2P in specific cases through different measures including enforcements of sanctions (Kuwali, 2012; UNSG report, 2011). Regional and sub-regional actors are therefore critical players when it comes to the implementation of the R2P, hence their involvement and interactions with the international community during the R2P implementation have the potential to play a part to the success or failure of the R2P in any given context. There is a need therefore for the understanding of the reason why the implementation of the R2P failed in Sudan and Libya with a particular attention to regional, and sub-regional actors.

4.2.7 Failure of states to fulfil their promises

As noted previously, the failure to implement the R2P is also ascribed to the role of states towards the conceptual operationalization of the R2P. However, according to scholars such as Bellamy (2016:1), the R2P as a concept has not failed, rather states have failed to fulfil it. This is a critical challenge because the R2P principle was officially adopted by states at the 2005 UN General Assembly Summit (UN Outcome Document 2005; UNSG Report, 2009). Bellamy tends to base his analysis on the fact that, “if states behaviour led to the adoption of the R2P principle, but the behaviour of states has not genuinely changed, surely this constitutes evidence of the R2P failure” (Bellamy, 2016: 1). States are selfish in nature and always act in their best interests (Wendt, 1992; Barnett, 2012)—especially the UNSC members. This creates a struggle for power in the international system creating a huge obstacle for effective collective implementation of the R2P principle on the basis of moral reasoning. It is the selfish acts of states that result in the failure of the R2P in any specific context. Thus, Bellamy’s main focus was on the UNSC and how it contributes to the failure to implement the R2P by noting that the UNSC is the same as it was at the time of the adoption of the R2P in 2005. This is another trend that shows how the existing literature on the implementation of the R2P and its failure remain inclined to the role of UNSC members.

Although the above explanations (put forward by Barnett, 2012 & Bellamy 2016) provides an insight to the understanding the R2P failure, they are inadequate to fully explain the failure of the R2P. In addition, it would be incorrect to attempt to ascribe the failure of the R2P in Sudan and Libya to states failing to fulfil their promises only. There are numerous reasons that contributed to the failure of the R2P in Sudan and Libya and among them include a little involvement of regional and sub-regional actors in the context of Libya and multiple challenges faced by these actors in the case of Sudan as they interact with the international community during the process of implementing the R2P principle. It would be prudent to analyse the failure of R2P in Sudan and Libya with reference to regional and sub-regional actor’s involvement and their interactions with the international community as it can address existing incomplete explanations of on why the R2P failed in both cases. Regional organisations are regarded in the 2011 UNSG report as key partners of UN in the implementation of the R2P. Most current explanations do not consider the role of

regional and sub-regional actors towards explaining the failure of the R2P and are thus not enough to the understanding of the failure to implement the R2P in Sudan and Libya. In this study, a detailed attention is given to the involvement of regional and sub-regional actors and how their involvement may have played a part to the failure of the R2P in Libya and Sudan. This is essential because the existing literature does not give detailed information on how the R2P failed in Sudan and Libya with a particular attention to regional and sub-regional actors.

4.2.8 Short-term form of the R2P intervention

Furthermore, the R2P fails in a situation where the international community led intervention is only short-term resulting in inconsistencies and double standards that affect the success of its implementation (Peta, 2017; Deitelhoff, 2019). This view is also noted by the former Canadian military General who was the head of peacekeeping mission in Rwanda 1994, Romeo Dallaire. In his interview at Carnegie Council of International Affairs in 2014, he pointed out Libya as a scenario in which the R2P failed. To him, “Western democracies are gradually learning and accepting that intervention has to be comprehensive in scope and generational in duration”, the practical implications of which that “we need to be engaged and to stay engaged” (Dallaire interview at Carnegie Council of International Affairs, 2014). He emphasises on the need to consider long-term consequences of the R2P intervention through military means. In this regard, the failure of the R2P in Libya was because of procedural inadequacies and poor approach in the way the R2P was applied.

Although this short-term form of the R2P intervention may be a relevant explanation for the reason why the R2P failed in Libya, these arguments are more focused on what NATO would have done; the blame is placed on NATO for not staying in Libya for a long period of time. This is weak explanation because it does not engage deeper on the reason why the R2P failed in Libya. For example, these arguments put forward by Romeo Dallaire and Peta fail to explain why the intervention was short, they also fail to broadly explain the manner in which the R2P was implemented in Libya in terms of other actors such as regional organisations and sub-regional organisations and how the interactions between the international community and these actors may have affected the whole process of implementing the R2P in both cases. However, this study sought to explain the failure of the R2P in Sudan and Libya with a particular focus on regional

organisations and sub-regional actors. This is approach to the understanding of the failure of the R2P implementation in Sudan and Libya complements the existing studies on explanations of why the R2P failed in both contexts.

4.2.9 Hidden national interests of intervening actors

The view that there are hidden national interests of intervening actors was highlighted by Peta (2017: 3) who contends that the R2P fail when these actors intervene to achieve their national interests while hiding under the umbrella of the R2P. According to Peta (2017:5), once states intervene and manage to achieve their strategic interests, they have no obligations to stay and help rebuild and can therefore leave the country in a worse shape than it was before the intervention. This is among the reasons why the implementation of the R2P failed in Sudan and Libya. In this view, the powerful countries in the UNSC tend to use their veto power to protect and promote their national interests that may encompasses economic and strategic interests (Moris, 2000; Twibanire, 2016). For example, in the interest of oil and the need to maintain the arms markets, the Chinese and Russians could not support the UNSC Resolution 1706 (2006) which was meant to transform and expand the UNMIS in Darfur. It is alleged that during that time the Chinese share of oil was at 40% of the Sudanese main oil production. Russia was also believed to be the major supplier of arms and other military equipment to the government of Sudan (Gifkins, 2015). As noted by Bah (2010:10), both China and Russia had strong interests in Sudan (oil and arms market respectively) and hence it was difficult to see how these powerful countries could exert pressure on the Khartoum government without compromising their relations. The big powers (UNSC permanent members) were the major obstacle to the effective protection of civilian populations in Darfur through the R2P principle. Therefore, the Chinese and Russians behaviour towards Resolution 1706 (2006) ironically confirmed their oil and arms market interests in Sudan and further explain how difficult it was for the international community to find the best way of protecting civilians from mass atrocities in a quicker and decisive way through the principle of the R2P.

In the context of Libya, despite the fact that members of the UNSC had a collective view on the threats posed by the Gaddafi led government on civilians, the voting process for the UNSC Resolution 1973 (2011) was marked by a lack of consensus (Gifkins, 2015). The countries which were pushing for a military intervention in the UNSC were also pursuing their national interests

and other hidden motives (such as regime change). For example, the available statistics show that the nation of Libya has, in the aftermaths of the NATO operations, exported an estimated 85% to Europe, particularly to France, Italy and the United Kingdom. Before the intervention, the Libyan oil accounted more than 28% of Italy's imported oil, 8% of UK's imported oil and 17% of France's imported oil (Kazianis, 2011). This assertion reflects the analysis made by scholars such as Evans (2012) and Thakur (2013) that the outcome of regime change coupled with the deaths of Gadaffi as well as the support offered by intervening actors to rebels to fight the regime explain the reasons why the UNSC Resolution 1973 (2011) was not supported by Russia, China, Brazil, India and Germany. Resolution 1973 was furthermore ambiguous in nature as it provided no provision on how a no-fly zone was to be enforced and its limitations. This shows how national interests of states continue to hinder effective protection of civilians as envisaged by the principle of the R2P, thereby making it difficult for the international community to achieve its intended goal of protecting civilian populations from massive human rights violations in a consistent manner.

However, as stressed earlier on, most of the available explanations on the success or failure of the R2P tend to pay much attention on the role of the big powers and their economic motives. The pursuit of these motives and interests is regarded by scholars, researchers and activists as an impending factor that contributes to the failure to implement the R2P in Sudan and Libya. These explanations though relevant are however not adequate when it comes to the understanding of the reason why the R2P failed in Sudan and Libya. The failure to implement the R2P principle in both cases is because of various challenges related to regional and sub-regional actors' involvement resulting in a failure of a relationship between these actors and the international community. Therefore the failure to implement the R2P norm is related to the involvement of regional and sub-regional actors and their interactions with the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. This argument complements the existing other explanations on the failure of R2P in Libya and Sudan, which brings out another dimension to the understanding of the failure by the international community to implement the principle of the R2P in both cases.

Regional and sub-regional actors, which are important stakeholders in these conflicts, are regarded as essential partners of UN towards the implementation of the R2P (UNSG report, 2011; UNSG

report, 2014). They assist states in fulfilling their R2P responsibilities, they help the UN in planning and taking decision over the course of action to be taken when responding to the R2P situation; they contribute to troops for peacekeeping; they carryout awareness campaigns against mass human rights violence. Thus, they have the potential in one way or another to play a part to the success or failure of the R2P in different ways as they are direct partners of the UN or international community when it comes to the implementation of the R2P principle. This makes other arguments that seek to explain the failure of R2P in Sudan and Libya to be limited, not only power struggle in the UNSC, hidden national interests of states and big power politics could adequately explain the failure of the R2P in the context of Sudan and Libya. Such understanding would not be complete. Regional organisations and sub-regional actors can be involved in a way which directly or indirectly influences the outcome of R2P, and such involvement may be either a hindrance or facilitating means to help improve the whole idea of R2P implementation.

While national interests of big powers, especially economic interests and geo-strategic interests cannot be ruled out when explaining the failure to implement the R2P in Sudan and Libya, proponents of such a limited perspective fail to articulate the fact that national interests do not only exist at the top level only; regional actors and sub-regional actors too may also possess national interests to preserve within a respective country. These interests may be economic, security or political. For example, it is alleged that the reason why the Rwandan government provided a large number of troops for peacekeeping in Darfur and Central Africa (CAR) is largely to be able to sustain the payroll of their troops because of its number of troops which is believed to be more than 40 000 active troops for such small country. The UN payment for troops is directly deposited in a government account and then the government allocate the money to soldiers below the UN standard of payment. Such interests are outside the moral commitment to implement the R2P or protect civilians. Rwanda's involvement as a peacekeeping country in CAR was also driven by its security concerns of wanting to hunt down Rwandan Hutu refugees accused of genocide crimes living in the CAR and also doing business in the region with rebel movements with the aim of returning home. One may question whether such military forces can therefore be willing to put their lives at risk when protecting civilians without being driven by moral values.

Another good example of the influence of regional actors is illustrated in case in which the Sudanese President Omar-Al Bashir was the main target of the ICC which issued a warrant of

arrest to prosecute him over the crimes committed in Darfur. The matter was conferred by the UNSC through Resolution 1593 (2005). This ICC arrest warrant resulted in the standing issues between the government of Sudan, African states, AU and the ICC. The government of Sudan gained support from the AU, Arab League, and other regional organisations. For example, countries part and not part to the ICC have been unwilling to arrest President Omar-Al Bashir. In a similar scenario, in 2016, the AU called for the end of NATO campaigns and further called for peaceful and political resolution to end the Libyan crisis. The AU also refused to cooperate with the ICC on the arrest warrant against Gaddafi (Arieff et al., 2010). These instances had a negative impact on the work of the ICC on executing the R2P measures in more than ten countries, including ICC state party such as South Africa, Djibouti, Kenya and China (a member of the UNSC), (Arieff et al., 2010). This is a clear demonstration of how regional organisations and sub-regional can sometimes act in way that even frustrate or promote the R2P related measures. This proves that, the failure to implement the R2P principle is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. As shown in this chapter, in explaining the failure of the R2P norm in Sudan and Libya, most of the existing explanations in the extant literature tend to be a top down approach in explaining the failure of the R2P which they attribute to politics of big powers in the UNSC. Though this is relevant, the approach is not holistic and lack in-depth knowledge . The principle of the R2P requires the cooperation of regional organisations and sub-regional actors in the implementation of the R2P. To proffer a holistic explanatory approach for the failure to implement the R2P, scholars must encompass analysing the involvement of those actors, including their interactions with the international community. Dismissing them as indirect, insignificant, or inconsequential would be a deliberate scholarly omission.

There is evidence of a gap in in academic literature that the role of regional and sub-regional actors towards explaining the failure to implement the R2P in specific cases such as Sudan and Libya has been neglected. In the context of Sudan and Libya, little or no attention has been given to such involvement. Most scholarly literature on the reasons for the failure of the R2P tends to focus more on the UNSC members, EU, and NATO member states. Although this study recognises other available explanations on the reason why the R2P fail in various contexts, it explores primary reasons that led to the failure to implement the R2P in Sudan and Libya with a particular attention

to regional and sub-regional actors. This approach ought to add to the available literature that explains the failure of the R2P in Sudan and Libya.

4.2.10 Peacekeepers' failure to implement assignments

Peacekeepers' failure to implement their assignment is spotlighted by scholars and policy makers among reasons why the R2P failed in Darfur. This is not a problem that started with the Darfur crisis; it dates back to the time of humanitarian interventions in the 1990s. Of importance to reckon is the fact that one of the reasons why the 1994 Rwandan genocide committed against the Tutsi is attributed to the inability by UN peacekeepers (UN Assistance Mission for Rwanda (UNAMIR) to implement their operation (Scheffer, 1999:1). Although there are numerous reasons that explain the failure of humanitarian intervention in Rwanda, it cannot be ruled out that the failure of UN-Peacekeeping mission in Rwanda led to the deaths of thousands innocent civilian in Rwanda. After the deaths of Rwandan and Burundi head of states in a plane shooting through unclear circumstances, peacekeepers failed to contain the crisis, they were overpowered and ended up dying in the crisis (10 Belgium soldiers were killed). According to Ambassador Scheffer, the UNAMIR in Rwanda was made up of a small embarrassing number of troops to halt a genocide and the mission could not execute its assignment. The UNSC and Belgium further decided to withdraw the mission during the crisis (Barnett, 1997; Scheffer, 1999). This disengagement and the remaining small number of troops could have immensely contributed to genocide in Rwanda because the UNAMIR commander (Romeo Dallaire) for several times recalled that their means was insufficient to deter the genocide and the killing happened in their face (Dallaire, 2004).

In the context of Bosnia, it is argued that the UN Peacekeepers failed to effectively protect civilian's safe areas because they lacked the number of soldiers necessary to protect those safe havens. The UN Secretariat noted that 34 000 soldiers were needed to secure the safe areas but only 3500 troops were deployed by UNSC (Peta, 2017). This is an indication that the failure by peacekeepers to carry out their assignment during humanitarian intervention as result of inefficient and poor equipped troops contributed to the failure to achieve the intended goal of protecting civilians.

In the context of Darfur, most explanations by scholars and policy makers point to the lack of financial and adequate number of international troops at the early stage of deployment. This led to

the lack of logistic capacity to carry out the mission's protection mandate (Ahmed, 2014: 1). There were also unprecedented delays in the deployment of peacekeepers, a factor regarded as one such reason why the R2P failed in Darfur. It took almost six years after the outbreak of Darfur crisis to pass Resolution 1769 (2009) by the UNSC in July 2009. The resolution authorized the placement of a joint AU-UN Mission in Darfur (UNAMID), and of predominantly African character (UN Peacekeeping report on Darfur 2009; Glanville, 2012).

The lack of human resource and funding led to poor logistic and communication capacity to implement the UNAMID assignment necessary for effective implementation of the R2P in Darfur (Abdulbari, 2015: 1). These are among other explanations cited by scholars and policy makers as having contributed to the failure of the R2P in Darfur. However, despite the lack of financial capacity, lack of adequate military equipment, lack of sufficient troops, and delays in deployment all contributing to the failure of UNAMID to implement its assignment, these explanations are inadequate as they lack a holistic analysis. They fail to consider other reasons related to local factors, for instance, they do not deeply engage with other reasons that may have led to the failure of UN peacekeeping mission. The behaviour of peacekeepers on the ground and the presence and behaviour of armed rebels, for example, may have led to the failure of peacekeepers in Darfur. The behaviour of Sudan government is also not cited by scholars as having contributed in one way or another to the failure of peacekeepers in Darfur. They also do not consider the AU involvement and states that provided troops to the mission and how their involvement could have played a part to the failure of peacekeepers in Darfur. Therefore, the analysis of this study seek to engage deeper with other reasons that could have led to the failure of UN peacekeepers in Darfur particularly paying attention to regional and sub-regional actors. This would improve the available literature on why the UNAMID failed to implement their mission and subsequently explain the reason why the R2P failed in Darfur. Moreover, as of today, there is no study that seeks to explain the failure of the R2P in Sudan and Libya with a particular focus on regional and sub-regional actors. It would be vital to discuss the available literature on regional and sub-regional towards the failure of the R2P in Sudan and Libya.

4.2.11 Regional actors and the failure of the R2P principle.

Scholars who attempt to entirely impute the failure of humanitarian intervention, including the R2P, to the UNSC tend to overlook regional and sub-regional actors and their interactions with the international community. Although the UNSC is the central organ to implement the R2P, the 2005 UN Outcome Document, paragraph 139, emphasises on the partnership and cooperation between UN and regional, and sub-regional actors. This view was further stressed in the 2011 UNSG report that regional organisations are key partners of the UN when it comes to the R2P and its implementation (UNSG report, 2011). This means that regional organisations are important to the implementation of the R2P, and their involvement in one way or another play a part to explaining the failure or success of the R2P. Thus, the success or failure of the R2P should not only be attributed to powerful countries, particularly UNSC members. There is need for scholarly literature that focuses on the involvement of regional and sub-regional actors and their interactions with the international community.

The implementation of the R2P is a shared practice between the intervening actors and regional actors living in the region where the respective authority has manifestly failed to protect civilians (Bellamy, 2006). Regional organisations and sub-regional organisations therefore important actors to the implementation of the R2P. They play a significant role by facilitating accurate and timely flow of detailed information to avoid the possibility of misinterpretation of the crisis taking place. They can prevent the escalation of the crisis by monitoring the situation on the ground and taking measures towards those inciting violence (UNSG report, 2011). This study sought to explore the reason why the R2P failed in Sudan and Libya paying a particular attention to regional and sub-regional actors' involvement. This could complement the available literature on the reason why R2P failed in those two cases, and lead to in-depth understanding of the reason why the R2P implementation failed in Sudan and Libya.

One of the reasons for considering these actors is mainly because regional and sub-regional organisations are able to spearhead the process of implementing preventive measures of the R2P by inviting conflicting parties to the negotiating tables. They may also influence the decisions of the international community towards the application of the R2P. Regional and Sub-regional actors have also the capacity to campaign and encourage parties to the conflict to come to the negotiating

table or to respect their peace agreements. In addition, these actors can facilitate peace efforts, spearhead the implementation of the R2P and campaign against acts of R2P crimes (genocide, war crimes, crimes against humanity and ethnic cleansing) and their incitement (UNSG Report, 2011, 2014). Therefore, behaviour and interactions of these actors towards the application of the R2P norm in Sudan and Libya may arguably have played a part to the failure by the international community to implement the R2P in both cases. However, the prospect of these actors in explaining the failure to implement the R2P is not given much scholarly attention. In cases where such role is explored, it is only the role of the major regional organisations such as the African Union that are considered. Most of these analysis are based on what these regional organisations did on the ground rather than the extent to which their involvement may have played a part to the failure of the R2P principle. For example, the study by Kabau (2012) focuses on the R2P implementation and the role of regional organisations such as the AU. The study argues that despite the AU's successful role in resolving conflicts situations, the organisation failed in Darfur and Libya due to contradicting perspectives in its R2P related frameworks (such as the Article 4 of the Constitutive Act), which emphasise on non-interference in the internal affairs of member states, and yet has the provisions that also emphasise on the AU's intervention into the internal affairs of member states to halt massive human rights violations (crimes against humanity, war crimes, ethnic cleansing and genocide). The study by Kabau stands as an important scholarly work that attempted to explore the role of regional actors like AU and concluded by pointing out the manner in which the AU contributed to the failed efforts to implement the R2P principle by the international community. However, this explanation is inadequate as it lacks a holistic focus in its approach to the AU involvement in Sudan and Libya because it only paid attention to the legal framework of the AU including the Constitutive Act rather than the operationalization of the R2P on the actual ground in the implementation process.

The study by Kabau does not consider the inability by the AU to fund peace efforts in Darfur and how dependency on EU and the US for financial support tends to compromise its ability to effectively spearhead peace efforts. Kabau also fail to consider the fact that the AU has no standing army that could be deployed in a timely manner when responding to a humanitarian crisis such Libya and Darfur. The study by Kabau is inadequate in explaining the failure of the AU in Darfur and Libya in the sense that it does not consider other local factor such as the presence of other

actors like rebels, terrorist organisations and how they may have hindered the successful involvement of the AU in both Sudan and Libya. The study by Kabau also does not consider other actors such as the IGAD and Arab Maghreb in Sudan and Libya. This would give a deep and detailed explanation on how regional and sub-regional actors played a part to the failure of the R2P in Sudan and Libya. In contrast to the study by Kabau, this study sought to explain the reason why the R2 failed in Sudan and Libya by paying attention to regional and sub-regional actors.. This approach ought to enhance the current understanding of the implementation of the R2P in Sudan and Libya and complement the available literature on the failure of the R2P in Sudan and Libya.

In addition to that, a study by Swart (2016) reveals that, despite the existing humanitarian reasons for NATO intervention in Libya, the events on the ground have demonstrated that African normative agents' attempt to press for African solutions for African problems were deliberately undermined. Swart (2016) argues that such practice by the Western countries, including NATO, may be perceived as a precedent carried out to establish a foundation for Western hegemony during the post-Gaddafi era in Libya. On the same note, Swart submits that the case of Libya is another scenario which casts doubt over the AU's ability to uphold its normative values, particularly the right to protect civilian populations from massive human rights violations. The study by Swart tends to focus on the AU's involvement in Libya only, he does not explain the reason why the AU's potential was undermined in Libya. He also ignores the fact that the AU had no standing army to directly implement the R2P, he also does not talk about internal divisions within the AU member states which may in one way or another hinder the AU's potential involvement in Libya. Swart's study only pays much attention to the role of the AU which is different from this study that seek to understand the reason for the failure of the R2P in Sudan and Libya with a particular focus on regional and sub-regional actors. It is important to explore the involvement of regional organisations and their interactions with the international community in Sudan and Libya in order to have an informed position on the reason why the R2P failed in both cases. This is a vital contribution to the available literature that seeks to explain the success or failure of the R2P in different contexts including Sudan and Libya.

Similarly, another study conducted by Mahasen (2013) posits that the Arab League should play a key role in implementing the R2P because as a regional organisation, it understands better the causes and nature of problems affecting the region. However, this study is not adequate to explaining the manner in which Arab League was involved. It only recommends that the Arab League should play a key role in the R2P implementation but does not specifically talk about the nature of such role. It does not also talk about the involvement of other actors like the AU and the Arab Maghreb and how their involvement may have led to the failure of the R2P in Libya. The study further established that, despite the political support for establishing a no-fly zone in Libya, the NATO intervention could be assumed to be another form of military intervention intended to achieve the national interests of the organisation rather than to protect civilian populations from mass atrocities. By arguing that NATO intervention reflects another form of military intervention is not adequate, the scholar does not engage his argument on the basis of scholarly evidence. This study also lacks a holistic approach to studying the implementation of the R2P in Libya by only looking at the Arab League. This cannot fully explain the implementation of the R2P and its subsequent failed outcomes in various contexts including Sudan and Libya.

In addition to that, these actors such as regional and sub-regional organisations are essential in conflicts resolution and transformation. It is therefore vital to understand the manner in which their involvement may, in one way or another, result in successful or unsuccessful humanitarian intervention such as the R2P. Despite not being an R2P intervention, the successful ECOWAS intervention in Liberia resembles sub-regional actor's involvement in resolving humanitarian crises. For example, Liberia (1990-1997) became the first African country to experience intervention by a local organisation under the auspices of ECOWAS. The troops from ECOWAS arrived to halt a bloody civil war from escalating into uncontrollable scenario and were endorsed by the UNSC after the operation had been completed (Browns, 2008; Seybolt, 2007). This is an indication that regional and sub-regional organisations have been vital actors with the potential to contribute to the success or failure of humanitarian interventions even before the official adoption of the R2P. It is therefore crucial to understand the reason why the R2P failed in Sudan and Libya with a particular focus on regional and sub-regional actors. This study adds literature to the existing explanations of the failure of the R2P in Sudan and Libya. This will widen and deepen the

knowledge base of the current literature of the R2P implementation. This study is an improvement to the existing literature that sought to explain the reason why the R2P failed in Sudan and Libya.

4.3 Conclusion

This chapter discussed the various explanations on the reason for the failure of the R2P including Sudan and Libya. The chapter provided a discussion on other scholarly explanations of why the R2P failed Sudan and Libya. In so doing, the researcher connected these explanations to the wide literature on the success or failure of the R2P while paying a particular attention to the failures of humanitarian interventions.

As noted in the analysis of this chapter, most explanations on the failure of the R2P in Sudan and Libya are based on the politics of Great Powers in the UNSC and their national interest motives. This is a widely held view from most scholars and researchers of the R2P. However, this study sought to explain the failure of R2P with a particular focus on regional organisations and sub-regional actors. This study argues that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. This study sought to improve the available literature on the reasons why the R2P failed in Sudan and Libya. This study also complements the available scholarly explanations on the reason for the R2P failure in both cases, particularly by paying much attention to regional and sub-regional actors. The next chapter presents and analyses the primary and secondary data gathered for this research—the chapter also presents the argument for why the R2P failed in Sudan and Libya.

CHAPTER 5
FACTORS THAT LED TO THE FAILURE OF THE R2P IN
SUDAN AND LIBYA

5.1 Introduction

The preceding chapter provided a discussion on other scholarly explanations of why the R2P failed Sudan and Libya. This was done by a way of linking these explanations to literature on the success or failure of the R2P while paying a particular attention to the failures of humanitarian interventions. It emerged in the previous chapter that most explanations on the failure of the R2P are based on the politics of big power countries—this is a broadly held view from most scholars and researchers of the R2P.

The purpose of this chapter is to present and analyse primary and secondary data gathered for this research. In this regard, the chapter presents responses from 25 interviews conducted with independent experts and academics regarded in this study as global actors at the global level; participants with specific knowledge in global politics and international peace and security studies. Primarily, these actors comprised independent experts, think tanks, civil society members (at a global level), academics, policy, diplomats, former diplomats, international civil servants, military officers, former military officers and political analysts.

The aforementioned participants were interviewed because they were the ones in a position to answer the central research question of this thesis: *Why did the R2P fail in Sudan and Libya?* Essentially, as noted earlier on, the answer to this question can only be found in the actions of regional and global actors. This is fundamentally so because, by nature, the implementation of the R2P principle is driven by outside actors (the international community), rather than the internal actors. Hence, responses from interviewed participants were critical to the findings contained in this chapter. However, what those participants could not provide were issues related to the nature of the crises, e.g. recorded information such as statistical proofs, testimonies, and other issues related to the internal historical contexts of both crises. This chapter is also based on the data collected from various documents, including oral interviews, public records, journals, text books,

magazines, newspapers, online documents, media reports protocols, government publications, reports among other archival resources.

The analysis being pursued in this thesis is based on the assumption that the failure to implement the R2P principle is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. In this regard, , these regional and sub-regional actors include, for example, the AU, IGAD, Arab League and Arab Maghreb.

The rationale to analyse the involvement of these actors is basically because they are essential players to the implementation of the R2P and their involvement as they interact with the international community may in either way play a part to the success or failure by the international community to implement the R2P principle. When it comes to the implementation of R2P, paragraph 138 and 139 of the 2005 UN-World Summit Outcome Document talks about vital commitments by all members of the international community, including the cooperation with relevant actors such as regional organisations and sub-regional arrangements. This is an indication that regional and sub-regional actors are essential stakeholders to the implementation of the R2P norm in any specific context. In other words, the emphases on the cooperation of regional and sub-regional actors towards the implementation of R2P is also a vital suggestion that the implementation of the R2P in any context requires the interactions of regional organisations and the international community or the UN. Thus the involvement of these actors in the implementation of the R2P principle may affect the whole process of the international community's execution of the principle on the actual ground in different ways.

The analysis of these actors is also because in international relations (IR), regional and sub-regional actors are considered vital in fostering global governance. The notion of global governance in IR views political global processes, events and decisions as a multi-level system where interactions of international actors (e.g., UN) and other actors for, example, regional and sub-regional actors is perceptible and active.⁶² This is particularly applicable on *intermestic* issues like the R2P. The term *intermestic* is shortening commonly used in IR to refer to international and

domestic affairs. It is a way of understanding global policy response in dealing with domestic or international issues that require a global attention. In this regard, these actors cannot be separated from global policy implementation and adoption. In IR, regional and sub-regional actors can aid opinion building, influence global decision-making process, facilitate norm implementation, enforce treaties, laws, monitoring established agreements, and promote negotiations etc. They are also considered to be fundamental agents in helping to achieve global commitments, as they provide means for cooperation and multiple channels of communication (Marks et al., 2014). Therefore, it is imperative to recognise the interplay role between international and regional actors towards the implementation of R2P.

These actors (regional and sub-regional ones) can make a difference to the outcome and application of the R2P principle by the international community. These actors are closer to the events taking place on the ground, and have access to detailed information, a more nuanced understanding of history, political dynamics and ideological context of the country with the R2P situation; they are more directly affected by the consequences of action or inaction; and may be vital to the decision-making process of the UNSC. This is driven by the fact that the explanations related regional and sub-regional actors towards the failure to implement the R2P in Sudan and Libya has received a little attention from researchers and authors of the R2P in the field of IR. Despite the fact that a substantial volume of literature exists on the R2P principle and its application, existing scholars and literature of R2P is generally silent on the on the way regional and sub-regional actors played a part to the failure by the international community implement the R2P principle. Thus findings in this chapter will significantly contribute to the existing explanatory literature about the R2P and its implementation in various contexts, particularly Sudan and Libya. This thesis seeks to establish the reasons that contributed to the failure of R2P in Sudan and Libya. In this chapter, the study sought to fulfil the following research objective: to understand why the R2P failed in Sudan and Libya. The chapter pays a particular focus on regional and sub-regional actors such as AU, Arab League, Arab Maghreb and IGAD.

Against this background, the emerging themes from the collected data (primary and secondary), agrees with the central theoretical argument of this thesis that the failure to implement the R2P in Sudan and Libya is related to the interactions between regional organisations and the international

community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. This is particularly because the involvement of regional and sub-regional actors in both cases played a part to the international community's failure to implement the R2P principle. Thus, it is noted in this chapter that that regional and sub-regional actors given their potential to spearhead the process of implementing preventive measures of the R2P, influence the decisions of the international community towards the R2P principle and its application, played a part in the failure by the international community to implement the R2P norm in Sudan and Libya. The broad initial answers that this chapter is going to throw up comprises the fact that in both Sudan (Darfur) and Libya, the international community's implementation of the R2P was characterised by a break-down of an interfacing-relationship between regional actors like AU and global institutions such as UN, and this break-down immensely contributed to the failure by the international community IC to implement the R2P in Sudan and Libya. In view of this thesis, a successful application of the R2P is likely to materialise where both the UN and regional and sub-regional actors who are key stakeholders to the conflict situation favour a similar path of action towards the implementation of the R2P. In addition to that, as will be pointed out in this chapter, there are also other obstacles that are seemingly internally driven from regional and sub-regional organisations which led to the failure by these regional actors to successfully carry out their mandate or get fully involved during the international community's attempt to implement the R2P principle. As will be noted in the chapter also other actors such as the conflicting and political actors (like the armed groups) also behaved in a way that frustrated the implementation of the R2P decisions agreed at the global level. However, despite the stipulated call for cooperation between the international community and regional organisations or sub-regional actors towards the R2P implementation process, the involvement of these actors in the context of Sudan and Libya was hindered by numerous challenges as discussed in this chapter. However, before demonstrating the how the involvement of these actors led to the failure by the international community to implement the R2P in Sudan and Libya, it is important to first proffer a brief overview of other identified factors that led to the failure of R2P in Sudan and Libya. These factors are discussed below.

5.2 Factors Related to the Politics of Big Powers countries

There are various factors related to the politics of big powers countries which contributed to the R2P failure in Sudan and Libya. Among these factors include: implementation inconsistencies, the

ICC factor and its implication to efforts of the international community in both cases, the absence of consensus in the UNSC over Darfur and Libya response, the veto power factor and its implications to efforts of the international community in both scenarios, and the problematic nature of the R2P intervention in both countries. This help to establish a balanced analysis on the reasons for the R2P failure in Sudan and Libya in this study.

5.2.1 Implementation inconsistencies

The international community's response to the Darfur crisis was not conducted in the timely and decisive way but rather marked with delays. The response to the Darfur crisis was almost identical to that of Rwanda 1994.⁶³ An extensive protection force, AMIS II (henceforth AMIS), was approved by the African Union (AU) on 20 October 2004, and further strengthened in April 2005. However, its capacity to protect civilians remained fragile as massive human rights violations on civilians continued. As noted by Prendergast and Fowler (2008), the Darfur conflict was ignored because there was *low political will* from members of the international community to militarily halt the crisis at its earlier phase. The above author also pointed out that by July 2005, at least 50 000 civilians had been killed in the Darfur region.⁶⁴

It took more than six months of deliberations to pass Resolution 1706 which had the language of the R2P within its components. A full deployment of peacekeepers to protect the people of Darfur was approved by the UNSC through Resolution 1769 in 2009. This was almost seven months after the outbreak of the Darfur crisis highlighting the lack of urgency by the international community while thousands of civilians were in dire need of safety. The international community could not stand for its commitment to decisively intervene in a timely manner to the situation of danger to international peace, particularly a danger on civilian population in Darfur as the government of Sudan had clearly failed to protect them (Lanz, 2012). As the principle of the R2P advocates, when a particular country is unwilling to protect its civilians from massive human rights violations,

⁶³ As noted by Piiparinen (2007), "while the intervention force of the UN Assistance Mission in Rwanda (UNAMIR II) arrived in Rwanda after the genocide had been committed, military intervention was not even seriously considered until late 2004, a full year after the outbreak of large scale violence."

⁶⁴ The precedence of diseases due to malnutrition and poor living conditions within the displaced camps had increased the number of causality to 180 000, while nearly 2 million refugees were suffering in internally displaced camps and more than 200000 refugees from Darfur had crossed over to neighbouring Chad (Prendergast, 2008).

crimes against humanity, war crimes and genocide, the international community should intervene and protect them (UN Outcome Document, 2005). Instead, the international community's response to Darfur was slow and inefficient revealing inconsistencies that resulted in its failure to implement the R2P norm in Darfur.

In the context of Libya, unlike Sudan (Darfur), the international community's response to the crisis through the principle of the R2P, was conducted in a quickly, timely and decisive manner. After the passing of Resolution 1973 (2011) authorizing all UN member countries to take all necessary measures to protect civilians from mass atrocities in Libya, immediate air strikes were carried out by France in March 2011. Resolution 1973 mandated UN member states to establish a no-fly zone over cities such as Benghazi in which civilian lives were potentially in danger from the Gaddafi led forces. In his argument, an interviewed Germany based International Relations Scholar and Analyst noted that; *"The response in Libya was quicker and faster - it had a high sense of urgency and the intervening forces had high political will to protect civilians,"* Interview conducted on Skype 3 November 2017). After the outbreak of the conflict in Libya in February 2011, it took less than a month for the international community to take tough measures under the R2P principle against the Libyan government. Hence, the manner in which the principle of R2P was applied in Sudan and Libya differed in terms of being decisive and timely conducted. This explains the implementation inconsistencies that marked the application of R2P in both countries.

Moreover, in the case of Libya, unlike Sudan, there was high moral commitment from the powerful countries to intervene. The adoption of Resolution 1970 (2011) imposed various economic sanctions, military hardware embargoes as well as condemnations. Unlike Darfur, where there was more room for diplomacy and extensive sponsored negotiations, there was no room for diplomacy to negotiate ceasefire in Libya. Contrary to the manner of intervention in Darfur, military intervention led by NATO was swiftly undertaken to halt the crisis in Libya. Therefore, the form of the R2P intervention in Libya was different to the manner in which the R2P was conducted in Darfur. The manner of the international community response in Libya was more decisive, and was carried out timely whereas in Darfur the manner of response was slow, and was not carried out decisively. There was also a higher political will from the implementing actors in Libya than was the case in Darfur. In Darfur, it took about six months to agree on the R2P measures while in Libya

the crisis emerged in February 2011, and by March 2011 the R2P response team was already on the ground under the auspices of NATO. As such, the implementation of the R2P in Sudan was marked with implementation inconsistencies which contributed to the failure of R2P in Sudan and Libya. The implementation of the R2P is an evolving process in which the action at each phase of the R2P implementation can (in either way) affect the next phase. Therefore, the delay in the implementation of the R2P in Darfur is a contributory factor that led to the failure of the R2P particularly in Sudan.

5.2.2 ICC factor and its negative implication to prevention efforts

The failure by the international community's in Sudan and Libya to effectively apply the R2P norm is also attributed to the ICC involvement.⁶⁵ As noted earlier on, after the UNSC referral, the ICC Chief Prosecutor, Luis Moreno-Ocampo immediately opened investigations across Darfur, and met and interviewed Sudanese refugees from Darfur based in Chad despite the objection of the Sudanese government. In 2007, the ICC Pre-trial Chamber released two arrest warrants against leaders of both sides fighting in the conflicts, namely a minister in the Khartoum government, Ahmed Haroun, and a top ranked leader in the Janjaweed group, Ali Kushayb (de Waal, 2008). However, the need to find a peaceful solution to the Darfur crisis was complicated by the ICC announcement in July 2008 indicting the Sudanese President, Omar al-Bashir, for war crimes, crimes against humanity and genocide.⁶⁶ President Omar al-Bashir became the first sitting head of state to be indicted by the ICC.

However, one interviewed respondent from academic circles noted that “the ICC involvement was a controversial response to the Darfur crisis as it further worsened the international community’s efforts to halt the crisis and its consequences”. This statement is particularly spot-on because, after the ICC verdict to arrest the President of Sudan, it encouraged the government of Sudan to furiously respond by expelling and temporarily suspending 13 NGOs from Darfur. Western

⁶⁵ Under normal circumstances, the ICC stands as an important institution used to promote the culture of accountability when it comes to human rights violations (Flint & De Waal, 2009).

⁶⁶ This escalated in March 2009 when the ICC confirmed the indictment and issued out the arrest warrant against the Sudanese President (Flint & De Waal, 2009).

countries such as the US welcomed the ICC's involvement, though in Africa, it was another hollow show.

Moreover, despite the collaboration between Africa and Western countries towards ending the Darfur crisis, the ICC's decision was not welcomed by most African leaders. At the June 2009 AU Summit, African Heads of State demonstrated their disappointment by passing out a resolution announcing their refusal to cooperate with the ICC in the al-Bashir case.⁶⁷ The international community's intervention in Darfur was met by major set-backs due to lack of cooperation between African leaders and those who supported the ICC referral by UNSC. This undermined the relation between Africa and the global institution, the UN, and subsequently undermined the whole process of restoring peace and stability in Darfur through the principle of the R2P. This was particularly because the R2P norm by nature is a shared practice among multiple players, including regional and sub-regional actors and cooperation is crucial in determining the outcomes of its implementation in any specific context.

Like Sudan, the 2011 Libyan crisis was also referred to the ICC. The ICC involvement in Libya was recommended by the UNSC through Resolution 1970 in February 2011. The need to bring the perpetrators to account was accelerated by large scale human rights violations that were being committed on civilian populations. The situation was tense as thousands of protestors became casualties because of the ensuing fighting. The Gaddafi led government ignored various condemnation and international requests to refrain from attacking civilian protestors.⁶⁸ The ICC got involved after the UNSC adopted Resolution 1970 (2011) which referenced the situation in Libya. Although the case was later terminated after the death of the Libyan head of state, Gaddafi, the court did issue the arrest warrants for Gaddafi and his son.

Similar to Sudan, the ICC involvement in Libya also produced mixed reactions. The UNSC referral to the ICC changed the rhythm of the conflict situation. The crisis escalated as the intervention of the ICC in the Libyan crisis prevented Gaddafi and his trusted cadres to seek refuge in exile. Instead, it gave them the motivation to keep fighting at all cost (Kersten, 2012). The ICC

⁶⁷ (Flint & De Waal, 2009).

⁶⁸ Instead, Gaddafi started to call those protesting against him "cockroaches" and "rats", and promised to clean Libya house by house (UN report, 2011).

involvement in Libya, therefore, is seen as having perpetuated the fighting and loss of lives rather than helping to halt human suffering. In both Sudan and Libya, the ICC's intervention complicated the process of prevention and protection efforts of the international community. This is noted in the way the Sudanese government became furious and refused to cooperate with the ICC. Most African countries were also not in favour of the ICC involvement, and this complicated the process of applying the R2P in Darfur. In Libya, the ICC involvement was alleged to have led to the escalation rather than de-escalation of the crisis because it gave no option to Gaddafi and key government officials except to resist and keep fighting so as to avoid facing justice at the ICC. The ICC's involvement had negative implications to the overall endeavours of the international community's response to the Darfur and Libyan crises (Gifkins, 2015, Fleck, 2012). This affected the collaboration between the international community and the AU and further made all the R2P efforts of the international community to fail. Therefore, it is under such circumstance that this thesis considers the ICC's involvement in Sudan and Libya to be among reasons that contributed to the failure by the international community's to implement the R2P in both cases.

5.2.3 The lack of consensus in the UNSC response over Darfur and Libya

The failure by the international community to apply the R2P principle in Sudan and Libya was also caused by lack of consensus or a collective view by UNSC members towards the R2P response in both cases.⁶⁹ In both cases, there was no collective will to apply the R2P in Sudan and Libya as members of the UNSC were divided during the voting process aimed at passing the R2P resolutions.

Of important to reckon is that UNSC Resolutions 1674 and 1706 (2006), passed after the outbreak of the crisis in Sudan (Darfur), presented the first time the UNSC mentioned the principle of the R2P in its response to a country specific conflict.⁷⁰ The negotiations leading to the UNSC adoption of the R2P related Resolution 1706 took six months. These negotiations were so tense and

⁶⁹ Under the normal circumstances, the UNSC, as an organ of the UN, has the broader responsibility to maintain peace and security across the globe. The organ also has the responsibility to authorise the manner in which the R2P is applied.

⁷⁰ As highlighted by Morris (2013), for a UN resolution to constitute a reference to the R2P by a legitimate authority (UNSC), three forms of language use must characterize such resolution: (1) - Paragraph 138 and 139 of the World Summit Outcome document must be invoked; (2) - statements such as 'responsibility to protect' and 'responsibility for protection' must prevail within the resolution; (3) the resolution must also emphasise on the responsibility of the responsible government to protect its populations.

challenging because of the difficulty presented by the inclusion of the R2P language in the resolution (Lynch, 2010).

Again, the UNSC voting process on Libya was marked by the abstention by China, Russia and Qatar (UN Resolution 1706, 2006). In its statement, the UNSC re-called Resolution 1674 (2006) which called for the protection of civilian populations in armed conflict, and reaffirmed the provisions of paragraphs 138 and 139 of the 2005 World Summit outcome. One of the central mandates of Resolution 1706 was to allow for the transition from AU peacekeeping to UN peacekeeping in August 2006. However, as noted by the US officials (who participated in the voting process), the adoption of UNSC Resolution 1706 was highly contentious and complicated (UN report on Darfur, 2006). There was no collective UNSC view for a suitable response using the principle of the R2P in Darfur. The issue of consent of the host country complicated the matter. The Sudanese government challenged the UN decision and refused to give consent (Lynch, 2010).

The UNSC was divided on this matter, as some of its members, such as China, supported the Sudan government and did not want the inclusion of the R2P language in the UNSC resolution on Darfur. The US and China also had different views on the inclusion of consent in Resolution 1706, which further complicated the problem (UN report on Darfur, 2006). The diplomats who were involved in the negotiations leading to the UNSC Resolution 1706 described the process as one of the most highly contentious discussions in the UNSC as well as the worst UNSC resolution in the history of international peace and security. This was because it called for a legally binding peacekeeping mission which could not be put into practice (Lynch, 2010), as the issue of consent complicated the matter.

In the context of Libya, the adoption and nature of the UNSC Resolutions 1970 and 1973 (2011) were characterised by consensus on the use of the R2P language in the resolutions, and a sense of collective view on the crisis in Libya despite the fact that the Libyan government, through its leadership under Gaddafi, continued to show signs of unwillingness to protect civilians.⁷¹

⁷¹ Acting under Chapter VII of the UN-Charter, the UNSC took different initiatives to protect civilian populations through Resolution 1970 (arms embargoes, assets freeze, economic, ICC, referral, sanctions ban on flights) and 1973 (a no-fly zone allowing UN member states to take all necessary measures to protect the Libyan civilians and civilian

However, similar to Sudan, the process of voting for the UNSC Resolution 1973 was characterised by divisions in terms of consensus as five countries, namely Russia, China, and non-permanent members of the UNSC, Brazil, Germany, and India abstained. Resolution 1973 was the first time the UNSC authorised the non-consensual use of force against a member state. (Bellamy & Williams, 2011). This lack of a collective view by members of the UNSC on how to respond to the Darfur crisis and Libya is an indication that the failure by the international community to successfully implement the R2P norm in both cases was also partly caused by the politics of great powers in the UNSC. For example, the use of force without inviting the consent of the Sudanese government was problematic as members of the UNSC were deeply divided on the matter. The inclusion of the R2P language in the UNSC Resolution 1706 (2006) caused another challenge in finding a consensus. This made it difficult for the international community to effectively protect civilians in Darfur as the negotiations in the UNSC took about six months while civilians were dying and vulnerable to mass atrocities. This crisis escalated regardless of the fact that all members of the international community had unanimously committed themselves to the principle of the R2P in the 2005 UN-General Assembly summit. According to an interviewed prominent International Relations Scholar and Former Diplomat testified that:

“It is surprising that some countries did not want the inclusion of the R2P language in the resolution. The abstention of some UN member states such as Russia, China and Qatar, for whatever reasons, also explains the extent of the challenge of coming up with a collective view in responding to mass atrocities through the principle of the R2P. This makes the process of protecting civilians appear more rhetoric rather than practical. It also exposes the commitment and political will of members of the international community, particularly the big powers, towards responding decisively and in timely manner to situations of large scale violations of human rights (like was in Darfur)” (Interview conducted on 18 June 2016, in Harare).

This explains that the failure by the international community to implement the R2P norm in Sudan and Libya was also partly because of the way the UNSC members behaved towards their responses

populated areas). Unlike Sudan (Darfur), where it took six months to discuss Resolution 1706, the UNSC negotiations leading to Resolutions 1970 (2011) and 1973 (2011) took one month.

in both cases. It also demonstrates the role played by the politics of big power countries in influencing the failed outcomes of the R2P application in Sudan.

5.2.4 The veto power factor and its negative implications

The international community's failure to implement the R2P norm in Sudan and Libya was also caused by the manner in which the powerful countries in the UNSC use their veto power privileges so as to protect their national interest rather than humanitarian interests at hand. In this thesis, it was observed that, in some cases, countries with the veto power in the UNSC and also with the mandate to authorise the implementation of the R2P in specific countries use their power to protect and promote their national interests at the expense of peace and stability. It is purported, for example that, in the interest of oil and the need to maintain the arms markets, the Chinese and Russians could not support the UNSC Resolution 1706 (2006) which was meant to transform and expand the United Nations Mission in Sudan (Darfur). It is alleged that during that time China had a 40% share of the Sudanese oil production industry. Russia was also believed to be the major supplier of arms and other military equipment to the government of Sudan (Gifkins, 2015).⁷² This observation is akin to what most respondents pointed out that national interests of big powers were major obstacles to the full realisation of the R2P norm in Darfur. This study therefore submits that the Chinese and Russian behaviour towards Resolution 1706 (2006) confirmed their interests in the oil and arms markets in Sudan, and further explains how difficult it is for the international community to successfully implement the R2P in cases where national interests of the powerful countries are prevalent. The powerful countries are the ones who decide on whether to apply the R2P and their actions therefore affect the whole implementation process of the norm.

In the context of Libya, despite the fact that members of the international community in the UNSC had a collective view of the threats posed by the Gaddafi government on civilians, the voting process for the UNSC Resolution 1973 (2011) was marked by abstentions and lack of consensus. Similar to Darfur, countries such as Russia, China, India, Brazil and Germany chose to abstain and withhold their vote towards military intervention in Libya (UNSC Resolution 1973 (2011)). Unlike

⁷² As observed by Bah (2010), "both China and Russia had strong interests in Sudan (oil and arms market respectively), and hence it was difficult to see how these powerful countries could exert pressure on the Khartoum government without compromising their relations."

in Darfur, where the reasons to abstain by Russia and China were attributed to oil and arms supply markets, China and Russia were not in support of a quick military intervention, but rather in favour of peaceful means to resolve the Libyan crisis. This was the reason they chose to abstain from the resolution authorising a no-fly zone in Libya. They also expressed their concerns on how a no-fly zone would be enforced and its limit, of which the 1973 resolution had no such provisions.⁷³

As noted earlier, in the context of Libya, countries which were pushing for a military intervention in the UNSC were also pursuing their national interests and other hidden motives (such as the regime change).⁷⁴ In this regard, almost half of the interviewed respondents in this thesis agreed with the analysis made by scholars such as Evans (2012) and Thakur (2013) that the outcome of regime change explain the reason why the UNSC Resolution 1973 (2011) was not supported by Russia, China, Brazil, India and Germany. These countries were suspicious of the outcome of the resolution because it provided no provision on how a no-fly zone was to be enforced and its limitations. Hence, this shows how national interests of states continue to hinder effective protection of civilians through the principle of the R2P, thereby making it difficult for the international community to achieve its intended goal of protecting civilian populations through the application of the R2P principle. This also shows the implementation inconsistencies and challenges that characterised the application of R2P in Sudan and Libya.

5.2.5 The nature of intervention in both contexts

The international community's implementation of the R2P in Sudan (Darfur) was informed by different types of military response, particularly through peacekeeping missions. With regard to use of military intervention in the form of peacekeepers or other forms of military interventions, the

⁷³ China's behaviour towards the Libyan crisis in the UNSC was also different to that of Sudan because, by choosing to withhold its vote towards the UNSC Resolution 1973 (2011), the Chinese government chose to allow the wishes of regional organisations such as the Arab League. Ironically, from the African Union, the South African government had voted in favour of the resolution. Other countries such as India, Brazil and Germany chose to abstain because they were in support of peaceful means in Libya.⁷³ Abstention is also another factor that can help to explain the ambiguities, inconsistencies and variations that were associated with the way R2P was applied in Sudan and Libya as well as other countries.

⁷⁴ For example, the available statistics show that the nation of Libya has, in the aftermaths of the NATO operations, exported an estimated 85% of oil to Europe, particularly to France, Italy and the United Kingdom. Before the intervention, the Libyan oil accounted to more than 28% of Italy's imported oil, 8% of UK's imported oil and 17% of France's imported oil (Kazianis, 2011).

2009 UNSG report on the R2P emphasises on proportional means to achieve the intended mandate of protecting civilians. The duration, magnitude and power deployed by the intervening forces were supposed to be minimal given the nature of the conflict as well as the capacity of the opponent to resist such intervention on the ground.

Given these various proscriptions, the intervention in Sudan (Darfur) was problematic in nature. AMIS, which worked as a monitoring force, had no adequate peacekeeping military personnel in the field to protect the people of Darfur who were vulnerable to massive human rights violations (Bah, 2010). An interviewed Military Officer and International Civil Servant from Sudan observed that; “*the Darfur crisis overpowered the AMIS forces on the ground*” (Interview conducted on 20 June 2015, in Harare). The activities of AMIS were overwhelmed to the extent that the organisation (AMIS) ended up failing to effectively protect civilians who were vulnerable and needed protection.⁷⁵ In the context of Darfur, the power and magnitude of the intervening forces was not primarily proportional given the nature of the crisis as well as the size of the country (Sudan-(Darfur) region). AMIS was found wanting despite tangible achievements.⁷⁶ There was an enhanced need to deploy a strong military force with the capacity to match the crisis needs. The attempt to improve the situation on the ground came in 2009 through Resolution 1769 (2009) which was passed by the UNSC in July 2009, almost six years after the outbreak of Darfur crisis. The resolution authorised the placement of a joint AU-UN Mission in Darfur (UNAMID) of predominantly African character. As result, the UNSC approved the deployment of an estimated 19,555 military personnel, and 6,432 police force with a financial budget of approximately \$1.5 billion, thereby making UNAMID one of the largest and most expensive UN peacekeeping missions in the history of peacekeeping across the globe (UN Peacekeeping Report on Darfur, 2009). This mandate was envisaged to increase the levels of compliance of all parties with humanitarian ceasefire agreement and to contribute to the improvement of security situation in the Darfur region. The international community’s response to the Darfur crisis was therefore

⁷⁵ As noted by Powell (2004:33), the mandate of AMIS was to monitor and observe compliance with the April 8th ceasefire agreement including any future agreement, to assist with confidence building, and to help create conditions sufficiently secure the delivery of humanitarian relief and beyond that, the return of internally displaced [IDPs] and refugees to their homes.

⁷⁶ Consequently, human rights campaigners in the EU and US called for the deployment of a more capacitated UN peacekeeping mission in the Darfur region (Williams & Bellamy 2005), which could better protect civilians from massive human rights violations and help to end the fighting.

characterised by unprecedented complexities which contradicted the ideals of the R2P principle, particularly that of using proportional means to protect civilians from massive human rights violations. The power of the intervening forces was not proportionate to the demands of the crisis. These discrepancies in the implementation of R2P shows the extent to which the nature of intervention contributed to the failure by the international community to successfully apply the R2P norm in Sudan.

The problematic nature of the intervention in Libya was also highlighted by one interviewed International Relations Scholar who argued that, “*the military force applied to Libya was not relative to the threat on the ground, they were bombing even civilian shelters, roads, bridges, telecommunication stations, the NATO forces were overwhelming, and it appeared like a full-blown war to overthrow Gaddafi,*” (Interview conducted on the 1st of January 2016, in Harare). This was further reinforced in one of the reports by Human Rights Watch that the international community’s operation ended up destroying infrastructure and killing a significant number of civilians. The statistics from the Human Rights Watch released on the 14th of May 2012 reveal 72 deaths of civilians, including 20 women and 24 children just for eight air strikes in Libya. The NATO intervention ended up becoming a full-blown war against the Libyan government (Human Rights Watch report, 2012).

Since the application of the R2P is an evolving process, the nature of R2P intervention in both Sudan and Libya was problematic (Bellamy, 2011). Despite the fact that the international community’s involvement in Sudan and Libya was to protect civilians who were vulnerable to massive human rights, the magnitude and power used by the intervening forces in each case differed. In Sudan (Darfur), the intervening forces were overwhelmed by the conflict, while in Libya the intervening powers were overwhelming as it was like a full-blown war against the Gaddafi led government. The idea of using proportional force to secure the intended goal of the R2P was not adhered to in the case of Darfur and Libya. These discrepancies contributed in one way or another to the failure of the R2P in Sudan and Libya.

Given the above, although the humanitarian intervention politics of big powers countries contributed to the failure by the international community to implement the R2P in Sudan and Libya, it is not the full story in explaining the failure by the international community to implement

the R2P norm. This study argues that the failure to implement the R2P norm is related to the interactions between regional organisations (which are important stakeholders in these conflicts) and the international community when attempting to solve large-scale human rights violent conflict. In view of this study, the failure to implement the R2P principle in both cases is because of various challenges related to regional and sub-regional actors' involvement resulting in a failure of a relationship between these actors and the international community. In addition to that is also the fact that within these challenges also encompasses obstacles that are seemingly internally driven from regional and sub-regional organisations which led to the failure by these regional actors to successfully carry out their mandate or get fully involved during the international community's attempt to implement the R2P principle. Therefore there is need for the approach to the understanding of the reason for the failure of the R2P in Sudan and Libya as much as global actors (UN, NATO or big power countries). At the backbone of this study is the view that regional and sub-regional actors' involvement plays a part in explaining the failure by the international community to implement the R2P principle in Sudan and Libya as established and discussed below.

5.3 Regional and Sub-Regional Actors in the failure of R2P in Sudan and Libya

As previously noted, the failure to apply the principle of the R2P norm in Sudan and Libya cannot be solely ascribed to the politics of big power countries, but rather there are other factors that led to the failure of the R2P implementation in both countries. In view of this study, these factors are related to the interactions between regional and sub-regional actors and the international community when attempting to solve large-scale human rights violent conflict through the application of the principle of the R2P. In other words, these other factors are related to actors involved which are important stakeholders in both conflicts. They include actors such as regional and sub-regional ones (e.g., the AU and the Arab League, Arab Maghreb).⁷⁷ These actors do play a part in explaining the underlying reasons why the successful implementation of R2P by the international community failed in both cases. Thus, despite a sense of collaboration in the context of Sudan and a very little collaboration in the case Libya, the failure to implement the R2P principle

⁷⁷ These actors can help to implement the R2P decisions in the form of resolutions, measures and agreements in the affected regions (Pace & Deller, 2005).

in both cases is because of various challenges related to regional and sub-regional actors' involvement resulting in a failure of a relationship between these actors and the international community. The nexus between the R2P and regional and sub-regional actors is therefore discussed below.

5.3.1 The nexus between the R2P and Regional and Sub-Regional Actors

In this thesis, it is crucial to understand the existing relationship between the R2P and regional and sub-regional actors as these actors are instrumental to the application of the R2P. As noted earlier on, under normal circumstances, when the R2P is applied in any context, regional and sub-regional actors accede to the provisions of the R2P norm, while the international community undertake the active role in decisions whether to implement the R2P or not (Bellamy, 2006). These actors' involvement plays an instrumental role in the implementation of R2P. As noted in the 2005 outcome document of the R2P, the implementation of R2P requires the cooperation between the UN and relevant regional organisations and sub-regional arrangements. When it comes to the implementation of the R2P, regional and sub-regional actors are considered useful in preventing issues of genocide, war crimes, crimes against humanity and ethnic cleansing and their incitement. This is because regional and sub-regional actors have the potential to implement preventative mechanisms through instructing local inhabitants and sharing working knowledge. In addition, they have the ability to bring together domestic and international standards because they are able to relate to both groups by understanding their needs, struggles and goals. When they bring new ideas to the locals, they are more likely able to gain trust from the civilians and therefore become successful in their negotiations toward peace. As a result, they can resolve issues early before they escalate into a humanitarian crisis (Carment et al., 2016). Moreover, as highlighted in the UNSG report (2011: 10), "atrocities prevention is most effective when national, regional and global actors work together." This is another indication that local involvement in the implementation of R2P is essential. It is also a further indication that the implementation of the R2P requires the interaction or collaboration of multiple actors, including regional and sub-regional organisations. This another demonstration that the implementation of the R2P principle and its successful operationalization requires a solid partnership between regional and sub-regional actors and global actors like UN.

Moreover, the existing relationship between regional organisations and the R2P is noted in the Article 52 of the UN Charter (under Chapter VII) which stipulates that regional organisations may take necessary actions to maintain international peace and security, including protecting domestic population from large scale human rights crimes such as genocide, crimes against humanity, ethnic cleansing and war crimes. Accordingly, the article 52 to 54 of the UN Charter further notes that regional organisations may undertake enforcement action as long as they have approval from the UNSC. This also includes certain efforts led by actors other than the global ones (such as AU, ECOWAS, SADC, IGAD, and Arab League) and states. This is essentially for the R2P application because it promotes cooperation between UN and regional and sub-regional organisations and enhances improved response to massive human rights violations in timely and decisive manner. Hence, the application of the R2P is a shared practice between intervening actors and sub-regional actors such as regional and sub-regional organisations (Bellamy, 2006; Maes, 2012).

Furthermore, the existing relationship between regional, sub-regional actors and the R2P and its implementation is also revealed in the UNSG report of 2011, in which the UN Secretary General noted that; “over the past years, we have applied the principles of R2P in our strategies for addressing threats to populations in about a dozen specific situations. In every case, regional or sub-regional arrangements have made important contributions, often as full partners with the UN. As promising as these early experiences have been, however, they have also demonstrated how far we have to go in order to fully realise the potential synergies of global-regional and sub-regional cooperation in preventing genocide, war crimes, ethnic cleansing and crimes against humanity, as well as their incitement, and in protecting populations,” (UNSG report, 2011: 2).

This is an indication of a clear relationship between regional, sub-regional actors and the R2P principle. Regional and sub-regional actors are essential to the implementation of the R2P principle. The above statement by the UNSG is also a firm indication of the existing interaction between the international community, UN and regional organisations towards the implementation of the R2P norm. Within this interaction, the involvement of these actors (regional organisations) is critical because they can assist in the preparedness and planning of the R2P operationalization thereby reducing the building up of the crisis. More importantly, the views of regional organisations and sub-regional organisations ought to be considered by the UNSC when

determining the course of action to be taken in response to ongoing humanitarian crises through the principle of the R2P (UNSG report, 2011: 3). In most cases, regional and sub-regional actors are the most affected by consequences of humanitarian crises, which makes them key stakeholders to the R2P and its implementation. This shows that the implementation of the R2P in specific cases requires the involvement of regional organisation and sub-regional actors. This indicate that these actors are essential when it comes to the R2P implementation and further demonstrate a concrete existing relationship between the R2P and regional and sub-regional actors. Furthermore, the 2014 UNSG report, highlights the role of regional actors in the implementation of R2P by noting that they can encourage states to fulfil their primary responsibility to protect obligations—by, for example, assisting countries to building capacities that will make them resilient to risk factors for the R2P crimes—war crimes, crimes against humanity, ethnic cleansing and genocide(UNSG report, 2014). This enhances and improves the protection capacities of states in situation of the ongoing or emerging humanitarian crisis that may require the R2P related intervention. This therefore is an indication of the fundamental relationship between regional, sub-regional actors and the principle of the R2P. They can make a difference to the outcome of the R2P implementation. Regional and sub-regional organisations and their relationship with the R2P principle are discussed below.

- *Regional organisations and Sub-Regional Actors*

As noted earlier on, the implementation of the R2P in any context requires the interactions of regional organisations, sub-regional actors and the international community. Significantly, regional organisations such as the AU have had a rhetorical support for the R2P norm since 2005. As from 2005, after the adoption of the R2P by world leaders at the UN-General Assembly, AU adopted a more interventionist approach towards humanitarian crises taking place within the territories of member countries (Williams, 2009: 10).

The AU Constitutive Act and the Peace and Security (PSC) are the main organs that handle affairs related to the R2P norm and its application on the continent. In this regard, Africa's peace and security framework is perhaps the closest institutional incarnation of the R2P principle (Williams, 2009: 401). Despite the fact that the Constitutive Act does not specifically refer to the R2P language, its principles and values resembles those of the R2P, explicitly Article 4 (h), which

allows member states to intervene under certain conflict situations that threaten humanity, i.e., war crimes, crimes against humanity, genocide, ethnic cleaning (The AU Constitutive Act report, 2001: 16). It is under this circumstance that the AU has been involved in efforts to implement the R2P in various countries, including Sudan and Libya.

Regional organisations and sub-regional actors may spearhead the process of implementing the R2P by inviting conflicting parties to the negotiating tables. They may also influence the decisions of the international community towards the R2P principle and its application. In some cases, regional organisations play a leading role in the implementation of the R2P. For example, they can enforce measures of the international community through various approaches such as deploying peacekeepers under its stewardship, and cooperate with the UN towards efforts to implement the R2P norm in specific countries. Regional organisations can also disagree with decisions of the IC (UN) during the process of implementing the R2P, and often their involvement can obstruct or upset the whole process of applying the R2P (Sarkin, 2010; Williams, 2009).

In an attempt to prevent the escalation of an emerging or ongoing crisis, regional organisations or sub-regional organisations can provide avenues and mechanisms for the implementation of the R2P through several approaches, including diplomatic engagements, consensual interventions and peaceful negotiations, membership suspension, information gathering and assessment, ceasefire monitoring and campaigning for the undertaking of specific actions. Regional organisations and sub-regional actors are therefore essential to the implementation of the R2P and have the capacity to influence the outcome and the R2P implementation by the international community (Bellamy, 2006; Williams, 2009). The involvement of these actors in the implementation of the R2P could have played a part in the failure by the international community to implement the R2P in Sudan and Libya. Furthermore, regional organisations (such as the AU, Arab League) are instrumental to the efforts of the international community's implementation of the R2P. These actors—regional and sub-regional organisations can help in the planning and preparedness of the R2P implementation which help in minimising the building up and escalation of the crisis on the ground. The views of these organisation may be taken into account by the UNSC when deciding on the R2P and determining the course of action to be taken (UNSG report, 2014). In the view of this thesis, a timely and decisive intervention by the IC is likely to materialise where both the UN

and regional organisations or sub-regional actors who are stakeholders in the conflict situation favour a similar path of action towards the implementation of the R2P. Hence, regional organisations and sub-regional actors are key stakeholders to the R2P and its application.

In addition, regional organisations are vital to the implementation of the R2P in various ways. They can play a crucial role in efforts to establish mechanisms aimed at preventing the escalation of the on-going conflict situation or its recurrence. In 2010, the UN-Secretary General noted that regional organisations contributed to the development of regional standards, practices, institutions and norms that promote transparency, accountability, rule of law, constructive management of diversity. Regional organisations can also collaborate with global organisations (e.g., the UN) in the implementation of the R2P principle, and their involvement can also upset or hinder the international community's efforts to apply the principle in successful manner (Williams, 2009). This therefore makes regional organisations key to the application of the R2P norm in any given context.

5.4 The essential conditions for regional and Sub-regional actors' involvement in the implementation of the R2P

Since regional and sub-regional actors are key stakeholders in the R2P and its implementation, there are essential conditions necessary to get involved and contribute in (to) the implementation of the R2P. These conditions include: fostering an improved global-regional collaboration between these actors and global organisation like UN is a vital plank to enhanced application of the R2P by the international community. The enhanced global-regional collaboration promotes improved communication which results in a close interaction during the implementation of the R2P. These actors (regional and sub-regional actors) are indispensable players whose actions or involvement play a part to the failure or success of the R2P implementation process. More often, regional and sub-regional actors possess detailed knowledge of when and where a conflict situation of humanitarian nature is developing in a particular country, and understand what the international community may do to help end the crisis. The interplay among these actors at different levels (global to regional and sub-regional level) is critical to the implementation of R2P as it can serve as a channel for two-way flow of ideas, information, and insights between stakeholders at the regional level and those at the global level during the R2P implementation. This is crucial for the

international community through multiple stakeholders to come up with momentous policy response and mechanisms leading to improved application of R2P norm in any specific country (Judson, 2012).

Moreover, the interface of these actors at each level of interaction (global, regional and sub-regional level) is essential to implementation by the international community because these actors are closer to the events taking place on the ground. Hence, it is essential for regional and sub-regional actors to interact and collaborate with the international community or the UN during the process of implementing the R2P as this brings about enhanced communication, efficient and effectiveness. It is this type of interaction that promotes confidence and trust among different actors involved in the implementation of the R2P. Importantly, regional and sub-regional actors have access to detailed information, a more nuanced understanding of history, political dynamics and ideological contexts of the affected country; and are more directly affected by the consequences of action or inaction; and may be vital to the decision-making process of the UNSC (Judson, 2012; 2). This is important for effective global governance, a common IR perspective which contends that norms (like the R2P), adopted at the global level to tackle an international problem (such as humanitarian crises) that cannot be solved by states alone and require an interface of multiple actors. It is therefore under these circumstances that this thesis perceives the improved interactions and collaboration between regional, sub-regional organisations and the international community as essential mechanism of the R2P and its implementation, and these actors (regional and sub-regional actors) by design or by default play a part in the failure to implement the R2P. However, this collaboration or interfacing relationship between regional and sub-regional actors and global institutions (UN) has to be based on fundamental values and objectives of the R2P. The interface relationship between the international organisations and sub-regional actors must also be founded on the aim to protect civilians who are vulnerable to large scale human rights violations rather than other concealed agendas that put national or individual interests at the forefront of humanitarian intervention response. This should be done without bias and prejudice; the sole objective should be to protect all civilian populations who are vulnerable to humanitarian catastrophe of genocide, war crimes, crimes against humanity and ethnic cleansing. It is a requisite condition for regional and sub-regional actors to play an important part in the international community's efforts to implement the R2P principle. This improves interfacing relationship

between regional, sub-regional actors and global institutions and has the potential to create a platform that allows regional organisations and sub-regional actors to act as political will and operational bridges between a global institution (UN) and Regional organisations (UNSG Report, 2011). Regional and sub-regional actors have the prospect to boost the credibility and legitimacy of the R2P operation by making its outlook on the actual ground to have a local regional and sub-regional ownership and result in the improved application. The two main actors who spearheaded the implementation process of the R2P in Sudan and Libya are discussed below.

5.5 The key actors who spearheaded the implementation process of the R2P in Sudan and Libya

After the UNSC's approval of resolutions that mandated the UN member states to implement the principle of the R2P in a specific country, as was the case in Sudan and Libya, the next step was how such implementation should be carried out, by "who" and "how." In this regard, the researcher observed a discrepancy in the way the principle was applied in both Sudan (Darfur) and Libya. In the context of Darfur, the AU played an instrumental role by spearheading the implementation process of the R2P, including the main objective of protecting civilians from large scale human rights violations. However, in Libya NATO took the responsibility to halt the Libyan crisis and protect civilians from massive human rights violations, and a potential loss of lives of many Libyans in different cities, including Benghazi.

Through the UNSC Resolution 1556 (2004) and 1564 (2004), the UN encouraged and emphasised on the leadership role of the AU to resolve the Darfur crisis. The UN also promised to work hand in hand with the AU in all efforts aimed at ending the Darfur conflict, including the broader objective of protecting civilians who were vulnerable to massive human rights violations (UNSC Resolution 1556 (2004)). The Darfur crisis provided the chance for the UN to promote the practice of burden sharing, particularly with the regional organisations like the AU. The response of the AU in Darfur was mainly based on its peace and security mechanisms, the Constitutive Act, the Protocol Establishing the Peace and Security Council, the Common African Defence and Security Instruments. All these emphasise on human security challenges on the continent. The AU spearheaded the efforts to end the Darfur crisis, and one of its first practical steps was to establish the Ceasefire Commission (CFC), and the second was the deployment of an observer mission in

the Darfur region in May 2004, which was then followed by the deployment of AU military observers in June 2004. After the deployment of military observers, a peacekeeping mission (African Union Mission for Sudan - AMIS) followed. The role of AMIS was to restore peace and security in Darfur and supervise the implementation of the ceasefire.

However, despite the fact that AMIS did not manage to effectively protect civilians who were vulnerable and needed to be protected from massive human rights violations such as crimes against humanity, war crimes, and genocide, the AU spearheaded the process of mediation supported by various EU and US based international observer groups in terms of funding and technical advisory role.

It has also been noted in this research study that the UNSC Resolution 1769 (2009) became a legitimate platform which encouraged the AU to remain focused on efforts to end the Darfur crisis, and subsequently protect civilians from massive human rights violations. As was observed in the literature review chapter of this thesis, this UNSC resolution authorized the assignment of a joint AU-UN Mission in Darfur (UNAMID) of predominantly African origin. The efforts to protect civilians was carried out through the use of peacekeeping troops from various African countries, namely Rwanda, Tanzania, South Africa, Senegal, Gambia, Kenya and Nigeria. In this process, an estimated 19,555 military personnel and 6,432 police force with a financial budget of approximately \$1.5 billion were deployed (UN report on Darfur, 2009 & 2010). In Sudan (Darfur), the African Union, backed by UN, was instrumental in the application of the R2P. The AU was at the forefront; it spearheaded the process of ending the Darfur crisis and was largely involved in efforts to protect civilians. It is essential to reckon that since 2007, the AU worked with the UN in most of the peacekeeping efforts in Darfur through the office of the Joint Mediator, and UNAMID is tasked with the mandate to fulfil the critical functions of stabilizing Darfur, protecting civilians, promoting reconciliations, justice through enhanced peace building programs.

Despite the efforts made by the AU in spearheading the application of the R2P in Darfur through peacekeeping missions, however, “almost all efforts by the AU and the international community were late in responding to the crisis” (Minear, 2005). If the AU was cognisant of its continental obligations, it should have been proactive in the Darfur crisis. Despite the significance accorded to the protection of civilians, the AU and its response mechanisms were slow in scaling up

intervention in the face of civilians in need of protection. The AU intensified its response after the conflict had peaked in early 2004 and 2005, when several hundreds of people had been killed and displaced in thousands (Minear, 2005).

Dissimilar to Sudan (Darfur), where the AU spearheaded most of the efforts to resolve crisis through various response mechanisms including diplomatic measures and negotiations, the mandate to implement the international community's broader objective of civilian protection through the principle of the R2P in Libya was undertaken by NATO. Although, the operation also included some non-NATO countries such as Saudi Arabia and Qatar, it was NATO countries that spearheaded the process of a military intervention by establishing a no-fly zone over Libya in order to stop the government led forces from carrying out aerial attacks on its own civilian populations.

On the ground, the NATO air operations began in March up to October 2011. As has been noted, not only was NATO's involvement legitimate under international law and in accordance with the ideas of the R2P, but it was hugely supported and justified by Obama (the former US President) who said that: "Gaddafi himself declared he would show no mercy to his own people, compared them to rats, and threatened to go door to door to inflict punishment".⁷⁸ The US, which is a strong member of NATO, is believed to have played a leadership role in the implementation of the R2P in Libya. Therefore, unlike Darfur, where the process of implementing the principle of the R2P was spearheaded by the AU, which is a continental regional body in which Sudan belongs, in Libya, the mandate was carried out by actors from outside of the continent.

However, similar to Darfur, NATO's operational leadership in Libya failed to achieve the intended goal of protecting civilians. It overstepped its mandate when it ended up supporting rebels with weapons and military advisers. As noted earlier on, NATO took sides in the conflict. The protection was given to those fighting against Gaddafi in Benghazi and other cities like Misrata, while his royalists in Tripoli were vulnerable to NATO air strikes. In a few weeks after a military intervention, NATO military operations led to the fall of the Gaddafi regime within a period of seven months. Gaddafi was then captured and died in the hands of the opposition on the 20th of October 2011. Within a week, the UN ended its military mandate in Libya, followed by the end of

⁷⁸ We knew that if we waited one more day, Benghazi, a city nearly the size of Charlotte, could suffer a massacre that would have reverberated across the region and stained the conscience of the world" (Obama, 2011).

NATO operations on the 31st of October 2011 (Bellamy, 2011). Thus, unlike Darfur, where the implementation of the R2P was spearheaded by the AU, in Libya, NATO was at the forefront of resolving the crisis. Unlike Darfur, NATO intervention was like a full-blown war to overthrow the Gaddafi government. Given this, the R2P intervention in Libya (despite having the approval from the UNSC), is far from the R2P practices. It was just another form of military interventionism aimed at overthrowing the Gaddafi led government and bring about a regime change, which also account for the reason why the AU was not given the chance to spearhead the implementation of the R2P in Libya as was the case in Sudan (Darfur). This, therefore, explains the inconsistencies that marked the manner in which the principle of R2P was applied in Libya. The involvement of Regional and sub-regional actors in the context of Sudan and Libya is discussed below.

5.6 Regional Organisations: The involvement of the AU in Sudan and Libya

(a) Sudan (Darfur)

The AU's involvement in Sudan (Darfur) to halt the humanitarian crisis in which a large-scale violation of human rights was taking place, indicates the organisation's commitment and political will to prevent conflicts on the African continent.

After the outbreak of the Darfur crisis, the AU assumed the responsibility to protect and the mandate to spearhead collective security initiative in Africa through Article 4 (h) of the AU Constitutive Act which was adopted in the year 2000. This Act allows the AU to intervene in situations where grave atrocities such as crimes against humanity, war crimes, genocide and ethnic cleansing are committed on civilian populations. However, such intervention should be approved by the AU's Assembly of Head of States. In this regard, the AU responded to the Darfur crisis by coordinating security initiatives, humanitarian aid and political and diplomatic settlement. As has been noted earlier on, the AU involvement in the Darfur crisis was exceptional. The organisation (AU) was highly involved up to day (2017). It engaged multilateral interventions to combat, limit and stop the escalation of further catastrophic humanitarian conditions. However, despite its central role in the crisis, the AU response to the Darfur crisis is perceived as a scenario that explain the underlying factors that led to the failure by the international community to implement the R2P principle. Its participation in efforts to end atrocities in Darfur was hampered by multiple

challenges, which affected the capacity to successfully carry out its duties. Most respondents highlighted that the AU response to Darfur was ineffective and could not rescue a large number of civilians who lost their lives at the beginning of the crisis. The reasons for this laxity, as identified in this study are highlighted below:

- *The absence of more UNSC empowerment*

The absence of more UNSC empowerment to the AU response in Darfur contributed to the organisation's failure to achieve its objective, which was to protect civilians and restore peace in the Darfur region. This constrained the relationship between UN and AU towards the Darfur crisis. For instance, there was evident reluctance by the UNSC to do follow-ups on proposals and suggestions brought forward by the UN Secretary General to strengthen the AU mission in Darfur at an early stage of the prevention efforts (Badescu & Bergholm 2009). The UN was also reluctant to support the AU efforts to prevent and protect vulnerable civilians from mass atrocities. For example, one of the challenges noted in this thesis is that AMIS's operations were arguably hindered by the absence of attack helicopters, armoured personnel carriers, and advanced communication equipment that would have improved and helped AMIS to conduct its operations in an effective way (Badescu & Bergholm 2009). This hampered prevention and protection efforts led by AU as the organisation had no financial capacity to purchase equipment without the UN support.

The UN Department of Peacekeeping Operations (UN DPKO) had made an evaluation of how to achieve civilian protection in Darfur and the UN-Secretary frequently requested UN member states, including the UNSC to back AU mission in Darfur with attack helicopters for AMIS. On the ground, AMIS constituted 7000 troops and, in most cases was under-funded and out-gunned. It had no capacity to patrol the Darfur region which is believed to be the size of France. This meant less preventive and protection capability in areas of placement (Badescu & Bergholm, 2009). According to Black and Williams (2010:3), the constrained relationship between the UN and AU over the protection of civilians in Darfur had a negative effect on their reputation, particularly, their political willingness and capacity to respond to mass atrocities. This directly confirms the dominant argument of this thesis that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. The

AU involvement in Darfur was mired by its constrained relationship with the UNSC. Despite this, the AU managed to intervene without external funding and political will of the UNSC members. This absence of more UNSC empowerment and support contributed to the AU's failed intervention to protect civilians and prevent the Darfur crisis from escalating.

- *Lack of financial capacity*

The research findings gathered for this thesis also shows that the AU lacked financial capacity to decisively intervene in Darfur at the beginning phase of the conflict, which was detrimental to the prevention of the crisis from escalating. As observed by (Murithi 2009:14), the AU response to Darfur was negatively affected by its inability to purchase advanced military equipment such as armoured vehicles, tanks, helicopters, and intelligence surveillance equipment that would have allowed the organisation to militarily intervene and save lives. In July 2008, the AU mission in Darfur reported of its need for the 18 medium utility helicopter to help carry out its duties effectively, but no support was received (AU report, 2010). This incapacity massively hindered the operation of the AU mission (UNAMID) in Darfur; particularly that of protecting civilian populations from war crimes, crimes against humanity, genocide and ethnic cleansing through the principle of the R2P. The timely and decisive intervention on the ground (through the R2P) operationally depends on mobile and advanced telecommunication equipment to enable easy movement of the intervening AU missions in various affected areas whose civilian populations are in enormous need for humanitarian support.

The AU representative to UN also highlighted in 2010 the extent to which funding was a major obstacle to the organisation's commitment towards peace and security, and remarked that out of a total yearly budget of estimated US\$600 million for 2008, AMISOM in Somalia only received 50 million in contributions (Murithi, 2013: 23). This further illustrates the magnitude at which the lack of financial capacity was problematic to the AU's peace and security missions in Darfur. Securing enough financial funds would have enabled the AU to have a sizeable force on the ground, purchase advanced communication equipment, improve its rapid deployment and logistic arrangements, as well as have enough medical supplies in Darfur. This confirms the main argument of this thesis that the failure to implement the R2P norm is related to the interactions between

regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict.

In addition, the AU operations including peacekeeping, particularly in international peace and security affairs, largely depended on external funds from non-African countries such as members of the EU, US, China, Russia and other global institutions like the UN and the donor community. This problem is exacerbated by AU member states failing to meet their financial obligations (Mwansali, 2008). For example, during the launch of the AU in Durban in 2002, only 16 countries had met financial obligations out of 52-member countries and the total arrears stood at US40 million dollars during the same period (Mwansali, 2008). In this regard, the dependency of the AU to big powers for funds has negative implications to its overall efforts to implement the R2P norm as it is likely to follow the line of argument presented to it by their funders. The AU cannot openly challenge the position of its funders towards the implementation of the R2P because it can compromise its relationship with these funders to the extent of losing their financial support. This explains the extent to which the financial challenges by the AU contributed to its inability to make a meaningful contribution to the international community's efforts to implement the R2P in Darfur. One interviewed respondent highlighted the dependency of the AU on big powers for financial assistance, especially on matters in which also these countries are key stakeholders and have national interests to achieve; is a dilemma to the AU's more involvement in the implementation of R2P as was in the case of Sudan. "If the AU member states can raise their own funds and meet their financial obligations, the AU's financial position will improve immensely, and this will be a vital step towards a sustainable AU special fund," noted by interviewed prominent International Relations Scholar and a Former Diplomat. (Interview conducted on 18 June 2016, in Harare). In this view, the bankruptcy of the AU and its dependency on the big powers for funding suggest that, there was a disconnection between urgency attached to the need to embark on humanitarian response and the desired operation in Darfur. All these negatively affected the interactions between the AU and international community (UN) as they attempt to address the humanitarian crisis in Sudan.

- *The lack of political will within AU member states*

The AU response in Darfur was also fundamentally affected by the lack of political will from member states.⁷⁹ In this regard, AU failed to intervene in Darfur without the consent of the Khartoum government and as such, could not adhere to the ICC's arrest warrant on President Omar al-Bashir of Sudan, who was, in March 2009, indicted for war crimes and crimes against humanity in Darfur. There were divisions within the AU member states due to the ICC's arrest warrant as countries such as Chad, Malawi, Botswana, and Ghana were in support of the ICC's decision and others, led by Zimbabwe, South Africa, Rwanda, Uganda and Libya (to mention the few) were not in support of it. The lack of political will within the AU member states was also manifested in 2005 when member countries failed to agree on a shared assessment of the threats to lives on civilians and their needs in Darfur to ensure a decisive and timely response given the urgent nature of the conflict (Arieff et al., 2010). Therefore, the lack of political will within the AU member countries was a major obstacle to AU's ability to commendably protect vulnerable civilians in Darfur, and signified a blurred vision towards the practice of civilian protection through the R2P norm on the African continent. This confirms the argument of this study that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Although there were instances of interaction in the context of Sudan, the failure to implement the R2P principle is because of various challenges related to regional and sub-regional actors' involvement resulting in a failure of a relationship between these actors and the international community. It is these aspects that undesirably played a part to the organisation's failed efforts to successfully carry out its mandate in Darfur, thereby resulting in poor collaboration between the AU and the international community. This played a part to the international community's failure to achieve its intended goal through the R2P implementation in Darfur.

However, irrespective of challenges the AU faced in Darfur, its involvement in the conflict indicates the important role of regional organisations in the implementation of the R2P. The AU was at the forefront of most of the initiative to end the Darfur crisis. Since year 2004, the AU's

⁷⁹ Scholars such as Evans (2002:13) point out that the difficulty of mobilizing political will among the AU members was the main obstacle to protecting vulnerable civilians whose lives were in danger.

initiatives towards Darfur included peaceful efforts to negotiate a political settlement, ceasefire, and the deployment of peacekeeping forces (AMIS). Despite the above highlighted challenges, the AU managed to work hand in hand with the UN in order to protect civilians in Darfur through UNAMID. The involvement of the AU is noticeable in the context of Sudan. UNAMID played a relatively average role in protecting civilians, although finding a durable solution to the Darfur crisis through the R2P remains unattainable goal. The AU involvement in Darfur is an indication that regional organisations can spearhead the implementation of the R2P, however, if entrusted with such mandate and backed with political will, including financial support from Big Power countries. According to Siebert (2010:1) under the AU stewardship; “IGAD successfully sponsored and facilitated the CPA (a peace agreement between the Sudan government and the rebellion in Darfur) and the engagement was done in the spirit of collectivity.” IGAD is a sub-regional organisation made up of several African countries, including Kenya, Tanzania, Uganda, Rwanda, Djibouti, Sudan, Somalia, Eritrea, and Ethiopia. As noted earlier, the AU successfully managed to coordinate the efforts of Regional Economic Community—(IGAD) international organisations and several humanitarian agencies such as USAID, IMF, and United Nations High Commissioner for Refugees (UNHCR), World Food Programme (UNFP), and United Nations Children’s Fund (UNICEF) to provide humanitarian assistance in Darfur. In this regard, through IGAD, the AU successfully facilitated six peace agreements ratified between 2002 and 2004, which culminated to the comprehensive peace agreement (CPA) of 2005. This, therefore, explains the important role of regional and sub-regional actors in the context of Darfur, despite the challenges faced by these actors during their involvement as they attempt to address the massive human rights violent conflict.

Furthermore, despite the challenges faced by the AU in Darfur, its involvement in the Darfur region led to significant improvement in terms of civilian protection. AU mission in Darfur was a deterrent factor; the organisation managed to decrease violence where it maintained presence across the Darfur region. For example, an interviewed military officer and international civil servant pointed out that, “the AU mission, AMIS, was instrumental in the protection of civilians, however, these patrols were not carried out consistently because the mission had no capacity to control the whole area of Darfur due to limited number of troops and logistic capabilities

(Interview conducted on 20 June 2015, in Harare).”⁸⁰ Therefore, given this statement, the way the AU through IGAD was involved in Darfur shows the extent to which regional organisations and sub-regional organisations can be important actors in the implementation of the R2P, despite the challenges they face.

(b) Libya

In the context of Libya, the AU’s response was different from Darfur. The AU involvement in the Libyan crisis was considered feeble at best and exposed substantial weaknesses of the organisation’s attempt to affirm its normative moral obligations on issues of critical significance in peace and security affairs, particularly across the African continent (Kuwali, 2013). This has further contributed again to moulding considerable doubt over the AU’s continued efficacy of non-indifference norm and its capacity to uphold and enforce its normative values, especially in peace and security affairs facing the continent. The AU’s road map towards the Libyan crisis was compelled by the need to find ‘an African solution to an African problem’ based on its three pillars, namely ownership, commitment and shared values. The AU wanted to follow a similar path to Darfur, in which its involvement was characterised by peaceful resolutions coupled with peacekeeping forces on the ground. Similar to Darfur, the AU also wanted a durable solution to the Libyan crisis.

Through the international community’s response to the Libyan situation in 2011, the UNSC Resolution 1973 (2011) encouraged all member states, including regional organisations to take all necessary measures to protect the Libyan civilian by enforcing a no-fly zone. Of important to note is that Chapter VIII of the UN-Charter allows regional organisations to undertake enforcement actions to scenarios that endanger regional peace and security, and such action should be approved by the UNSC. Therefore, the involvement of regional organisations in the implementation of the R2P in Libya had a legal mandate. The way the AU responded to the Libyan crisis, however, was not similar to the Darfur case. In Libya, the AU chose not to support a military intervention to enforce a no-fly zone. The AU’s response was rather to encourage diplomatic engagements

⁸⁰ For example, “AMIS engaged in protection activities such as firewood, harvest and cultivation patrols in order to protect women from sexual violence and abductions by militia” (Madamombe, 2005).

between the warring parties in order to find a durable solution to the crisis in Libya. Among the steps that were taken by the organisation of the AU included:

(1) The establishment of the AU high level ad hoc committee on Libya, with the main objective to engage both sides of the Libyan crisis (government and the opposing parties), and international partners in order to find a solution through negotiations;

(2) The five men committee met and drafted the AU roadmap that had four requests: (a) *the call for immediate end of fighting between the warring parties* (b) *the call for the Libyan government to cooperate so as to enable humanitarian assistance to be delivered smoothly to their destiny around the country* (c) *the guarantee of safety to immigrants and foreign nationals in Libya* (d) *the adoption and implementation of reforms intended at resolving the roots causes of the crisis* (AU report on Libya, 2011);

(3) The AU ad hoc committee consisted of five sitting presidents of South Africa, Uganda, Congo-Brazzaville, Mali and Mauritania. These travelled to Tripoli, Libya, for two days to meet the Libyan president and senior members of the opposition. On their first day, they met Gaddafi and he approved the AU roadmap. The second day, they met with the senior members of the opposition, National Transition Council (TNC) in Benghazi. Unlike Gaddafi's willingness to follow the AU roadmap, the TNC rejected the AU proposal and rejected any negotiations with Gaddafi led government (AU report on Libya, 2011). This made it difficult for the AU peaceful plan of actions to proceed.

Similar to Darfur, the AU's actions towards the Libyan crisis was late. There was no decisive step from the AU except its call for the Libyan government to refrain from attacking its own civilians. The AU's attempt to use its roadmap came after the NATO forces had started to implement the UNSC Resolution 1973. Like AU in Darfur, the AU also was faced with various challenges, including the lack of consensual view between the UNSC and AU over the Libyan crisis, the divisions within the AU members and the lack of political support. These challenges are discussed below.

- *Lack of consensual view between the UNSC and AU over the Libyan crisis*

Despite the fact that the UNSC Resolution 1973 commended the AU roadmap and gave a go ahead, the research findings of this study regard a lack of consensual view between members of the UNSC and AU on the solution to end the Libyan crisis as being a major obstacle to the AU involvement.⁸¹ France and many Western countries were in support of the intervention. As noted by one interviewed Media Expert and Political Analyst, “the powerful countries had a hidden motive to overthrow the Gaddafi led government, hence the AU chance to peacefully resolve the crisis was compromised” (Interview Conducted in Harare on 22 February, 2016). In the same vein, a Germany based International Relations Scholar and Analyst observed that; “the AU roadmap would have done better; however, these countries were not going to allow the negotiations that would leave the Gaddafi led government in power,” Interview Conducted on Skype, 3 November 2017). This, therefore, explains the extent to which the lack of consensual view between the UNSC and the AU was a setback to the effective involvement of AU in Libya.

In addition, the AU was wholly marginalised as the UNSC seemed to consider the Arab League’s stance than the AU. The content of the 1973 resolution explicitly recognised the crucial role played by the Arab League in Libya, and the League was commended for its commitment to international peace and security. The UNSC rarely took into consideration the AU’s decision to send Ad hoc Committee to Libya. This confirm to the main argument of this study that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. It was problematic for the AU to be involved in Libya without political backing of the powerful countries and other UNSC members.

- *The lack of political support from big powers (UNSC members)*

Another challenge to the AU’s involvement in Libya is observed in the way both the UN and AU took a different path to resolve the Libyan crisis. There was apparent lack of cooperation between the two. The UN took a no-fly zone path while the AU chose to follow a peaceful route to resolve the crisis. According to one interviewed international Relations Scholar and Analyst; “the

⁸¹ As noted by Eriksson and Zutterlund (2013) on responding to the Libyan crisis, it is apparent that the AU’s position on Libya was in direct contrast to the internationally held consensus, especially the big powers such as the US, France and UK.

international community's response to the Libyan crisis was characterised by non-concerted and un-coordinated actions" (Interview conducted on Skype on 3 November, 2017). For example, the meeting to discuss the crisis in Libya between the UNSC and AU took place in June 2011, after four months.⁸² Such statement delivered on behalf of the AU shows a sign of frustration from the side of the AU. A similar frustration of Africa and AU is also noted in the statement of a Ugandan diplomat to UN, Mr Ruganda, who said that; "... ignoring the AU for three months and going on with the bombings of the sacred land of Africa has been high-handed, arrogant and provocative". The same diplomat also further pointed fingers at UN for its apparent partiality and warned against a deliberate interference within the internal affairs of African nations. At the close of its extraordinary discussions on Libya, held in May 2011, the AU voiced out its grief concerning the lack of proper consideration given to African efforts to handle the Libyan crisis. Given this, the AU was frustrated by the Big Powers. Its attempt to lead the implementation of the R2P process in Libya failed to materialise. This confirm to the argument of this study that that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict.

- *The internal divisions within the AU members*

As also identified in this study, one of the obstacles that led to the AU's failure to implement its roadmap in the Libyan crisis was the divisions that existed within the AU members. As noted earlier, the AU roadmap was allegedly not supported by some African countries such as Rwanda, Botswana, Egypt (Hove, 2015), citing that the situation in Libya had degenerated into what the AU could not handle (Aning, 2013). These internal divisions, in one way or another, shows that the AU's capacity to agree on issues endangering the region remain problematic and may continue to undercut its regional peace and security undertakings in the future. The voting for the UNSC Resolution 1973 (2011) to impose a no-fly zone on Libya by some AU member countries such as South Africa, Nigeria and Gabon (who were the non-UNSC permanent members), can also be

⁸² In this meeting, the Foreign Affairs Minister of Mauritania stated that; "all efforts to resolve the Libyan crisis should be aimed at having inclusive political solutions, based on the essential contribution of Africa and cooperative efforts of other participants" (AU report on Libya, 2011).

attributed to the AU's internal divisions and was crucial in giving out the message to the world that the AU was in favour of a no-fly zone. It also gave out the message that the AU had no clear initiative to resolve the Libyan crisis.

In addition, scholars such as Apuuli (2013) further notes that the Libyan crisis exposed the deep-rooted clefs within members of the AU and hence the failure by the AU to form a united front towards the Libyan crisis. Countries such as South Africa (for example) adopted a critical response to the abuse of the 1973 UNSC resolution, and the manner in which NATO operations were being undertaken in Libya. In similar stance, Algeria, Zimbabwe and Nigeria opposed NATO operations in Libya arguing that it was a strategy by big powers (UNSC members) aimed to overthrow the Gaddafi government. The former president of Zimbabwe, Robert Mugabe himself went on to describe NATO operations in Libya as terrorist organisation fighting to kill Gaddafi. Thus, the failure by the AU to form a united front towards the Libyan crisis contributed to the organisation's inability to mount an effective intervention strategy in Libya. Therefore, the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. The AU was also deeply divided over the efforts to recognise NTC as a legitimate government representative of Libya. The NTC was also sceptical of the AU's roadmap and its apparent indecision over the calls for the departure of Gaddafi. AU's PSC declined to recognise NTC arguing that through Article 30 of the AU constitutive Act, which does not tolerate governments that takes power in unconstitutional way. However, the deep-rooted division within AU member states was noted when 11-member states including Nigeria and Ethiopia recognised the NTC government while 41 countries including Zimbabwe, Uganda and South Africa declined to follow the same path (Apuuli, 2013). This worsened division among AU member states and further exposed the AU's ability to mount a united front when faced with a humanitarian crisis as was in the case of Libya. After the death of Gaddafi in 2011, the AU formally recognised the NTC government as a legitimate representative of Libya and invited them to occupy the Libya's seat at the organisation.

Other obstacles that undermined the AU's response to Libyan crisis

- *The lack of financial and operational capacity for rapid deployment*

The lack of financial and operational capacity for rapid deployment of troops in order to protect the Libyan civilians, which resulted in delays “wait and see approach”. According to Apuuli (2013: 3), the AU Peace and Security Council (PSC), did not immediately dispatch a mission of council to end the Libyan humanitarian crisis as it originally required to do. This failure to urgently act by the PSC set the platform upon which it came to be marginalised by the NATO, Western countries, and the UNSC. This affirms the main argument of this study that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. In this regard, one would have expected the PSC faced with the worsening situation in Libya, to act decisively, for instance by demanding the intervention for the organisation (AU) so as to restore peace and security under article 4 (j) of its Constitutive Act. However, the PSC did not respond in a decisive way (Apuuli, 2013; Aning, 2013).

The AU mission in Darfur also encountered the same challenge, as was noted in the above discussions of these findings. Hence, similar to Darfur, as one interviewed International Peace and Security Scholar noted, “*The AU would not be able to meet the financial costs of militarily intervening in Libya, especially without the backing of the Western countries who are the main funders of the activities of the AU,*” (Interview conducted on 10 January 2016). Furthermore, since the African Standby Force was yet to be functional, the ability of the AU to militarily intervene in the Libyan crisis was not feasible, especially in urgent situations where civilian lives were in danger. Among the AU’s objective was to have a Pan-African Standby Force of about 15000 soldiers for rapid deployment in the year 2015. However, this goal had not materialized when the Libyan crisis broke out. If the AU had a standby force, the AU’s response would have been different.⁸³ However, since this was not an option for the AU, it took diplomatic engagements path to find a durable solution to the Libyan crisis (Williams, 2011). Therefore, the lack of financial and operational capacity was a factor in the AU’s involvement to end the Libyan crisis. The AU’s

⁸³ According to (Williams, 2011), if the AU standby force was operational, troops were going to be deployed to maintain peace while negotiations were taking place.

approach to the crisis in Libya, however, is questioned given the fact that civilian lives on the ground were in danger and needed an urgent protection.

- *AU's diplomatic failure*

The AU's involvement in Libya, coupled with how it was downplayed by big powers such as US, France, UK, and the Arab League countries, also reveals that its diplomatic approach was itself biased in nature. The AU's plan of actions (AU Roadmap) towards the Libyan crisis comprised 141 reviews of political solutions to the crisis in Libya, which was its fundamental response to the Libyan situation (Swart, 2016). However, despite these AU measures, the AU was perceived as having intentions to protect the survival of Gaddafi rather than to protect civilian populations who were vulnerable to massive human rights violations. One interviewed international relations scholar argued that, "When President Jacob Zuma of South Africa and his delegation went to Libya to help negotiate a peace deal; they only met Gaddafi and his top leadership, they did not meet the rebels in Benghazi. This was largely seen by rebels and the Western world countries as a biased intervention of the AU aimed to protect Gaddafi's survival in power rather than the national interests of all Libyans, particularly those who were faced atrocity crimes," Interview conducted on Skype on 3 November 2017). Hence, the AU political solutions were disregarded by the Arab League, US, France, UK and the rebels. Although this can be seen as a Western strategy to dominate the efforts of AU, the organisation (AU) failed to diplomatically engage all key stakeholders, including the Arab League and the rebels at the early stage of the crisis, so as to ensure maximum cooperation based on humanitarian reasons rather than hidden agendas that are not humanitarian in nature. This was an immense failure by the AU through its diplomatic engagements. However, notwithstanding the challenges that were encountered by the AU in its attempt to resolve the Libyan crisis, the AU was denied the chance to spearhead or participate in the process of ending the Libyan crisis.

5.7 The Arab League and Arab Maghreb

5.7.1 The Arab League

After the outbreak of the Libyan crisis, the Arab League was the first regional organisation to condemn the Libyan government's human rights violations against its own civilians. Its first strong

step in response to the Libyan crisis was to suspend the membership of the Gaddafi led government in the League.⁸⁴ The other significant involvement by the Arab League was its request for the UNSC to approve the imposition of a no-fly zone in Libya. In March 2011, the Arab League, through its Secretary General Amr Moussa, formally asked the UNSC to authorize a no-fly zone over Libya, in order to protect civilian populations whose lives were in danger from their own government (UNSC report on Libya, 2011). However, despite its push for a no-fly zone in the UNSC, the Arab League did not fully participate in the implementation of a no-fly zone.

Instead, the League's request for a no-fly zone provided a regional backing widely acknowledged by Western countries such as the US, France and UK as a vital factor in their decision to militarily intervene in Libya. Therefore, the action of the League towards the Libyan crisis, created a vacuum that opened doors for the EU and NATO to intervene and implement a no-fly zone, under the principle of the R2P. China justified its abstention in the voting process to its great respect for a regional request from the Arab League and AU (UNSC report on Libya, 2011). Therefore, the League's request for a no-fly zone, in response to the Libyan crisis, was a decisive contribution and illustrates the role of regional organisation in the implementation of the R2P. Unlike the lack of enhanced cooperation between the AU and UN, the Arab League and UN had enhanced cooperation and had a similar consensual view on the way the Libyan crisis should be resolved from the outbreak of the crisis.

Given the above, the behaviour of the Arab League towards the need to protect the Libyan people from government attacks reflects a moral collective and a promising role of sub-regional or regional organisations in promoting the principle of the R2P, and should be commended. However, some scholars, such as Cody (2011), believe that the Arab League provided a pivotal supportive factor to members of the big power countries who wanted to military intervene in Libya for regime change. This again demonstrates the importance of regional and sub-regional actors in the implementation of R2P. Often their influence and capacity to push for decisions in the UNSC can

⁸⁴ The League also further imposed sanctions, arms embargoes, travel bans and trade ban, on the Libyan government (*New York Times*, November 27, 2011).

be of significance to the whole process of applying R2P as was the case for the Arab League in Libya.

5.7.2 The Arab Maghreb

The outbreak of the Libyan crisis in 2011 also attracted the attention of the Arab Maghreb mainly because the nation of Libya is a member of this sub-regional organisation. However, the implementation of the R2P led by NATO with the support of other regional Arab countries was not perceived in the same way within the Arab Maghreb member countries. As noted earlier on, on one side, Mauritania and Algeria were not supportive of external intervention into the internal affairs of Libya in fear of the negative impact of such intervention if not well conducted. They were in support of the AU road map. On the other side, Morocco went on to join the coalition of the willing to intervene in Libya through the R2P principle. It is argued that Morocco chose to take sides with Western countries so as to fortify the Moroccan regime within the region (Nour-Bin-Anjar, 2011). There was no collective understanding of what should be done to restore peace and security in Libya. Morocco wanted an immediate political solution to end the Libyan crisis, thus the only way possible was to follow the UN and NATO and other intervening countries from outside. For example, Morocco participated in various special international discussions on the Libyan crisis (in Paris, Doha and London) in which they focused on decisive and successful military victory. Morocco also voted in favour of the UNSC Resolution 1973 (2011) (Nour-Bin-Anjar, 2011).

As observed earlier on, at the outbreak of the Libyan crisis, members of the Arab Maghreb had a similar view on the crisis. For example, they had a collective call for a peaceful solution to the Libyan crisis, respect for Libya's territorial integrity, and stance against foreign intervention. However, as the crisis unfolded, these countries became divided on matters of how to respond to the Libyan crisis. Hence, the nature in which Maghreb states responded to the Libyan crisis, reflects the extent to which humanitarian intervention through the R2P (using military force), can present numerous challenges to regional countries, especially when countries have different views over what should be done to protect civilians. Thus, the failure to implement the R2P norm is

related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Despite a very little collaboration in the case Libya, the failure to implement the R2P in Libya is because of various challenges related to regional and sub-regional actors' involvement.

5.8 Other challenges to the IC's efforts to apply R2P in Sudan and Libya

Furthermore, the failure to implement the R2P principle in Sudan-Darfur was caused by the existence of a multiple rebel movements in the Darfur region. This has been identified in this study as an obstacle to the international community effort to successfully restore peace and stability in the Darfur region. This problem was also highlighted by Nilsson (2012:2) who argues that the multiple rebel groups in Darfur jeopardised the hope for sustainable peace. As also noted, the leaders of the armed movements were so myopic in their perspectives and approaches in toppling the government that they have hardly thought of security, social, economic and social consequences the populace in Darfur would face under conflict. It was an adventure in an area with no infrastructure, leading to fragility of local people. The leaders wanted to replicate Idris Debe of Chad's venture of overtaking the power overnight, which they too late recognised it was impossible in Sudan.⁸⁵ The armed movements' leadership is now in limbo and unable to table workable solutions to the conflict. Realising that they are in such a susceptibility to fragmentation, the government has succeeded in dividing them into factions fighting against each other. As of today, there are over sixty movements with no clear manifesto or agenda to place on to the regional or international mediators.⁸⁶ The existence of multiple rebel movements created unstable political environment within the Darfur society, which made it difficult for the international community's efforts to bring about durable peace and stability in Darfur unachievable.⁸⁷

⁸⁵ Interview source, 20 June, 2016.

⁸⁶ Interview source, 20 June, 2016.

⁸⁷ As of 2008 to 2017, more than sixty rebel movements are believed to be in Darfur, including SLA/Abdel Wahid, SLA/ Minni Minawi and SLA/Unity, despite the fact that when the Darfur crisis broke out in 2003, only two rebel movements the Justice and Equality Movement (JEM) and the Sudan Liberation Movement/Army (SLM/A), were leading the fight against the government of Sudan (Enough Project report on Darfur 2015).

The intervening actors in Darfur were subjected to rebel attacks during their daily R2P related operations. For instance, since the year, 2008 to present-(year 2017), about 100 vehicles of humanitarian agencies or NGOs have been hijacked at gunpoint by alleged rebel groups, UNAMID peacekeepers were attacked and killed, including the Tanzanian and South African peacekeepers who were killed in year 2015, 2016 and 2017 (Birikorang, 2009; R2P Monitor Report, 2016). The fragile environment created by armed groups has made and continue to make it difficult for the international community to implement the R2P, particularly, the responsibility to react and prevention. These armed groups tend to upset the process of the R2P implementation. According to an interviewed International Relations Scholar and International Civil Servant from Sudan; *“Some of these rebels have no clear objectives, they want to benefit from the chaos created by the lawless order created by conflict in Darfur; they always try by all means to frustrate the effort of the international community aimed at bringing peace and stability in the Darfur region, that is why they attack, kidnap and killed humanitarian workers including the peacekeepers”*, (A Skype Interview conducted on 23 October, 2017). Therefore, the multiple rebel environment in Sudan-Darfur has been identified in this study as another underlying factor that led to the failure by the international community to implement the R2P Sudan, which the reason why the application of R2P in Sudan is considered as a failed effort of the international community.

Similar to Darfur, armed groups may play a part in influencing the R2P implementation outcomes in one way or another. In the context of Libya, the emergence of extremism, transnationalisation and radicalisation immediately after the NATO intervention in Libya was also identified in this thesis as another underlying factor that led to the failure by the international community to implement the R2P in Libya. The Eastern province of Libya was marked with history of Islamic extremism even before the fall of the Gaddafi led government. This region was systematically marginalised and was always punished for its extreme and radical propensities (*BBC News*, 25 May 2017). However, after the end of Gaddafi era, new local jihadi militia benefited from the ongoing chaos in the country, for instance, Muslim brotherhood and former members of the Islamic Fighting Group in Libya have all been active in the political life of Libya.

Further to that, other extreme group in Benghazi, such as the Ansar al-Shari'a, opposed the political transition process and focused more on violent tactics, with the objective of establishing Islamic

rule in Libya. The post Libya chaos also was an opportunity for the Islamic State fighters (ISS) to expand their operation, hence they also joined other jihadist groups across Libya, and now the ISS fighters are now in many parts of the country like Derna, Benghazi and Sirte (*BBC News*, 25 May 2017). These political dynamics are among the indications that the nation of Libya is faced extremism, radicalisation and transnationalisation of internationally based extremist groups whose intention is to continue benefit with the chaos and conflicts in Libya in order for them to bolster their ideology and business affairs across the globe. Under such fragile political environment that is characterised by spoilers of peace and stability like those jihadist groups, conflict prevention efforts of assisting a nation of Libya in building the capacity to prevent future crisis by the international community cannot succeed as these groups are always opposed to efforts that intend to bring about peace and stability. This factor may have been the influencing aspect that contributed to the international community 's failure to rebuild Libya after the NATO intervention. Hence, it is essential to note that the failure by the international community to implement the R2P the R2P in Libya cannot only be ascribed to the politics of great powers countries as other factors such as emergence of extremism and radicalisation.

Given the above, it is prudent to point out that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. As noted in the above analysis on the involvement of regional and sub-regional actors, the failure to implement the R2P principle in both cases is because of various challenges related to regional and sub-regional actors' involvement resulting in a failure of a relationship between these actors and the international community. It was also noted in the above discussion that within these challenges also encompasses obstacles that are internally driven from regional and sub-regional organisations which led to the failure by these regional actors to successfully carry out their mandate or get fully involved during the international community's attempt to implement the R2P principle. A fundamental fact to take into consideration is that in both cases, the R2P implementation was marked with a break-down of "an interfacing-relationship" between regional actors like AU and the global institution (UN). In this context, interfacing relationship refers to the extent to which regional and sub-regional actors such as AU and Arab League interact with the UN during the process of the R2P implementation. According to Bellamy (2012:10) and Aning and Atuobi

(2009:12), the R2P is a shared practice among multiple actors at different levels of interaction; by this these scholars were emphasising on importance of collaboration or cooperation with multiple actors involved in the implementation of the R2P principle. This break-down was mostly based on misunderstanding between the two stakeholders of the R2P on the way the R2P should be applied in both cases. For example, in Sudan, regional actors such as the AU and a significant number of States within the AU, including South Africa, Libya, Zimbabwe, Uganda and Rwanda were all against the UNSC referral of the Darfur case to the ICC that was followed by the arrest warrant of the Sudanese President Omar-al Bashir. AU and these countries condemned the ICC intervention and called it a tool used by Western imperialist countries against Africa leaders, and vowed not to cooperate with its decision targeting African Leaders, including the Sudanese President. It was a set-back to the international community's efforts in its implementation of the R2P in Sudan. This represented an enormous break-down of an interfacing relationship between UN and regional organisations that is, the AU and other countries in Africa.

Similar to Libya, both the UN and the AU failed to have a collective view on how the Libyan crisis could be resolved. The AU was suggesting a peaceful roadmap that would end the Libyan crisis and bring about durable peace through diplomatic engagements and negotiations but was not supported by the UN, Western countries, NATO and the TNC Government in Libya. The UN chose to support the Arab League request for a No-fly Zone in Libya. This is another indication of a break-down of an interplay-relationship between a global institution (UN) and regional organisation (AU). Hence, the end result was the failure by the international community to implement the R2P in Sudan and Libya, resulting in horrific further consequences such as massive civilian suffering and, in the worst scenarios, complete state failure. It again points to the fact that the application of the R2P norm relies not only the big power countries but also where such the political will of big power countries exists, is dependent the manner in which the UN and regional and sub-regional actors interact when attempting to solve large-scale human rights violent conflict.

The manner in which the R2P norm was applied in Sudan-Darfur and Libya is also an indication that big power countries alone cannot thrive in implementing the R2P without the support or cooperation from regional and sub-regional actors, which is essential for future R2P implementation. This was in the case for Libya; where the powerful countries through NATO

overlooked the AU peaceful roadmap in favour of the Arab League's call for a military intervention to establish a no-fly zone in Libya. The AU was undermined by the UN, Arab League, Western countries, NATO countries and the NTC government and failed to participate in the international community's process of ending massive human rights violations in Libya. However, the end result was catastrophic as the R2P was not successfully implemented, and the application process was marked with discrepancies such as the fact that NATO intervention overstepped its mandate to include regime change that also resulted in the death of Gaddafi, NATO ended up arming rebels, at the moment Libya is almost a failed state and acts of human rights violations are at large (Jackson, 2011; R2P Monitor Report, 2016). This is another indication how the appropriate interfacing cooperation between the big powers and regional organisations would have contributed to improved outcomes of the international community's application of R2P in Libya than the current situation in Libya (year, 2014, 2015, 2017). Therefore despite the fact that big power countries had the political will to intervene in Libya; they failed to implement the R2P principle. Therefore given the way R2P was applied in Libya, and the manner in which regional actors such as AU was undermined or marginalised. Thus it can be safely noted that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict

The case of the R2P intervention in Sudan and Libya also is an illustration of the instrumental role that regional and sub-regional actors can play during the R2P intervention. As the case of Sudan-Darfur reveals, regional organisations have the capacity to spearhead the implementation of the R2P even in situations where the political will of great powers is non-existent. Nevertheless, despite the AU's leading role in Sudan-Darfur, regional organisations and sub-regional actors cannot solely undertake the R2P implementation process in any specific context without the support from global institutions like UN and other big power countries (like US, France, China, Russia and the UK). The interaction of all stakeholders, including global and regional and sub-regional actors on the ground is an essential approach that can result in the improved application of the R2P by the international community. As earlier noted, in the field of international relations and global political discourse, regional and sub-regional actors are considered vital in fostering global governance. According to Rosenau (1969: 4), global governance in international politics perceives

political global processes, decisions and events as a multi-faceted system where the interaction of both global actors and regional ones or local ones is perceptible and active.⁸⁸ This is applicable to the R2P norm and its application by the international community because it is by nature an intermestic issue. The term *intermestic* is shortening commonly used in IR to refer to international and domestic affairs. It is a way of understanding global policy response in dealing with domestic or international issues that requires a global attention (Rosenau, 1969).

Therefore, the case of Sudan (Darfur) is an indication that the implementation of the R2P requires improved interaction of multiple actors at all level of interaction including at global-intermediate and local level. This can help to build a strong foundation to drive the implementation of the R2P in future interventions. The way the R2P was applied in both Sudan (Darfur) and Libya shows the fact that regional and sub-regional actors are crucial to the application of the R2P and played part to the failure by the international community to implement the R2P norm in both cases. As such these actors involvement cannot be divorced from international policy or norm adoption and its implementation like the R2P because they are key stakeholders to R2P and its implementation; hence undermining or marginalising them can result in negative implications as was the case of AU in Libya. The importance of regional and sub-regional actors to the implementation of the R2P is based on the fact that they have access to detailed information, a more nuanced understanding of history, political dynamics, and ideologies and religious contexts; will be more directly affected by the consequences of action or inaction; and may be vital to the decision-making process of the UNSC (Judson, 2012). This is vital for global governance, which argues that international norms such as R2P designed to respond to a global problem like humanitarian crises cannot be solved by states or global institutions alone but requires the interface of all stakeholders, including regional and sub-regional actors. Therefore, considering the manner in which the R2P was applied in Libya and fundamental factors that led to failed application by the international community, this thesis argues that the failure to implement the R2P is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. It was further noted that the failure to implement the R2P principle in both cases is because of various challenges related to regional and sub-

⁸⁸ Rosenau, J. 1969, "Toward the study of National and International Linkages", in his *Linkage Politics: Essays in the Cogence of National and International System*, New York: Free Press.

regional actors' involvement resulting in a failure of a relationship between these actors and the international community. As observed in the above analysis, within these challenges also encompasses obstacles that are internally driven from regional and sub-regional organisations which led to the failure by these regional actors to successfully carry out their mandate or get fully involved during the international community's attempt to implement the R2P principle.

5.8 Conclusion

This chapter presented both primary and secondary data that was collected for this study. As earlier noted, the central research objective of this this thesis is to understand why the R2P failed in Sudan and Libya. This was the central aim that drove the analysis of this chapter. In this regard, the data presentation and analysis in this chapter is based on the assumption that the failure to implement the R2P is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. The international community's failure to implement the R2P principle in Sudan and Libya cannot only be ascribed to the politics of big power countries. There is need for the approach to understanding the reasons for the failure of R2P in Sudan and Libya with a particular focus on regional and sub-regional actors.

In this chapter, it also emerged that in both Sudan and Libya, the international community's implementation was characterised by a break-down of an interfacing-relationship between regional actors like AU and global institutions such as UN. This break-down played a part to the failure by the international community to implement the R2P in Sudan (Darfur) and Libya. An interfacing relationship refers to the extent to which regional and sub-regional actors such as AU and Arab League interact with the UN during the process of R2P implementation. Regional and sub-regional actors are important to the R2P implementation and have the capacity to influence its outcomes. Through this chapter, the study discussed the involvement of regional and sub-regional actors in the process to implement R2P in both Libya and Sudan.

It also emerged in this thesis through this chapter that the way R2P was applied in both Sudan (Darfur) and Libya shows that regional and sub-regional actors are crucial to the application of R2P and played part to the failure by the international community to implement the R2P norm in

both cases. Hence, the importance of these actors cannot be separated from international policy implementation such as the R2P, and their vital involvement in the international community's process of the R2P cannot be undermined or marginalised. This chapter highlighted the role of big power politics in the failure by the international community to implement the R2P in Sudan and Libya. Although it is not the main focus of this study, it is also essential for this thesis to present and analyse factors related to the politics of powerful countries and demonstrate how they played a part to the failure of R2P application in both cases (Sudan and Libya). Within this view, various factors such as the implementation inconsistencies that affected the whole process of the R2P implementation, the ICC factor and its implication to prevention and protection efforts of the international community in both cases, the absence of consensus in the UNSC over Darfur and Libya response, the veto power factor and its implications to prevention efforts of the international community in both cases, and the problematic nature of the international community's R2P intervention in Libya, are some of the factors that emerged in this thesis spotlighting the politics driven by big power countries and how these played a part to the failure by the international community to implement the R2P norm in both Sudan and Libya. The chapter also discussed the nexus between the R2P norm and regional organisations and sub-regional actors. It emerged that regional and sub-regional actors are critical stakeholders to the implementation of the R2P, and their involvement is essential in the operationalizing the R2P process. The next chapter concludes the thesis.

CHAPTER 6

SUMMARY, CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter concludes the entire study. It lays out the conclusion, key findings, recommendations, limitations of the study and areas for possible future studies. The aim of this study was to understand why the R2P failed in Sudan and Libya. As noted earlier on, the R2P is an international principle which is applied by willing members of the international community in order to protect civilians in conflict situations where the responsible government has failed or unwilling to provide protection to its citizens from massive human rights violations like genocide, crimes against humanity and war crimes. As noted in the UN Outcome Document of 2005, the implementation of the R2P includes the cooperation with regional organisations and sub-regional arrangements such as the AU, Arab League, Arab Maghreb, SADC and IGAD in order to achieve the intended outcomes of the R2P implementation in any specific country. In order to achieve the main objective, the study used two case studies—Sudan and Libya. This study confirmed to the main argument of the study which stated that ‘the failure to implement the R2P is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict’. This study was able to demonstrate that the failure to implement the R2P principle in both cases is because of various challenges related to regional and sub-regional actors’ involvement in the implementation of R2P and its interactions with the international community. It was further established that within these challenges encompasses obstacles that are seemingly internally driven from regional and sub-regional organisations which played a part to the failure by these regional actors to successfully carry out their mandate or get fully involved during the international community’s attempt to implement the R2P principle in both cases. Thus this chapter provides a reflection on the summary of each chapter, conclusions of key findings and recommendations.

6.2 Summary

This thesis encompassed six chapters. These chapters included the introduction, four core chapters, and this concluding chapter. Chapter 1, was an introductory chapter in which major issues underlining the subject understudy were highlighted. In this chapter the main argument was first

outline which is that; ‘the failure to implement the R2P is related to interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict’. It is in this chapter that the researcher highlighted the overall purpose of the study, namely to understand why the R2P failed in Sudan and Libya. Further to that, the chapter one presented and discussed a detailed research strategy used in answering the central research question of this study. In this regard, the chapter (1) outlined the paradigm which guided this study, the methodological approach, and methods used in data collection. Critical research paradigm perspectives through the use of qualitative methodology were highlighted. The chapter one also discussed the use of a comparative approach in this study and its contribution to the main objective of this thesis. As noted, for the purpose of comparison, the R2P interventions by the international community in Sudan and Libya had similarities and differences that lend them for comparison. The use of a comparative approach allowed the researcher to extend the analysis beyond the comparison of similarities and differences by utilising those similarities and differences to examine the underlying factors that led to the failure by the international community to implement the R2P principle in Sudan and Libya. This was essential in this study that sought to understand the reason why the R2P failed in Sudan and Libya. The process of information gathering involved the use of data collection instruments such as documentary search and in-depth interviews using thematic analysis method to analyse the collected data. In addition, strategies that were used to enhance validity and reliability, such as triangulation and a careful checking for representativeness in the data collected during the process of data analysis and presentation, were also discussed in this chapter. Overall, Chapter 1 introduced the context of the study with regard to the problem statement, research objectives, research methodology and a brief justification for the undertaking of the study as well as the theoretical framework.

Chapter 2 of this thesis provides a historical background of humanitarian interventions based on the realisation that understanding the doctrine of the R2P requires one to have an appreciation of how humanitarian interventions have been perceived and conducted across the globe. It was observed that the period before the modern nation-state was characterised by an immense lack of accountability with regard to massive human rights violations. States were not paying attention to international law and standards thus making it difficult to bring perpetrators to account. However,

with the signing of the Treaty of Westphalia in 1648, states started to develop a sense of collective responsibility in their relations with each other. The creation of the Red Cross movement 1883 and the first Geneva Convention 1964 were spotlighted in this chapter as important events that changed the behaviour of states instead; to gradually develop a sense of collective morality and the need to work together towards human rights protection. It was highlighted that the period between 1945 to 1990s was dominated by major political dynamics, including the formation of League of Nations (LON) as an attempt to create a stable world order based on the need to create a forum for resolving global disputes through collective cooperation. However, the failure of the League, the outbreak of the WWII and the holocaust was a set back to the collective sense of moral responsibility of nations.

Chapter 2 further noted the important role of liberal thought towards the growing human rights regime across the globe in the 21st century. The liberal thinking was influential in the creation of institutions such as the UN and other state practices that respect and promote mutual cooperation among states. Liberal thought was influential to the development of international human rights regime, including human rights instruments in international law such as the UN-Charter(s). This is exhibited in the powerful role played growing global governance in promoting human rights across the globe. Thus, liberal thoughts were substantial in the adoption of the R2P as a norm of enhancing civilian protection from massive human rights violation.

In addition, Chapter 2 of this thesis underscored that scenarios such as Rwanda (1994), Kosovo (1999), and Bosnia (1995) were influential examples that stimulated the ICs desire to find ways of ending mass atrocities by calling for individual accountability and taking a collective position towards ending impunity in cases of massive human rights violations. These incidents were coupled with massive human rights violations on civilian populations, especially in situations where respective states are unable or unwilling to ensure their safety. These incidents were among the driving moral factors that led to the adoption of the R2P as a way of finding the best strategies for preventing mass atrocities.

In analysing the historical development of the R2P principle, it emerged in Chapter 2 that Africa as a continent played a key role in coming up with ideas of how to improve the protection of civilians. This has been noted on how African policymakers such as Francis Deng, who later

became Special Advisor to the UN Secretary-General on the Prevention of Genocide, led the conceptualisation of the idea of “sovereignty as a responsibility” which laid the foundation of the R2P. The influential role of the African continent has also been noted in through Article 4(h) of the AU’s Constitutive Act of 2000. Through this article, African leaders recognised the responsibility of the organisation to intervene in the internal affairs of member states to protect citizens from egregious human rights violations during humanitarian crises. Benchmarks for assessing the implementation of the R2P were highlighted. It emerged that the practice of the R2P was characterized by success stories as in the case of Kenya and Ivory Coast, and inconsistencies and double standards as in Yemen, Syria and South Sudan. The Chapter 2 also discussed measures used to determine the failure of R2P in Sudan and Libya. In this regard, the failure to implement the R2P in Sudan and Libya was assessed in this study in terms of its overall objective.

Chapter 3 discussed the nature and origins of the Sudan and Libya crises, and the international community’s response through the principle of the R2P. In the discussion, it emerged that the war in Darfur became more brutal in 2003 as a result of several clashes between the SLA and JEM on one hand, and the Sudan government forces together with pro-government militia (the Janjaweed) on the other hand. The clashes between these two groups in the Darfur region resulted in large-scale human rights violations such as indiscriminate killings, abductions, forced expulsions, systematic and sexual abuses of civilians by both sides of the conflict, although the Janjaweed militia loyal to the government were largely blamed for causing more harm.

In addition, it was observed that the international community’s response to the conflicts in Sudan was mainly through the doctrine of the R2P effected by diplomatic engagements and military interventions; and the AU spearheaded most of the conflicts resolution processes in the Darfur region. However, it emerged that the international community response to end fighting and suffering of civilians in the Darfur region remained problematic as the application of the R2P failed to achieve its intended goal of protecting civilian populations from war crimes, crimes against humanity, genocide and ethnic cleansing. Large-scale human rights violations were still perpetrated, and most of the people were (and) still displaced and living in camps. The manner in which the international community applied the principle of the R2P demonstrated a lack of tangible commitment and determination to apply the R2P . This further explains the continuous failure to

apply the R2P principle to timeously and effectively protect civilians from mass atrocities. The international community response to Darfur crisis was marked by delays, and the international community failed to take necessary measures in time and protect civilians in Sudan (Darfur) from massive abuse of human rights. Despite the fact that the conflict was escalating for the number of years, no effort was taken to end the deadly fighting. This differs with the notion R2P, which entails that both global institutions like (UN) and other relevant actors including regional organisations and sub-regional actors should have a collective coordinated position to halt the crisis before atrocities occur.

In the case of Sudan, the international community's application of the R2P was characterised with inconsistencies as it was marked by definitional disagreements on whether to call the crisis "a genocide". This resulted in delays because members of the international community, particularly the UNSC had no political will to militarily intervene. It was noted in this chapter that it took more than six months of deliberations to pass Resolution 1706 which had the language of the R2P within its components. A full deployment of peacekeepers to protect the people of Darfur was approved by the UNSC through Resolution 1769 in 2009. This was almost seven months after the outbreak of the Darfur crisis highlighting the lack of urgency by the international community while thousands of civilians were in dire need of safety. Hence, the delays coupled with the poor timing of when and how to intervene resulted in civilians dying is an indication of the failure of big power politics' ability to engage regional and sub-regional actors for a timely response to the outbreak of an R2P situation.

Furthermore, the manner in which regional and sub-regional actors such as the AU was involved in Darfur is an indication of concerted efforts of regional organisations to contribute to the international community's efforts of implementing the R2P principle despite the challenges faced during its interactions with the international community. The AU responded to the crisis by coordinating security, humanitarian aid, political and diplomatic negotiations. The AU was mostly involved in Sudan as it engaged multilateral interventions to combat, and curtail further catastrophic humanitarian situations. The AMIS mission was such evidence to show the extent to which regional organisations can be instrumental when attempting to solve large-scale human rights violent conflict.

In the context of Libya, Chapter 3 also highlighted that the fighting between the protestors and the government forces which started in February 2011, attracted major international reactions as Gaddafi called the protestors cockroaches and promised to hunt them down one by one. It emerged that the international community's intervention in Libya, through the use of sanctions, judiciary mechanism, and NATO military forces was driven by threats by Gaddafi's regime which the UNSC said might constitute crimes against humanity. The chapter (3) also showed that, unlike in Sudan, the AU had no major involvement in the Libyan conflict as NATO spearheaded the application of the R2P through its military might. However, it was observed that, despite the international community's intervention in Libya, the manner in which the intervention was undertaken was contentious as it was characterised by implementation inconsistencies. This resulted in the international community's failure to apply the R2P in Libya as the application of the R2P did not manage to achieve its intended objective—to protect civilians from war crimes, crimes against humanity and other massive human rights crimes. The application of the R2P by the international community as demonstrated in this chapter failed to halt mass civilian sufferings. The process failed to restore the much-needed peace, particularly civilian protection, which is a fundamental purpose of the R2P. It was also noted in the chapter that during and after the intervention, (as of 2014 to 2017) Libyan civilians became vulnerable and were (are) still vulnerable to massive human rights violations, and the country is headed towards a failed state, massive human rights violations are still at large, and many Libyans are displaced in refugee camps while others die in seas as they attempt to escape to Europe through the Mediterranean deep waters.

Moreover, Chapter 3 of this study also highlighted the involvement of regional organisations in the implementation of the R2P. Given the way R2P was applied in Sudan and Libya, it emerged that regional organisations like AU, Arab League, IGAD and Arab Maghreb have the potential to contribute to the international community's implementation of the R2P by, for example, taking a leading role, or influence the international community's decisions to implement appropriate measures to respond to humanitarian crises as was the case for the AU in Darfur.

The chapter 4 of this study was a literature review. It discussed the various explanations on the reason for the failure of the R2P including Sudan and Libya. The chapter provided a discussion on other scholarly explanations of why the R2P failed Sudan and Libya. In so doing, the researcher

connected these explanations to the wide literature on the success or failure of the R2P while paying a particular attention to the failures of humanitarian interventions. In the analysis, it was noted in the chapter 4 that most explanations on the failure of the R2P in Sudan and Libya are based on the politics of big power countries by most scholars and researchers of the R2P. It is in this chapter that the study sought to demonstrate the existing gap in knowledge so as to improve the available literature on the reason why the R2P failed in Sudan and Libya. It was pointed out in this chapter that this study seek complements the available explanations on the reason for the R2P failure in both cases, particularly by paying a particular attention to regional and sub-regional actors.

The Chapter 5 of this thesis presented the findings and analysis of both primary and secondary data that was collected through interviews and documentary search. In addition, the chapter 5 focuses on the reason for the failure by the international community to implement the R2P in Sudan (Darfur) and Libya. It is in this chapter that the researcher attempted to answer the main research question of the study. Thus the section below presents conclusions of the key findings in relations to the research objective.

6.3 Conclusion

6.3.1 The reasons for the R2P failure in Sudan and Libya

This study was anchored upon the research problem that the international community's implementation of R2P in Sudan and Libya failed to achieve the intended goal of protecting civilian populations from massive human rights violent conflict involving war crimes, crimes against humanity, genocide (in the context of Darfur) and ethnic cleansing. This thesis addressed the question of 'why did the R2P failed in Sudan and Libya? As such, the research question of this study was derived from the research problem. It was noted in this study that in attempting to answer this research question, most other scholarly explanations on the reason for the failure of the R2P in Sudan and Libya tend to focus mostly on the politics of powerful countries and conceptual complexities of the principle. However, this study argued that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Thus this study sought to understand the reason for the failure of R2P with a

particular attention to regional organisations and sub-regional actors. In achieving the intended goal of the study, the study combined a case study and qualitative approach so as to get an in-depth understanding of the reason for the failure to implement R2P in Sudan and Libya. The study also relied on the use of documentary reviews and in-depth interviews to collect data which were then analysed with the critical discourse analysis technique, while the analysis of findings was done thematically in line with the study objective and presented after a critical engagement. It is in this regard that about 25 interviews were conducted with independent experts and academics regarded in this study as global actors at the global level; participants with specialised knowledge and experience in global politics and international peace and security.

Accordingly, the emerging themes from the collected data (primary and secondary), agreed with the central argument of this thesis that the failure to implement the R2P in Sudan and Libya is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Thus it was stressed in findings of this thesis that the understanding of reasons for the failure of the implementation of the R2P in Sudan and Libya cannot be solely ascribed to the politics of big power countries, but rather there are other factors that account for the failure of the R2P implementation in both countries. This study revealed that these factors are related to the interactions between regional and sub-regional actors and the international community when attempting to solve large-scale human rights violent conflict through the application of the principle of the R2P. Regional and sub-regional actors (e.g., the AU and the Arab League, Arab Maghreb) were pointed out in this study as important stakeholders in both conflicts whose involvement play a part in explaining the reason why the implementation of the R2P failed in Sudan and Libya.

In accounting for major findings of this study, the emerging themes of analysis agreed with this thesis's argument that the failure to implement the R2P in Sudan and Libya is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. In revealing such interconnectedness, as one of the its major findings, this study showed that the international community's implementation of the R2P was characterised by a break-down of an interface

relationship between regional actors like the AU and global institutions such as UN. This breakdown contributed immensely to the failure of the R2P norm in Sudan (Darfur) and Libya.

The study also showed that the application of the R2P is likely to materialise where both the UN and regional or sub-regional actors who are key stakeholders to the conflict situation favour a similar path of action towards the implementation of the R2P. It was revealed in this study, for example that due different political perspectives and national interests of members of the international community, the intervention in Darfur was met by major setbacks, including the lack of cooperation between African leaders and those who supported the UNSC referral of the Sudanese President to the ICC. This showed the extent to which both the UN and regional actors had a different path of action towards the implementation of R2P in Sudan. This undermined the relationship between the AU and the global institution, the UN, and undermined the whole process of restoring peace and stability in Darfur through the principle of the R2P. In addition, despite the AU's leading involvement to contribute to the international community's efforts of implementing the R2P principle in Sudan Darfur, the UN was reluctant to support the AU efforts to prevent and protect the vulnerable civilian from mass atrocities. One such challenge was noted when AMIS's operation was arguably hindered by the absence of attack helicopters, armoured personnel carriers, and advanced communication equipment that would have improved and helped AMIS to conduct its operation in an effective way (Badescu & Bergholm, 2009). This hampered prevention and protection efforts led by AU as the organisation had no financial capacity to purchase equipment without the UN support. This also indicates the manner in which both the UN and regional and sub-regional actors had a different path of action towards the application of R2P in Sudan (Darfur).

In the context of Libya, both UN and the AU took a different approach on how to resolve the Libyan crisis. There was apparent lack of cooperation between the two. The UN took a no-fly zone path while the AU chose to follow a peaceful route to resolve the crisis. This is an indication of the extent to which the failure of the R2P in Sudan and Libya is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. This explain the manner in which the interactions of a global organisation like UN and a regional actor (AU) can result in non-concerted and un-coordinated actions during the R2P implementation. The meeting to discuss

the crisis in Libya between the UNSC and AU took place in June 2011, after four months. This is contrary to the fundamental ideas of the R2P which emphasises for a particular degree of interaction between regional organisations and sub-regional actors (such as the AU, Arab League, IGAD, and the Arab Maghreb) and the UN during the implementation of the R2P principle. This also is an indication brought forward in this study which shows that members of the international community including UN and AU, had a different path towards the application of R2P.

The findings of this thesis also compelled the researcher to draw the lesson and conclude that despite the fact that the politics of big power countries play a vital role in explaining the failure by the international community in Sudan and Libya, the implementation the R2P depends not only on politics of the big powers but also is dependent on the manner in which regional actors and the UN interact during the process of applying the R2P principle. This is because big power countries alone cannot thrive in applying the R2P principle without the support or cooperation from regional and sub-regional actors. This calls for a need to take necessary steps that enhance the interface relationship between the UN and regional organisations like AU towards the application of the R2P. This can help to build the spirit of working together among all these actors. This was evident in the context of Libya; where the powerful countries through NATO overlooked the AU peaceful roadmap in favour of the Arab League's call for a military intervention and a no-fly zone in Libya. This was because the AU was perceived as having intentions to protect the survival of Gaddafi rather than to protect civilian populations who were vulnerable to massive human rights violations.

Moreover, the AU's failure to implement its roadmap in the Libyan crisis was because of the divisions that existed within the AU members. The AU roadmap was allegedly not supported by some countries such as Rwanda, Botswana, Egypt citing that the situation in Libya had degenerated into what the AU could not handle (Hove, 2015).

The voting for the UNSC Resolution 1973 (2011) to impose a no-fly zone on Libya by some AU member countries such as South Africa, Nigeria and Gabon (who were the non-UNSC permanent members), also shows how the AU's internal divisions was crucial in giving out the message to the world that the AU was in favour of a no-fly zone. It also gave out the message that the AU had no clear initiative to resolve the Libyan crisis The AU was undermined by the UN, Arab League, Western countries, NATO countries and the NTC government, and failed to participate in the

international community's process of ending massive human rights violations in Libya. However, the end result was catastrophic as the implementation of R2P failed to achieve its intended objective.

This study has further showed that actors such as regional organisations (AU and Arab League) have the potential to play an essential part to the international community's implementation of the R2P as was in the case the AU in Sudan. However, these actors cannot solely undertake the R2P implementation process in any specific context without the support from global institutions like the UN and other big powers (like US, France, China, Russia and the UK). This thesis, therefore, concludes that the interaction of all stakeholders, including global and regional and sub-regional actors is an essential approach that can result in improved application of the R2P by the international community.

This study also showed that despite certain interaction in the context of Sudan and a very little collaboration in the case Libya, the involvement of regional and Sub-regional actors in both cases played a part to the international community's failure to implement the R2P principle. This is particularly because of other identified obstacles that are internally driven from regional and sub-regional organisations which led to the failure by these regional actors to successfully carry out their mandate or get fully involved during the international community's attempt to implement the R2P principle. These obstacles includes: the lack of financial and operational capacity for rapid deployment, AU's diplomatic failure in the context of Libya, the lack of political will within the AU member states, and internal divisions within AU or Arab Maghreb member states. All these were singled out in this study for having played a part to the failure by regional actors to carry out their mandate or get fully involved during the international community's attempt to implement the R2P principle.

This study also demonstrated that the failure by the international community to implement the R2P in Sudan and Libya was also due to the existence of multiple rebel movements which created an unstable political environment within the Darfur and Libya society. This made it difficult for the international community's efforts to protect civilians. The local rebel movements in both cases also were alleged to have no clear objective that they can bring to the negotiating table, thus they choose to keep fighting and causing chaos in order to keep looting resources as was in the case of

Sudan-(Darfur). These rebel movements are also based on religious beliefs that radical in nature, for example, the presence of the Islamic state in Libya which globally regarded as a terrorist organisation, hence, it is difficult to bring such groups in the peace process. Thus, the existence of multiple rebels or militia groups in the countries where the R2P is to be applied, as was the case of Sudan and Libya, can also pose a stumbling block to the international community's efforts to apply the R2P principle.

However, in this study, although it is not the main focus of this study, it was also essential for this thesis to present and analyse factors related to the politics of these powerful countries and acknowledge how they played a part to the failure of R2P application in both cases (Sudan and Libya). Thus this study further revealed that there are various factors related to the politics of big powers countries which explain the R2P failure in Sudan and Libya. Among revealed these factors include: implementation inconsistencies, the ICC factor and its implication to efforts of the international community in both cases, the absence of consensus in the UNSC over Darfur and Libya response, the veto power factor and its implications to efforts of the international community in both scenarios, and the problematic nature of the R2P intervention in both countries. After having looked at the study's findings that were obtained from 25 interviews conducted with independent experts and academics regarded in this study as global actors at the global level, including the analysis of the data collected from various documents such as oral interviews, public records, journals, textbooks, magazines, newspapers, online documents, media reports protocols, government publications, reports among other archival resources. This study showed that despite the role played by the politics of big power politics which contributed to the failure by the international community to implement the R2P in Sudan and Libya, it is not the full story in explaining the failure by the international community to implement the R2P principle.

Most interviewed respondents noted that regional actors play a part in explaining the failure by the international community to implement the R2P in Sudan and Libya. They based their arguments on the fact that these actors are closer to the events taking place on the ground, and have access to detailed information, a more nuanced understanding of history, political dynamics of their region, including of the affected country and are; are more directly affected by the consequences of action or inaction; and may be vital to the decision-making process of the UNSC. These interviewed

participants had detailed specific knowledge (not covered by convention literature on R2P) that demonstrates the reality behind the role played by regional actors and sub-regional actors in explaining the international community's failure to apply the R2P in Sudan and Libya. This study argued that the failure to implement the R2P norm is related to the interactions between regional organisations (which are important stakeholders in these conflicts) and the international community when attempting to solve large-scale human rights violent conflict. This study sought to understand the failure of the R2P in Sudan and Libya with a particular focus on regional and sub-regional actors. This helped in this thesis to establish a balanced analysis on the reasons for the R2P failure in Sudan and Libya in this study.

This study also has made its original contribution to understandings of the R2P principle in a way that anticipate in-depth understandings in the application of R2P and explanations which pays a particular focus on regional and sub-regional actors as much as international actors. The way the R2P was applied in both Sudan (Darfur) and Libya is an indication of the fact that regional and sub-regional actors are crucial to the application of R2P and their involvement play a part in explaining the failure of the R2P in both cases. The potential of these actors to be involved and contribute to the international community's implementation of R2P should not be overlooked or marginalised. It was also noted in this thesis that, despite the importance of actors such as regional organisation like AU Arab League and Arab Maghreb towards the implementation of the R2P, the involvement of these actors is limited by the inherent challenges, including internal divisions, lack of resources, lack of dispassionate approach to conflict situations, and lack of political will among members, especially in the case of regional organisations.

6.4 Recommendations

The term recommendation refers to a suggestion about what should be done. In this thesis, recommendations are measures deemed by the researcher as problem-solving strategies that can improve future interventions based on the way the R2P was applied in Sudan and Libya. These recommendations are discussed below.

Firstly, the case of Sudan (Darfur) and Libya, as noted in this thesis, is an indication that the implementation of the R2P requires the improved interaction of multiple actors at all levels of

interaction, including at global and regional and sub-regional level. This is vital for global governance—which argues that international norms such as R2P designed to respond to a global problem like humanitarian crises cannot be solved by states or global institutions alone but requires the interface of all stakeholders, including regional and sub-regional actors. As observed in this study, these actors are crucial to the application of the R2P and play a part that account for the failure by the international community to implement the R2P in Sudan and Libya. This is the reason why these actors should not be undermined, overlooked or marginalised during the international community's implementation of the R2P. They are key stakeholders to the international community's application of the R2P in any specific country. Not fully cooperating with them, undermining or marginalising them can result in negative implications as was the case in Libya. It can negatively affect the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. Hence, this thesis calls for an enhanced interface between the global organisations (such as the UN) and regional and sub-regional actors towards the R2P implementation. This can help to build a strong foundation to drive the international community's implementation of the R2P in future interventions.

In addition, this study also calls for the international community to create an environment that promotes the interplay of key stakeholders to the R2P and conducive to its implementation in future interventions. In this regard, there are essential conditions necessary for regional and sub-regional actors to be involved and play a part to the implementation of the R2P. Fostering a more improved global-regional and sub-regional collaboration between regional, sub-regional actors and a global organisation—UN is a vital plank to the application of the R2P. Such interplay among these actors at different levels (global, regional and sub-regional level) can be critical to the implementation of R2P as it can serve as a channel for two-way flow of ideas, information, and insights between stakeholders at the regional and sub-regional levels and those at the global level. This will improve future R2P interventions.

Moreover, there is also need for the enhanced interface of all actors, including global ones (UN) and regional organisations and sub-regional actors involved in the R2P implementation which is essential to the international community's implementation of the R2P. The enhanced interfacing

relationship is important for effective global governance—a common perspective in IR that contends that norms (like the R2P), adopted at the global level to tackle an international problem (such as humanitarian crises) that cannot be solved by states alone, require an interface of multiple actors. It is therefore under these circumstances that this thesis calls for an enhanced interface of all key stakeholders to the R2P implementation in future intervention. Moreover, this collaboration or interfacing relationship between regional and sub-regional actors and global institutions (UN) would have worked in both cases, if the intervention was based on fundamental values and objectives of the R2P, which are to protect civilians who are vulnerable to large-scale human rights violations rather than other concealed agendas that put national or individual interests at the forefront of humanitarian intervention response. This should be done without bias and prejudice; the sole objective should be to protect all civilian populations who are vulnerable to humanitarian catastrophe.

Secondly, as the cases of Sudan (Darfur) and Libya demonstrated in this thesis, most of the time spent on the R2P discussions in the UNSC, regional organisations and sub-regional organisations was on efforts to assess the nature of the crisis going on in the respective country. This is mainly done to determine the nature of the crimes taking place, i.e., crimes against humanity, war crimes, genocide, and ethnic cleansing. This results in unnecessary delays, which then makes it difficult for the international community to save lives in a timely and decisive way. In Sudan, for example, most of the time was spent on debating whether the crisis constituted war crimes and if it can be named “a genocide.” The international community’s R2P response came late after a large number of civilians had been killed and thousands of others injured and displaced. Hence, this thesis is calling on the international community, together with all key stakeholders, including regional and sub-regional actors, to perfect and refine the existing criteria or come up with a new threshold to help determine the nature of crimes taking place in the country of concern. This will help to improve future R2P interventions, thereby making it more effective and consistency with existing policy documents, instruments, and resolutions surrounding the principle of the R2P and promote effective application.

In addition to that, when applying the application of the R2P, there is need to equally involve key stakeholders and support them, including regional and sub-regional actors. This is vital in order to

reach consensus on the division of labour based on their comparative advantage, and a clear arrangement of particular roles so as to improve the process of implementing the R2P. This is likely to improve the process of international community's implementation of R2P. This can only be achieved if all stakeholders are included in the negotiation table where none of them is sidelined, as was the case in Libya where the AU was seemingly marginalised and not given the chance to be effectively involved in the application of the R2P (Evans, 2012).

Thirdly, for the application of the R2P to be successful, this thesis emphasises that future R2P interventions should be driven by compassion and humanity rather than interests. Moral issues that could motivate the R2P interventions must be identified as national interests so as to mobilise governments to implement the R2P principle with determination and commitment that is based on the ethical responsibility of respecting human rights. The involvement of all stakeholders, including regional and sub-regional actors in the implementation of the R2P should be based on humanitarian reasons rather than other interests.

There is a need for dispassionate approach guided by humanitarian values of the R2P principles (which are to protect civilians) rather than intervention driven by a political motivation intended to achieve personal, economic and geo-strategic interests. This is essential for the application of the R2P in future interventions. The international community's implementation process of R2P which is relevance to the application is that which is inclusive in nature—meaning a negotiated path by both UN and regional or sub-regional actors and unanimously agreed upon based on the need to protect civilian populations rather than individual interests, as was the case in Libya where, AU wanted to protect Gaddafi's survival in power rather than the ordinary Libyan civilians.

Fourthly, it is recommended in this study that a culture of silent and slow reaction to crises should change. There is a need for a quick reaction to crises and a narrowed room for gradualism. To achieve this, UN, regional organisations and sub-regional actors must shun the moral imperatives of the summit and shuttle diplomacy in a crisis situation that poses a danger to civilian lives. If resources permit, the urgency of any crisis must be treated with necessity, objectivity and humanitarian realism. Within members of the AU, Arab League, and the Arab Maghreb, there is a need to foster proactive response to potential humanitarian crises. This will eliminate a culture

of silence towards the alarming R2P situation because such an approach reinvigorates timely engagement of stakeholders to any emerging humanitarian crises.

Moreover, a successful application of the R2P in any given context will always depend on the availability of funds, adequate economic and military resources, backed by political will, particularly that of the powerful countries. This is because the R2P measures, such as strong and effective sanctions and mediations, can all succeed if backed with political will and all the necessary funds so as to make sure that the main objective of the R2P can be effectively realised without discrepancies, ambiguities and double standards, which may put this principle into disrepute.

6.5 Study Limitations

This section presents the limitations of the study. Despite that the main objective of the study was achieved, the study was subjected to particular limitations. The first limitation is related to one research methodology that was utilised in the process of data collection in this thesis. The method of collecting data through in-depth interviews is criticised for having its own drawbacks. Crotty (1998) avers that in-depth interviews are more difficult to conduct because it is challenging to reach and schedule interviews with busy or hard to reach respondents such as these in top positions; diplomats, policy makers, senior state officials, top military ranked officers as well as other individual experts. The process of selecting the right key informants or respondents may be difficult. To overcome that, purposive sampling technique was used in order to select the right respondents to the study requirements.

In addition, accessibility of certain important respondents to this study was challenging. Some respondents were not readily available due to their distant locations or simply because they are totally unreachable for example, politicians that are allegedly linked to the Darfur and Libya crisis. Some officials such as diplomats and senior politicians approached for this study cited busy schedule to justify their reluctant to be interviewed. However, through purposive sampling the researcher managed to identify key respondents willing to participate in the study.

Moreover, this thesis ran a risk of being subjected to biases or subjective viewpoints. This is particularly because the R2P as a principle of humanitarian intervention is widely a contested

phenomenon. The way R2P was applied in Sudan and Libya is subjected to multiple interpretations in relations to success or failure. This is also because the majority of interviewed respondents in this thesis are scholars, politicians, international civil servants, military officers, diplomats who are perhaps interested, or hold a particular viewpoint to different from this study's argument or who are stakeholders in issues under study. To overcome this, maximum levels of objectivity was deployed by the researcher during data analysis. The researcher also used triangulation strategy to evaluate and control the level of bias. Different research methods of collecting data such as documentary search and in-depth interviews were utilised and provided the researcher with more information of diverse views which helped to make informed conclusions on reasons for the failure of the R2P in Sudan and Libya. The section below presents areas for further study.

6.6 Areas for Further Study

Since this study did not focus on the role of internal factors related to Sudan and Libya's own society settings (the internal dynamics within the state etc.) which may have also have been a hindrance to the international community's failure to implement the R2P in these two countries, there is a need for further researches that focus on the contribution of internal changing aspects such as the political dynamics within both countries and how it contributed to the international community's failure to apply the R2P in Sudan and Libya.

This thesis also did not focus on the single actor, for example, AU, Arab League and Arab Maghreb. Thus, there is the need for further researches that focus on single actors in order to determine each one's involvement to the application of R2P in Sudan and Libya as a single case rather than comparative approach.

Despite underlying reasons that led to the international community's failure to implement the R2P principle in Sudan and Libya, more research is required to help policymakers and other relevant stakeholders of the R2P to create conducive conditions that promote the interface relationship between global institutions like UN and regional organisation and sub-regional actors. I wish this thesis can be a springboard to that pathway.

To conclude, it is important to note that this thesis attempted to account for the failure of the R2P in Sudan and Libya with a particular attention to regional and sub-regional actors. This was mainly

because the available information that sought to explain this failure has a tendency of focusing more on the politics of big power countries. It was therefore established in this study that the failure to implement the R2P norm is related to the interactions between regional organisations and the international community (global organisations like UN) when attempting to solve large-scale human rights violent conflict. This thesis notes that implementation of the R2P was characterised by a break-down of an interfacing-relationship between regional actors like AU and global institutions (UN), and this break-down contributed immensely to the failure by the international community to implement the R2P in Sudan and Libya. Responses from interviewed respondents and information gathered through documentary search offers evidence on why the R2P failed in both cases. To address this shortcoming in future R2P interventions, there is need for improved interactions; the successful application of the R2P is likely to materialise where both the UN and regional and sub-regional actors who are key stakeholders to the conflict situation favour a similar path.

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APPENDIX 1: A LIST OF INTERVIEWEES

- 1) International Relations Scholar (PhD)-University of Zimbabwe. The interview took place at the University of Zimbabwe at 1pm on the 1st of January 2016. University of Zimbabwe, P.O. Box MP 167, Harare.
- 2) International Relations Scholar (Durban University of Technology). A former Policy formulation and analyst at a humanitarian NGO in Zimbabwe. The interview was held at 10 am on the 4th of May 2015. Harare Zimbabwe.
- 3) International Peace and Security Scholar (Bindura University, Zimbabwe). The interview was held on the 10th of January 2016 at 3 pm 2016, Harare, Zimbabwe.
- 4) International Relations Scholar (Durban University of Technology) and a Senior Lecturer in African Politics and Contemporary Conflicts Management at a University in Zimbabwe. The interview was done on the 10th of January 2016. Harare Zimbabwe.
- 5) A researcher in Global Peace and Security Affairs. He resides in South Africa. The interview was done through Skype at 2pm on the 20th of February 2016.
- 6) A media Expert and Political Analyst based at Free State University (South Africa) and Harare Poly-Technique School of Journalism. The interview took place in Harare at 10 am, on the 22 of February 2016. Harare, Zimbabwe.
- 7) International Relations Scholar at the University of Cape Town and lecturer at the University of Zimbabwe. The interview took place in Harare Zimbabwe, 10 May 2015 at 11 am.
- 8) An expert in international humanitarian Law and public international law (PhD). The Scholar is also a visiting Lecturer at the University of Dar es salaam Tanzania and worked at the international Tribunal on Rwanda in Arusha Tanzania. The interview took place on Skype at 2 pm South African time. It was on the 21st of June 2016. Pretoria South Africa.
- 9) International Civil Servant, and Food Security Expert in Chad and Darfur 2015-2017. The interview took place on the 8th of July 2017 at 9 am US time. Maryland, Washington Dc, US.
- 10) A military officer who worked in Darfur in 2010 as part of the (UNAMID). The interview took place in Harare at 1 pm on the 12 of June 2015. Harare, Zimbabwe.
- 11) A military officer who worked in Darfur for UNAMID and now resides in Australia. The interview was a Skype on the 14th of December 2016 at 6pm US time.
- 12) International Relations Scholar and International Civil Servant (PhD) from University of Nyala-Sudan and work for UNAMID. Skype interview on 27 August 2017 at 5 AM US time.
- 13) International Relations Scholar and Political Analyst in Zimbabwe (PhD). The interview was held on the 1st of August 2016. It was at 1pm Harare, Zimbabwe.
- 14) International Relations and Strategic Studies Scholar (PhD). The interview took place in Harare, at the University of Zimbabwe. The time was 1pm on the 21st of May 2015.
- 15) A civil Servant in the Ministry of Foreign Affairs of Zimbabwe and International Relations Expert. The interview took place in Harare Zimbabwe, at 10 am on the 20th of December 2014.

- 16) International Relations Scholar (PhD) Turf School of Diplomacy and International Relations and a lecturer at Massachusetts University. The interview took place in Massachusetts, Springfield US at 10 4pm, December 22, 2017.
- 17) International Relations Scholar at the University of Free State, South Africa. The interview took place in Harare, Zimbabwe, on the 17 of June 2015 at 1pm.
- 18) A lawyer in Zimbabwe (LLB from the University of Zimbabwe) and Expert in International Human Rights law. The interview took place in Harare Zimbabwe at 10 am, on the 1st of January 2016.
- 19) International Relations Scholar (PhD) and Former Diplomat from the University of Zimbabwe. The interview was held at 10 am, in Harare Zimbabwe, on the 18th of June 2016.
- 20) A Germany based International Relations Scholar and a fellow at the Bayreuth international graduate School of African Studies at the University of Bayreuth.
- 21) A military officer and International Civil who worked for UNAMID in Darfur. 1pm on the 20th of June 2015. Harare, Zimbabwe.
- 22) A former US Diplomat in Africa in the 1990s and Expert in African affairs. Interview was conducted on 22 October 2017, at 7 pm. Houston, Texas, US.
- 23) A Burundian Human rights activist and Civil Society Expert. The interview was held in Houston Texas at Rothko Chapel 5pm, on 23 October 2017.
- 24) International Humanitarian Law Expert (PhD) and International Civil Servant who worked the World Health Program in Sudan and Darfur in 2009. The interview took place in Harare on the 15th of February in 2016. Time was at 11 Am.
- 25) A researcher in Political history and Conflicts in Africa and Burundi (PhD). The interview took place in Mutare, Zimbabwe, at 1pm 24 of July 2016.

APPENDIX 2: INTERVIEW GUIDE

SECTION A: INTRODUCTION

My name is John Bosco Nizeimana. I am a PhD student in in Political and International Studies at Rhodes University, Department of Political and International Studies in the Faculty of Humanities. My research thesis is entitled: “A comparative study of Responsibility to Protect [R2P] in Sudan and Libya.” The central objective of my research study is to understand why the R2P failed in Sudan and Libya. I have selected you to be one of the respondents because of your expertise or experience. I will treat your responses with confidentiality and anonymity in line with ethical principles of conducting social science research. Participating in this study is voluntary. Thank you in advance for participating in this research study.

Your honest and accurate responses will be greatly appreciated.

SECTION B: INTERVIEW QUESTIONS

- 1) What is your general understanding of the principle of R2P?
- 2) Reflecting on your experience, what is your analysis on the way R2P was applied in Africa, including Sudan and Libya?
- 3) Do you think the R2P implementation in Sudan Darfur was a success? If your response is NO, what may be reasons for the failure?
- 4) Do you think the R2P implementation in Libya was a success? If your response is NO, what may be the reasons for the failure?
- 5) What is your general understanding of the three pillars of R2P?
- 6) Given your expertise and experience, do you think the R2P was appropriately implemented
- 7) What may have been reasons behind the failure in Sudan and Libya? What were challenges faced by the international community during the implementation of R2P in both cases.
- 8) From your own experience, what do you think should be done address challenges faced by the international community in the future implementation of R2P?
- 9) To what extent can regional and sub-regional organisations such as IGAD and Arab Maghreb support the implementation of the R2P in specific cases?

10) How was the involvement of regional and sub-regional actors in the implementation of R2P in Sudan and Libya?

11) From your experience, what do you think is needed to improve the involvement of regional and sub-regional actors in a way that contribute to effective implementation of the R2P in future humanitarian intervention like that of Sudan and Libya?

Closing Question

12) Any other comment?

Thank you very much for your contribution!

APPENDIX 3: THE INFORMED CONSENT FORM

My name is John Bosco Nizeimana. I am a PhD student in Political and International Studies at Rhodes University, Department of Political and International Studies in the Faculty of Humanities. My research thesis is entitled: “A comparative study of Responsibility to Protect [R2P] in Sudan and Libya.” The central objective of my research study is to understand the reason why the R2P failed in Sudan and Libya?

This study is purely for academic purposes. I have selected you to be one of the respondents because of your expertise or experiences on the topic under study.

In this research the following conditions and rights apply to each and every participant:

- Participation in this study is voluntary
- The participating individuals have the right to withdraw their involvement at any time without penalty.
- Every participant is entitled to ask questions during an interview with the researcher.
- There is no any type of reward that will be allocated to participating individuals, including financial incentives.
- Participant’s responses will be treated with high levels of confidentiality and anonymity.
- The findings of this study will not be recorded, shared, or reported in any manner that could reveal individual identity. No one will be able to link your name with your answers.

John Bosco Nizeimana
Rhodes University, Faculty of Humanities
Department of Political and International Studies
Student Number: 15N3020
bnizeimana@gmail.com

I, the undersigned, have read and understood the rights and conditions as stated above.

Name (print): _____

Date: _____

Signature: _____

Thank you....

APPENDIX 4: A RESEARCH LETTER



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e: politics.administrator@ru.ac.za

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28 November 2016

To whom it may concern

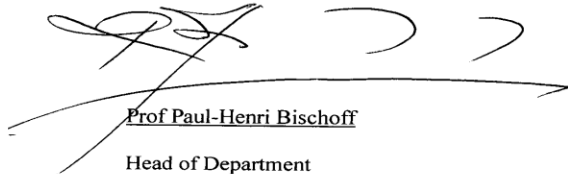
This is to confirm that Mr John Bosco Nizeimana, PhD student in the Department of Political and International Studies, at Rhodes University (South Africa) will be conducting his thesis research on the Responsibility to protect (R2P) in Sudan and Libya in full filling his doctoral studies. The research project he will be conducting his thesis is entitled: *A Comparative Study of Responsibility to Protect (R2P) in Sudan and Libya*.

Accordingly, Mr Nizeimana will be conducting a field research in various locations and data will be gathered through in depths interviews with key informants including experts in the field of R2P and ordinary citizens who were affected by the conflicts. All information gathered will be used solely for academic purpose and participants will participate voluntarily.

Where necessary, Mr Nizeimana will provide you, upon request, with any additional information on the research project and answer any questions about his studies, research methods and himself. Feel free to contact Mr Nizeimana or myself as his supervisor on the provided contact details.

We will be grateful for your kind assistance in facilitating his field work and data collection tasks. Thank you in advance.

Yours sincerely,



Prof Paul-Henri Bischoff
Head of Department

