THE RESPONSIBILITY TO PROTECT PRINCIPLE IN PROMOTING PEACE AND SECURITY: THE CASE OF LIBYA 2011-2013.

BY

MUZVIDZWA PRECIOUS

R141627M

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ABSTRACT

The responsibility to protect principle remains a useful norm for promoting peace and security. The research traces the evolution of responsibility to protect principle as a basis for intervention. The study analyzed the effectiveness of responsibility to protect principle in promoting peace and security and adopted a case study approach. The research used qualitative data collection tools. The result of the study indicated that responsibility to protect principle has not been effective in promoting peace and security especially in Libya. There is need for African Union and other sub-regional organisations to be self-sufficient in future so that they are able to resolve problems on their own and avoid external manipulation.

ACKNOWLEDGEMENTS

DEDICATION

This study is dedicated to my husband Simbarashe Muzvidzwa and children Tashinga, Kupakwashe, Simbarashe Junior and Ngaatendweishe for their love and support. They endured many hours of loneliness during the period I was writing this project especially our newly born Ngaatendweishe thank you for behaving my boy.

ABREVIATIONS AND ACRONYMS

US   United States of America

R2P   Responsibility to Protect

UN   United States

ICISS   International Commission on Intervention and State Sovereignty

NATO   North Atlantic Treaty Organisation

UNSC   United Nations Security Council

NGO   Non-Governmental Organisation

SLA   Sudan Liberation Army

JEM   Justice Equality Movement

HCFA   Humanitarian Cease Fire Agreement

AU   African Union

AMIS   African Union Mission in Sudan

UNAMID   United Nations Mission in Darfur

ECK   Electoral Commission of Kenya

PNU   Party of Nation al Unity

ODM   Orange Democratic Movement

OIC   Organisation of the Islamic Conference

ICC   International Criminal Court

GCC   Gulf Cooperation Council

NTC   National Transmission Council

UNSMIL   United Nations Support Mission in Libya

LAS   League of Arab States

UNSC   United Nations Security Council

OUP   Operation Unified Protector

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CHAPTER ONE

1.0 INTRODUCTION

The military intervention on Libya led by France and the United Kingdom based on Security Council Resolutions 1970 and 1973 in 2011 has been interpreted as a significant milestone in the life of Responsibility to Protect (R2P) doctrine. It is the first United Nations (UN) military mission justified as a reaction to a government's failure to live up to its responsibility to protect its citizens. However, controversy surrounds the applicability of the Responsibility to protect principle as to why there is inaction in some cases and there is intervention in other cases.

1.1 BACKGROUND TO THE STUDY

According to the United Nations General Assembly 2005 report the responsibility to Protect Principle is a United Nations (UN) principle and it came into existence in 2001 when the International Commission on Intervention and State Sovereignty (ICISS) presented its report to the General Assembly and created the term. The then United Nations secretary general, Kofi Annan, in his millennium report to the General Assembly in 2000 addressed the issue of Humanitarian Intervention moved by the catastrophes of the 1990s for instance the failure to act in the genocide which occurred in Rwanda in 1994, the inability of UN peacekeeping force to prevent massacre at Srebrenica Bosnia in 1995 and the non-UN authorised NATO intervention in Kosovo in 1999. In reaction to these disturbing dilemnas Kofi Annan posed the question:

> If humanitarian intervention is indeed an acceptable assault on
> sovereignty, how should we respond to a Rwanda, to a Srebrenica....to
> gross and systematic of human rights that offend every precept of
> our common humanity?

 One can note that from Kofi Annan's statement humanity and sovereignty appear as two conflicting principles and the question arises as to which principle should prevail when they are in conflict. However, in response to Kofi Annan's appeal the government of Canada established ICISS and tasked it to approach the problem of humanitarian intervention in a comprehensive manner with the aim of finding a global common ground. In December 2001 the ICISS issued the report entitled "The Responsibility to Protect" and the concept entered the international stage. The ICISS report proposed a conceptual change by suggesting shifting debate of humanitarian intervention from right to intervene to responsibility to protect. Thus, under this assumption intervention does not contradict the principle of sovereignty but rather

complements it where a state does not live up to its responsibility. The ICISS report divides R2P into three responsibilities that is responsibility to prevent, react and rebuild.

In 2004 the concept of R2P as developed by ICISS was then considered by the "High Level Panel on Threats, Challenges and Change" convened by Kofi Annan to evaluate the adequacy of existing policies and institutions with regard to current threats to international peace and security. The High Level Panel highlighted that the state had responsibility to protect the welfare of its people as well as collective international responsibility to protect which is to be exercised through the UNSC.

In 2005 the UN Secretary General in his report "Larger Freedom: Towards Development, Security and Human rights for all" stated that R2P should be embraced and when necessary be acted upon. However until the 2005 World Summit the R2P had only been considered by Secretary General and specialised Commissions but this changed when the heads of state and government convening at the UN General Assembly endorsed the responsibility to protect. The state representatives acknowledged that states has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity and pledged to act in accordance.

The first explicit acknowledgment in a resolution occurred in 2006 when the UNSC referred to paragraphs 138 and 139 of the 2005 General Assembly World Summit Outcome Document and adopted Security Council Resolution 1674 on April 28 2006. The UNSC acknowledged that the situation in Darfur obliged Sudan as well as the International community to put R2P into practise so in response it passed resolution 1706 of 2006 authorising deployment of UN peacekeeping troops in Darfur Sudan and since then R2P featured prominently in a number of resolutions adopted by UNSC with regard to the protection of civilians in armed conflicts. The responsibility to protect principle was further strengthened when the United Nations Secretary General Ban Ki-moon released two reports "Implementing the responsibility to protect" in 2009 and "Early Warning Assessment and The Responsibility to Protect" in 2010.The reports were aimed at finding ways of implementing the R2P in a faithful and consistent manner.

However, the Libyan intervention in 2011 came as a response to the crisis which has roots in the political upheavals associated with Arab Springs protests that spread from Tunisia and beyond in the early months of 2011.Bellamy and Williams (2011) report that protests which had begun peacefully and with the apparent intent of demanding improved civil and political

rights in mid-January became increasingly violent in nature. In response to the escalating violence in Libya basing on the R2P principle UNSC adopted resolution 1970 on 26 February 2011 which imposed an embargo and travel ban on Gaddafi family and key members of government and froze assets of the Gaddafi family. When non-military measures authorised in resolution 1970 failed to deter the Libyan regime to halt the mass violence on protestors the UNSC adopted resolution 1973 on March 17 2011 which authorised member states "To take all necessary measures…to protect civilians and civilian populated areas under attack in Libya." It was this resolution which led to the subsequent invasion of Libya led by United Kingdom, France and United States and later taken over by NATO on 29 march 2011.Therefore it is against this background that the research wants to analyse whether the Libyan intervention can be seen as a success or failure of the R2P in promoting peace and security.

1.2 STATEMENT OF THE PROBLEM

The Responsibility to Protect Principle being a principle dealing with controversial issues of state responsibilities and sovereignty, problems have been noticed because the principle has been used selectively citing the case of Libya and Syria where intervention was done in Libya and ignored in Syria while the countries had almost similar circumstances. Where it has been applied for instance in Libya security concerns are still a problem. Kuperman J (2013) notes that the Responsibility to Protect Principle intervention in Libya had problems because it increased the death toll by approximately seven to ten times, it exacerbated human rights abuses, human suffering, Islamic radicalism and weapons proliferation in Libya and its neighbours and extended the war's duration about six fold that it left security as the most pressing issue for Libyans. The researcher seeks to analyse if R2P has been effective in promoting peace and security using the 2011 Libyan case.

1.3 OBJECTIVES OF THE STUDY
- To trace the evolution of the responsibility to protect principle.

- To explore whether Libyan Intervention under Responsibility to Protect Principle was effective to promote peace and security in Libya.

- To proffer recommendations on conflict resolutions

1.4 RESEARCH QUESTIONS

- How the Responsibility to Protect Principle existed?

- Was the Intervention in Libya Effective to end the conflict in Libya?

- What recommendations can be given to improve on conflict resolution?

1.5 JUSTIFICATION OF THE STUDY

The study on the evolution R2P norm and an analysis on how effective it is on promoting peace and security will help build a common understanding of Responsibility to Protect Principle. The research will provide input into policy packages being debated on the academic circles on the applicability of the responsibility to protect Principle and show the extent to which military intervention can be justified.

1.6 LIMITATIONS

In doing this research, the researcher anticipates a lot of hindrances in terms of coming up with concrete and relevant information on the process and events that led to the conflict in Libya. This will be as a result failure to get first hand information from Libyan authorities as the embassy in Zimbabwe was officially closed

1.7 DELIMITATIONS

The study is confined to Libya although reference will be made to other states for analysis. Libya stretches along the Northeast coast of Africa between Tunisia and Algeria on the west and Egypt on the East, to the South are Sudan, Chad and Niger. It covers an area of 1 759 540 square kilometres. Time delimitation was confined to a period of three years from 2011 to 2013.

1.8 METHODOLOGY

1.8.1 Research Design

Research design can be defined as the structure of the research and it holds all the elements in a research project together. To assess the effectiveness of R2P in promoting peace and security basing on the military intervention in Libya in 2011a case study method was selected as the research design for this study. According to Punch 1998 a case study allows a variety of research questions and allows the researcher to develop a full understanding. Isaac and Michael 1995 content that a case study is exploratory in nature and the outcome of a case study may provide information and possible hypothesis to guide future research. The case study is useful to pioneer new ground which allows the researcher to bring to light important

explanations. The researcher used qualitative research techniques to explore the significance of R2P in promoting peace and security.

1.8.2 Data Collection Techniques

The study used qualitative data collection techniques which are documentary search and in-depth interviews. The research used documentary search technique which included gathering of data in secondary sources. Boslaugh (2007) notes that secondary data is economic as it have already been collected so the researcher does not have to devote money, time and energy. Secondary sources used were books, magazines, academic journals, newspapers, articles and internet sources. These documents were sourced from libraries which include University of Zimbabwe Library, UN library and Harare city library. Documentary search helped in providing background information and evolution of R2P.The research also relied on use of primary sources as well. Pierce (2008) defines primary sources as original, unedited and first hand material while secondary sources are edited and interpreted. Primary sources that were analysed are government publications, statements and speeches by politicians and policymakers and reports by both government and non-governmental organisations (NGOs). The researcher relied also on in-depth interviews to targeted individuals who had knowledge on the subject matter. In-depth interviews maybe structured or unstructured that is structured in-depth interview refer to questions that are written down in advance while unstructured in-depth interview refer to questions that are posed randomly as the interviewer is carrying out the research. Respondents were obtained from Ministry of Foreign Affairs staff members, diplomatic representatives of the five permanent members of the UNSC US, Britain, China, France and Russia, African Union member states and academics from the University of Zimbabwe who had knowledge on the subject.

1.8.3 Sampling techniques

In identifying the sample for interviewees purposive sampling was employed. This type of sampling was adopted for the purpose of providing the researcher with facts pertaining to the study. Saunders et.al (2003) purposive sampling facilitates the selection of informative respondents who will enable a study to answer its research objectives and achieve its objectives. Purposive sampling allows the study to deliberately identify the sample which is directly involved or affected by the R2P principle.

1.9DATA ANALYSIS

Data collected thorough interviews and documentary research was analysed and presented.

1.10 ETHICAL CONSIDERATIONS

According to Anjum H 2006, ethical issues are an integral part of a research and consideration for ethics should run throughout the course of the research process. This researcher will avoid deception and will explain to participants the nature of the research and will not hide the true nature of the research. Deception is twofold that is by omission where the researcher will withhold important facts from participants and by commission where the researcher will lie or purposely mislead research participants. This study reported results in honest and accurate manner. The researcher did not force data to fit into the researcher's hypothesis. The researcher analysed data in a manner that avoids fraudulent analysis.

In addition, the study should also be concerned with offering protection to participants through assurance of confidentiality of information shared. The study had a clause on the interview guide assuring confidentiality and assuring that the information was going to be used for academic purposes only. Anonymity is provided through the use of pseudonyms.

1.11 RECOMMENDATIONS/CONCLUSION

Having looked at the various aspects of Responsibility to protect and the intervention in Libya in 2011, the researcher will reach a conclusion based on the findings obtained. More to this, the researcher shall provide an outline of recommendations which the researcher find to be of value with regard to the issue of Responsibility to protect and Intervention.

<center>**CHAPTER TWO**</center>

LITERATURE REVIEW AND THEORETICAL FRAMEWORK.

21 INTRODUCTION

This chapter examines the writings of other authors on the Responsibility to protect doctrine. The chapter will provide an overview over R2P, explaining the background for why the concept was invented, what issues R2P attempts to address as well as outlining the most central principles of the concepts. In as much as there is a lot of literature on the Responsibility to protect principle, a critical review of scholarly work will be done in an endeavour to show effectiveness of R2P in promoting peace and security. In reviewing the literature the study will interrogate the work of other scholars. There will be an analysis of R2P as a way of resolving conflicts. Theories of Normative, liberalism and realism will be briefly outlined.

2.1 WHAT IS RESPONSIBILITY TO PROTECT

The ICISS report (2001) defines responsibility to protect as the idea that sovereign states have responsibility to protect their own citizens from avoidable catastrophe- from mass murder and rape, from starvation but that when they are unwilling or unable to do so that responsibility must be borne by the broader community of states. In the first instance the responsibility to protect human rights resides in the state and when the state is unwilling or unable to protect the lives of its own citizens or is the perpetrator of abuse and in such cases the international community has the responsibility.

2.2 EVOLUTION OF RESPONSIBILITY TO PROTECT PRINCIPLE

Glanville (2011) notes that the first historical phases of humanitarian intervention issues are dominated by the principle of sovereignty and non-intervention and the lack of any international legal rules restricting the use of force. In the 17th century states enjoyed unfettered rights to self-government and non-intervention in internal affairs because sovereignty was regarded as absolute power within a state and intervention in internal affairs for any reason was illegal because it constituted a violation of the independence of state. However, in the 17th century Grotious in his concept of natural law introduced the idea of natural rights of individual postulating that everyone has to accept that each person as an individual is entitled to preserve himself. According to Grotious, the law governing every human society should be informed by a principle of humanity, if a sovereign, although exercising his rights ill-treats his own population the right to intervene maybe lawfully exercised.

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It was in 1864 that the notion of protecting human lives and preventing large scale massacres became effective with the establishment of the International Red Cross. After World War Two (WWII) UN resolution 260 of December 1948 adopted the Convention on the Prevention and Punishment of the Crime of Genocide as a direct response to the horror of the holocaust. In the 1990s crimes against humanity, as in Rwanda and the Balkans, have been condemned but little was done to prevent successive atrocities Aurane Botte (2015) states that, it was until 2001 when R2P developed in the report of the ICISS precisely to provide a framework to tackle conscience shocking situations and protects populations from humanitarian catastrophes, subsequently developing through several reports.

Responsibility to Protect principle arose as an effort to move the International Community beyond the problems associated with humanitarian intervention in the 1990s.There has been a longstanding debate about humanitarian intervention in particular concerning the right of states to intervene militarily in another state in order to prevent or stop gross violation of fundamental human rights. Throughout the 1990s the international community and UN in particular was faced with an array of humanitarian crises that appeared different in nature from traditional warfare.

Thomas Diez (2011) argues that in 1994 there was a genocide mass slaughter of Tutsi and moderate Hutu in Rwanda by members of the Hutu majority. During the 100 day period from April 7 to mid-July 1994 an estimated 500 000 to 1000 000 Rwandans were killed and the international community failed to respond to the mass killing. In July 1995 there was a genocide killing of more than 8000 Bosnian Muslims around the town of Srebrenica during the Bosnian war. By the end of 18[th]century the international community had gone through different experiences in situations involving crimes against humanity, in an effort to stop them the international community had intervened with Security Council authorisation in some cases and failed, intervened without authorisation and in some instances had not intervened at all. The experience with the crises of the 1990s triggered serious rethinking of the role the UN should play in reacting to severe intra-state violence.

According to Giorgio Spagnol (1997),in 1996 Francis Deng the then UN's Special Rapporteur on the Human rights of Internally Displace Persons attempted to pioneer a new model of humanitarian intervention which would not place state sovereignty at odds with responsibility of state to guarantee its population a primary set of human rights. Deng proposed to merge the principles of state sovereignty and the responsibility of states towards

their population into the wider concept of R2P and co-authored a book calling for sovereignty as a responsibility in a book entitled "Sovereignty as a responsibility: Conflict management in Africa."

In1998 United Nations Secretary General Kofi Annan made important remarks on the issue of sovereignty as a responsibility during a speech for theDitchley Foundation in the United Kingdom. During the United Nations General Assembly in 1999 and 2000 Kofi Annan made compelling pleas to the international community to try and find once and for all a new consensus on how to approach these issues to forge unity around the basic questions of principle and process involved and posed the central question:

> If humanitarian intervention is indeed an acceptable assault on sovereignty,
> how should we respond to a Rwanda, to a Srebrenica.... to gross and
> systematic of human rights that offend every precept of our common
> humanity? (Kofi *Annan, 2000 Summit, United Nations General Assembly*
> *2000 Summit Outcome Document)*

Thus, Kofi Annan challenged the international community to find consensus on the principle of non-intervention as embodied in a state's right to sovereignty and role of international community to respond mass atrocities, in response Responsibility to Protect doctrine was formally introduced in 2001.It came out of a commission formed by the Canadian government at the urging the United Nations to look at ways of reconciling sovereignty and human rights. The Commission was chaired by Gareth Evans former Australian Foreign Minister and former Algerian Diplomat and UN special advisor Mohammed Sahnoun. The co-chairs with the Canadian government appointed ten additional experts from diverse backgrounds including academia, government, and the military and civil society.

According to the ICISS report of 2001, the R2P embraces three specific responsibilities that is responsibility to prevent which seeks to address both the root causes of internal conflict and other manmade crises putting population at risk, responsibility to react that is to respond to situations of compelling human need with appropriate measures which may include coercive measures like sanctions and international prosecution and in extreme cases military intervention and responsibility to rebuild that is to provide particularly after military intervention full assistance with recovery reconstruction and reconciliation.

In 2004 the concept of R2P as developed by ICISS was then considered by the "High Level Panel on Threats, Challenges and Change" convened by Kofi Annan to evaluate the adequacy of existing policies and institutions with regard to current threats to international peace and

security. The High Level Panel highlighted that the state had responsibility to protect the welfare of its people as well as collective international responsibility to protect which is to be exercised through the UNSC.

In 2005 the UN Secretary General in his report "Larger Freedom: Towards Development, Security and Human rights for all" stated that R2P should be embraced and when necessary be acted upon. However, until the 2005 World Summit, the R2P had only been considered by Secretary General and specialised Commissions but this changed when the heads of state and government convening at the UN General Assembly endorsed the responsibility to protect in paragraph 138 and 139 of the United Nations General Assembly 2005 World Summit Outcome Document.

138"Each individual state has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes including their incitement thorough appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should as an appropriate authority encourage and help states to exercise this responsibility and support the UN in establishing the early warning capability"

139" The international community through the UN also has the Responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with chapters VI and VII of the UN charter to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context we are prepared to take collective action in a timely and decisive manner thorough the United Nations Security Council in accordance with the charter including chapter VII on a case by case basis and in cooperation with relevant regional organisations as appropriate, should peaceful means be in adequate and national authorities are manifestingly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the charter and international law. We also intend to commit ourselves as necessary and appropriate to helping states build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assist those which are under stress before crises and conflicts broke out"

Luck (2008) asserts that Provisions of paragraph 138 and 139 of the 2005 General Assembly Summit Outcome Document define the authoritative framework within which member states, regional arrangements and the UN system and its partners can seek to give doctrinal policy and institutional life to the R2P. State representatives acknowledged that states have the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity and pledged to act in accordance. Paragraph 138 captures unambiguously the underlying principle of R2P because the declaration is the bedrock of Responsibility to Protect as responsibility lies first and foremost with the state.

The first explicit acknowledgment in a resolution occurred in 2006 when the UNSC referred to paragraphs 138 and 139 of the 2005 General Assembly World Summit Outcome Document and adopted Security Council Resolution 1674 on April 28 2006. The UNSC acknowledged that the situation in Darfur obliged Sudan as well as the International community to put R2P into practise so in response it passed resolution 1706 of 2006 authorising deployment of UN peacekeeping troops in Darfur Sudan and since then R2P featured prominently in a number of resolutions adopted by UNSC with regard to the protection of civilians in armed conflicts.

Responsibility to protect principle was further strengthened when the United Nations Secretary General Ban Ki-moon released two reports "Implementing the responsibility to protect" in 2009and "Early Warning Assessment and The Responsibility to Protect" in 2010.Ban Ki-moon has identified the consensus of R2P to rest on three pillars that is the protection responsibility of the state, international assistance and capacity building and timely and decisive response. These three pillars were to be considered as an aggregate set of strategies forming a toolkit to tackle gross humanitarian emergencies particularly genocide, war crimes, ethnic cleansing and crimes against humanity.

2.3 THEORETICAL FRAMEWORK
This study evaluates normative theory, realism theory and liberalism theory to explain the theoretical framework of Responsibility to protect principle.

2.3.1 NORMATIVE THEORY
Brown (1992) defines normative theory as the body of work which addresses the moral dimension of International relations and the wider questions of meaning and interpretation generated by the discipline. Normative theory base the political system primarily on morality be it at national or international level. Normative theory focuses on the ideal things that ought

to be done for instance what should be done when a government engages in genocide against a minority. Thus, tracing on the evolution of R2P Kofi Annan raised a normative question when he challenged the international community by his statement in the Millennium report:

> If humanitarian intervention is indeed an acceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica.... to gross and systematic of human rights that offend every precept of our common humanity?" Millennium Report (2000)

One can be of the opinion that the question by Kofi Annan was challenging the international community on what ought to be done referring to the situation which was on hand.

According to Drumond. (2010), the ICISS responded by producing a report which developed the concept of sovereignty as a responsibility and postulated that the state has a primary responsibility to protect its population and where it is unable or unwilling to do so the responsibility to protect would be borne by the international community so the Responsibility to Protect Principle is a normative reasoning which anticipates states to be the protector of wider welfare of mankind and guardians of human rights so intervention for protection is a moral discourse.

2.3.2 REALISM THEORY

Theoretically, realism shall be used to explain how countries have used the responsibility to protect doctrine to strengthen their power. Donnelly (2009) argues that realists characterise the International system as one of anarchy where every state must think of its self-interest since no-one else can be counted on doing so. States usually respond to any occasion of intervention in two ways that is either they actively participate motivated by national interests or they turn pathetic to such an occasion as it would be at their best interest. According to realists R2P is seen as a tool for national political agenda first and civilian protection second. NATO intervening states had concrete national interests to preserve in Libya for instance the restoration of Libya's oil was vital for European states and preventing Libya to return to a terrorist sponsored state if Gaddaffi won the civil war. Therefore, interest of NATO member states including economic and security concerns were greater driving forces behind the intervention than humanitarians concerns.

2.3.2 LIBERALISM THEORY

In addition, liberalism is a theory which includes individualism and freedom focusing on natural law and state. Dunne and Giffkins (2011) states that John Locke one of the founders of the liberalism theory argues that all humans are created equal and they all have

untouchable rights such as right to life and right to freedom. John Locke believed that rights of humans had to be protected and a state was needed for that. However, to maximise the enjoying of these rights states should be limited.

Therefore, when uprisings against Gaddafi regime rose in Libya the events translated into a civil war as the forces and supporters of Gaddafi started to kill and torture civilians. This caused the situation to be debated on the international arena and the UNSC adopted two resolutions under chapter V11 of UN charter UNSC Resolution 1970 and 1973 to end the violence against civilians in Libya basing on the Responsibility to Protect Principle.

 UNSC authorised the intervention in Libya after asserting that Libya was not doing anything to protect its on civilians. This step of intervention is related to liberalist theory which put the individual as the most important unit and believes that maximising individual interests, rights and freedom is important. Therefore, the intervention in Libya was done to protect civilians thus providing the Libyan people more freedom.

2.4 LINK BETWEEN R2P AND PEACE AND SECURITY
Ben Simon (2008) asserts that the concept of security was advocated in the 17th century thorough the signing of the Treaty of Westphalia ending the thirty years of war. The Treaty of Westphalia shaped the traditional concept of security. The traditional security refers to a realist construct of security in which referent object of security is the state and security was seen as protection from invasion.

Nye 2005:222 defines security as, ''The absence of threat to major value… territorial integrity of the state, its sovereignty, its population, its culture and its economic prosperity should be deemed safe from destruction or major damage.''

Walter Lippman(1944) states that security has five dimensions that is human security which is security of an individual, national security which is state's monopoly over use of force in a given territory, transnational security which is organised crimes for instance terrorism and human trafficking, transcultural security which is integrity of diverse cultures and civilisation and environmental security which is climate change, global warming and access to resources.

Mariana De LuengoZarso (2013) asserts that there is a strong link between R2P and human rights on the promotion of peace and security given that the concept involves protecting the civilian population when their rights are being seriously violated so it can be argued that R2P was created to prevent the violation of these rights. However, this study will dwell on

security as inclusive of state security and human security implying not only the absence of war but the inclusion of good governance practises as embodied by the UN charter. This study argues that R2P is a reflection of the institutionalisation of peace and security concerns on the international community and the R2P principle seeks to ensure that the international community never again fails to act in the face of genocide and other mass atrocities thus promoting peace and security because human suffering has been exacerbated within the jurisdiction of a state.

2.5 EMPIRICAL ANALYSIS: EFFECTIVENESS OF R2P IN PROMOTING PEACE AND SECURITY

2.5.1 DARFUR EXPERIENCE

Darfur is situated at the western corner of Sudan and it shares boarders with Chad in the west, Libya in northwest and Central African Republic in the southwest. The crisis in Darfur was the first major humanitarian crisis that emerged after the ICISS articulated the R2P principle. Tension in Darfur became violent in 2003 but tension had been festering for years because of the political and economic marginalisation of Western Sudan by the central government in Khartoum.Hehir. (2008) notes that it is this marginalisation that led the Sudan Liberation Army (SLA) and the Justice Equality Movement (JEM) to begin attacking government targets in early 2003.The government in Khartoum responded brutally by deliberately undertaking a campaign to ethnically cleanse African tribes and in response to the attack by the Darfur rebel groups the government launched counter attacks against civilian population using both conventional military forces and local Arab militias (Janjaweed Militia). The government would equip Arab militias and they would ride into a village and destroy anything left after a government aerial bombardment.Hehir 2008 argues that by September 2004 the consequences of the violence have been catastrophe because death was estimated at 200 000-300 000 and 2.5 million were estimated to have fled their homes.

Badescu etal (2010), the African Union was the first organisation to commit to facilitating a settlement in the Sudanese conflict and in April 2004 AU Special Representative to Darfur Baba Gana Kingie met with the representatives of all parties in Chad to discuss peace terms. The result was that all parties agreed to a ceasefire and came up with a Humanitarian Ceasefire Agreement (HFCA) in which AU was authorised a military presence in Darfur to facilitate the delivery of humanitarian aid and Sudanese government agreed to disarm Janjaweed militia group. The African Union Mission in Sudan (AMIS) deployed peacekeepers in Darfur in May 2004 but did little to change the situation while on the other

hand the government of Sudan ignored provisions of the HFCA and civilian death continued unabated.

Kofi Annan met Bashir in July 2004 to persuade him to honour HFCA and resulted in a Joint Communiqué in which government of Sudan once again agreed to disarm Janjaweed, allow deployment of human rights monitors and ensures those responsible for human rights violation were brought to book. The Joint Communique did little to change the situation and in response UNSC passed resolution 1556 in July 2004 threatening sanctions against the government of Sudan

From the beginning of the crisis in Darfur the UN and the international community acted to prevent atrocities and UN in particular adopted resolutions calling for cessation of violence. On several occasions UNSC used R2P principle as a guide in adopting resolutions and taking action resolution1672, 1674, 1679, 1706 and 1769 all referred to R2P principle in highlighting the importance of protecting civilians from mass atrocities and human rights violations. However despite many efforts by the UN to bring peace and stability in Darfur violence continued between the government of Sudan and the rebel groups because the UN could not develop or support effective prevention, reaction or rebuilding efforts in Darfur. Darfur continues to face a seemingly endless assortment of problems and even up to now the UN still cannot stop atrocities in Darfur.

Since 2004 the UNSC was actively seized with the crisis in Darfur and responded with a raft of measures including targeted sanctions, referral of the situation to ICC leading to indictment of Sudanese president and the authorisation of a large peace operation, UNAMID with a civilian protection mandate. The measures were slowly implemented if implemented at all or proved insufficient to protect vulnerable populations

However, Gareth Evans(2004) is of the view that the failure of R2P in Darfur is not due to inherent shortcomings in the doctrine but it was the product of states and intergovernmental organisations failing to implement the doctrine effectively as it can be seen that UN's effort was not supported by some states for instance Russia and China. They were the main obstructionist along with Algeria and Pakistan giving Khartoum the opportunity to do what it pleases and claim its sovereign right to do so.

Bellamy(2005) argues that in relation to Darfur R2Pis typically rated an abject failure in that it failed to galvanize international action or worse exacerbated the situation by distracting the

relevant actors. He further argued that the first test of R2P reveals that R29 remains an embryonic doctrine that is by no means self-executing and lacks dexterity to overcome real world politics.

2.5.2 KENYA EXPERIENCE

Kazumi Kawamoto (2012) asserts that the population in Kenya consists of 42 tribes. Kenyan politics is largely influenced by ethnicity and ethnic connections determines vote in Kenya. However, 2007 violence erupted from the fact that presidential elections in Kenya were held on 27 December and on 30 December 2007 Samuel Kivuiti, chairman of the Electoral Commission of Kenya (ECK) announced Kibaki leader of the Party of National Unity (PNU) as the winner with 4 584 721 votes while RailaOdinga leader of the Orange Democratic Movement (ODM) had 4 352 721.Odinga demanded recount of votes but the ECK declared Kibaki's victory and hastily organised the swearing-in ceremony three days ahead of the schedule.

Sharma S.K(2008) argues that by the time Kibaki completed his inaugural address, protests from the ODM camp had already began aimed at Kibaki government and its PNU supporters for stealing the election. The government responded by using excessive force, using the police to intimidate the opposition ODM strongholds in Kisumu and in parts of Nairobi slums. The violence resulted in more than 1000 deaths and approximately 300 000 to 600 000 internally displaced persons both at the hands of the security forces and thorough violent ethnic clashes.

The response to the Kenyan crisis came from the ICISS who introduced the Responsibility to protect principle and it became an important set of guidelines in resolving the crisis. The international community responded swiftly to the Kenyan crisis as it appeared to rise to the level of crimes against humanity, a level of violence R2P is designed to prevent. According to the Policy Brief of August 2010 the then chairman of AU president of Ghana John Kufour authorised a panel of Eminent African Personalities to mediate between RailaOdinga and Kibaki the two presidential candidates. The panel consisted of former UNSG Kofi Annan, former Tanzanian president Benjamin Mkapa and former first lady of Mozambique GracaMachel. On 10 January 2008 Odinga and Kibaki agreed to participate in a national dialogue led by the panel. By entering into these negotiations the parties agreed to address three agenda items in four weeks that is ending the violence, addressing the humanitarian crisis and allow IDPs to return home, creating a coalition government to lead the country and

a commission of inquiry to examine the electoral process and attendant violence. By early February 2008 violence had greatly subsided and on 28 February a power sharing government was formed. In committing to uphold the R2P the Kenyan government accepted responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity and they upheld in particular the responsibility to prevent the first R2P pillar which is based on the idea that states have a responsibility to ensure that domestic tensions are addressed before they escalate, thus, the government had a responsibility to ensure government officials do not incite or facilitate the commission of the crimes.

The diplomatic response to the ethnic violence that erupted in the aftermath of the disputed December 2007 elections in Kenya is widely trumpeted as the best example of R2P in practise. Sharma (2008) asserts that the mediation in the 2007-2008 post-election violence in Kenya is recognised as a successful application of R2P thorough mediation. The mediation process effectively forestalled the violence, established a government of national unity and put in place a reform agenda to tackle the causes of the violence. The Human Rights Watch report 2008:67 referred to the response as "A model of diplomatic action under R2P." The response was regionally driven supported by the international community and is a powerful reminder of how R2P can save lives. In addition, for those who regarded R2P as little more than military intervention, Kenya revealed how non-coercive tools such as mediation can help halt atrocities when employed early with sufficient resources and international support.

However, Johannes Langer(2011) is of the view that diplomatic efforts came too late in Kenya and by the time they were implemented people were dead and some were displaced so there is need to have an efficient early warning system because with that the international community would have been more aware of the ethnic clashes after elections before they happened. He further argued that the international community was fortunate that Kenyan authorities accepted regional and international involvement and consequently the intervention in sovereign affairs was not challenged and R2P application to the Kenyan crisis did not involve any kind of sanctions or military interventions.

Furthermore, Sharma (2010) is of the view that in the interest of halting the violence as quickly as possible the mediation tended to privilege short term measures such as power-sharing, though effective in the interim, such an approach remains unlikely to prevent a recurrence of violence in future. Due to the neglect of pre-crisis and post-crisis phases the

international response to this crisis can more be described as metaphorical bandaging of Kenya's wounds.

2.5 CHALLENGES OF R2P.

R2P can be perceived as a positive development in international politics because it is a pioneering way to protect civilians against gross human rights violations without posing a threat to state sovereignty. Thakur (2004) highlights that R2P offers clear guarantees towards application of precautionary principles, lawful authorisation and operational doctrine in the framework of humanitarian intervention.R2P successfully allows confronting human rights and state sovereignty so that the latter does not become a licence to kill.

However, Focarelli(2008) argues that R2P effectively extends the sovereignty of powerful intervening states by granting them a discretionary liberty to invade the boarders of other weaker states. He is of the opinion that the whole idea of the concept is just to cover and legitimize armed interference by rich western countries in the affairs of the poor countries. According to the ICISS and the international panel of experts report they proposed the UNSC as the best organ to authorise an intervention but the credibility of the council is questionable. The UNSC in its present composition has been blamed for inactions that have marred intervention regime. The use of veto power has stopped or delayed possible interventions possible intervention to rescue civilians in the past and could be still a threat to the R2P regime. It can be noted that all attempts to reform the membership of the UNSC which gives America, Russia, China, France, Britain the privilege of permanent seats and vetoes have failed, thus, it is arguable that the five victors of the Second World War have a crucial say as to when intervention may be used.

In addition, it is argued that R2P still represent the humanitarian intervention model which failed due to its excessive reliance on the political will of states to react to humanitarian crises.R2P does not solve the issue of political will of states to intervene .Gareth and Sahmoun(2012) asserts that the most compelling task is to ensure that when the call for action goes out to the community of states it will be answered. Few countries in the global community who have assets most in demand in implementing intervention mandates will respond.

Luck(2015) argues that there is selective applications of R2P principle in inappropriate circumstances or have invoked them inconsistently depending on political consideration. Lack of consistence in the implementation of R2P is due to the lack of consensus along the

five permanent members .This lack of consistency is caused by diverging opinions on how and in which situations R2P should be implemented putting Western Powers Britain, France and United States in opposition to Russia and China. This divide explains why the international community has been unable so far to take any decisive action to address the situation in Syria despite its commitment to never let a new Rwanda happen again.

2.6 SUMMARY

The literature review in this chapter assessed the effectiveness of Responsibility to protect principle in the promotion of peace and security on the international arena and outlined challenges faced by the principle. There is an overall view that R2P does not apply to all violations of human rights, it is only required when violations constitute genocide, ethnic cleansing, war crimes and crimes against humanity. The R2P being a principle which deals with issues of state responsibilities and sovereignty it has been subjected to many diverse criticisms. It is therefore the purpose of chapter three to provide a detailed analysis of the intervention in Libya.

CHAPTER THREE

IMPLEMENTATION OF RESPONSIBILITY TO PROTECT IN LIBYA

3.0 INTRODUCTION

The purpose of this chapter is to provide a detailed analysis of the intervention in Libya to establish the effectiveness of R2P in the promotion of peace and security. An examination of the factors which perpetuated the conflict will be done, an analysis of the intervention and the outcomes as well as outlining the challenges faced by implementing the principle and finally a sum up of the chapter.

3.1 HISTORICAL BACKGROUND OF LIBYA

According to Vandewalle(2006) Libya was originally part of the Roman Empire and was granted independence from Italy in 1951 after a long history of colonial control. After gaining independence Libya was ruled by a monarch King Mohammed Idris. In 1959 oil was

discovered in the desert region and the ruling regime became extremely wealth with the oil profits. In 1969 in the month of September on a trip to turkey the king was deposed by a bloodless coup led by a 27 year old army captain Muammar Gaddafi. Gaddafi after gaining control reorganized the government's administrative capacities and called the new system a Jamahiriya loosely translated as a state of the masses. He abolished the Libyan constitution of 1951 considering it as a neo-colonial document and ran an authoritarian and repressive regime.

3.2 RISE OF VIOLENCE AND HUMAN RIGHTS VIOLATIONS IN LIBYA

Bellamy and Williams (2011) highlighted that the roots of Libya's crisis lie in the political upheavals associated with the Arab spring protests that spread from Tunisia to Egypt and beyond in the early months of 2011. On 17 December 2010 a young fruit and vegetable seller Mohammed Bouazizi set himself on fire in a desperate protest against bureaucratic indifference and police corruption in Tunisia. His death provoked a month of fierce anti-government protests and on 14 January 2011 the president of Tunisia Zine-El-Abidine Ben Ali fled into exile. Inspired by the Tunisian incident mass demonstrations against president Hosini Mubarak began in Egypt. Thus, following the wave of popular uprisings in the Arab World Libyans launched their own rebellion against the bizarre and long standing regime of Muammar Gaddafi. However, the immediate spark to the conflict was the arrest of a Libyan human rights campaigner Faith Turbel.

Cleas(2011) states that the protests confrontations started on the evening of 15 February 2011 when between 500 to 600 demonstrators protested in front of Benghazi's police headquarters after the arrest of a human rights activist demanding for his release as well as calling for an end to the Gaddafi government. Crowds were armed with petrol bombs and threw stones damaging cars, blocking roads and hurling rocks. At the early stages of the protests the media and several Non-Governmental Organizations (NGOs) reported that police responded to protestors with tear gas, water cannon and rubber bullets. According to media reports military aircraft fired at protestors and the regime started hiring mercenaries to fight the opposition forces. Protests were met with immediate violent resistance by Gaddafi regime.

Bellamy and Williams (2011) report that the people of Libya did not have a peaceful change of regime in the political protests that demanded an end to Libyan leader Muammar Gaddafi's 41 year rule. Protests which had begun peacefully and with apparent intent of demanding improved civil and political rights became increasingly violent in nature and the

regimes brutal response was the cause of the crisis. The protests continued in several areas and escalated into a rebellion that spread across the country. Libyan civilians found themselves the target of mass cruelties at the hands of armed government forces. In order to stifle the protests force was used which resulted in death of hundreds of people as tear gas and rubber bullets were used against protesters and civilians were illegally and arbitrarily detained and tortured. Some Libyan government officials and ambassadors resigned out of protest against the violent reaction of the regime and some members of the army refused to attack civilians defecting to the rebels. (New York Times February 21 2011)

On 22 February 2011 Gaddafi gave his speech saying he would fight until the last man. He stated that he would rather die a martyr than step down. He called on his supporters to attack the protesting cockroaches and cleanse Libya house by house until protesters surrendered. Gaddafi expressed clear intent to continue committing massive human rights violations announcing that his forces would show no mercy to rebels (Reuters March 17 2011). It is argued that not since Rwanda has a regime so clearly signalled its intent to commit crimes against humanity. Gaddafi, using direct echoes of Rwanda told the world that, "Officers have been deployed in all tribes and regions so that the can purify all decisions from these cockroaches and that any Libyan who takes arms against Libya will be executed" (Pape 2012:63)

Thus, Gaddafi was showing no sign of backing down and it came as a surprise because usually regimes bent on mass atrocities try to hide their actions by hiring militia to perform mass killings denying the commission of crimes arguing their victims were not civilians or insists that the crimes were committed by rogue elements. Thus, it was this environment that forced the international community to intervene.

3.3 INTERNATIONAL COMMUNITY REACTION
The uprising in Libya captured the attention of the world and from the early stages of the conflict the reaction of the International community was immediate and clear with condemnation of human rights violations inflicted by the leader colonel Gaddafi.According to the UN Press Release of February 25 2011 Ban-Ki-Moon UNSG expressed his outrage in light of the press accounts that reported that Libyan authorities were firing at demonstrators from warplanes and helicopters. He referred to the reported allegations of indiscriminate killings, arbitrary arrests, shooting of peaceful demonstrators, the detention and torture of the opposition and use of foreign mercenaries to be credible and consistent. The UN boss urged

the international community to clearly come to some concrete action to curtail the situation immediately.

Crowley (2011) states the International community also voiced its concerns through regional organizations. The Europeans and Americans presented their positions on the situation in Libya. United States of America condemned the repression against peaceful demonstrators and reminded the Libyan authorities on the importance of universal human rights including freedom of speech and the right to peaceful assembly. According to Ashton Catherine the High Representative of the European Union for Foreign Affairs and Security Policy, the Council of the European Union condemned the repression against demonstrators in Libya and deplored the violence and death of civilians (Ashton 2011). The Council of the League of Arab States also condemned Gaddafi's regime crimes and held an emergency meeting where it decided to suspend Libya's membership and the country's membership in the league was suspended. In addition, the Organisation of the Islamic Conference (OIC) strongly condemned the excessive use of force against civilians in Libya and called the ongoing coercion and oppression a humanitarian catastrophe. The Peace and Security Council of the African Union also strongly condemned the violence arguing that the acts were a violation of human rights and International Humanitarian Law while it called the aspirations of the Libyan people for democracy and political reform legitimate. Thus, the reaction by regional grouping tallies well with the R2P doctrine which believes that regional groups will carry a heavy influence in conflict in their regions because they understand the context and culture better than the international community and can have a more direct impact on the state.

Sherwood and Mcgeal(2011) argue that it is important to note that the African Union (AU) consistently worked to find a peaceful solution and expressly rejected any military response to the crisis. On 23 February 2011 AU Peace and Security Council met in a closed door meeting and a roadmap for peace was adopted by AU on 25 March 2011 which called for immediate ceasefire, subsequent elections and implementation of political reforms. The roadmap was rejected by the NTC arguing that it did not call for Gaddafi's resignation and called the roadmap outdated as it failed to take into account human rights violations already perpetuated by Gaddafi forces. The NTC saw the AU, whose secretariat received substantial funding from Libya as protecting Gaddafi's interests and repeated its demands that Gaddafi and his family leave Libya as a precursor to peace talks. The African Union had a cautious tone although it strongly condemned the indiscriminate and excessive use of force and lethal weapons against peace protestors

The UN High Commissioner for human rights NaviPillay in his report to the Human Rights Council stated that attacks on civilians qualified as egregious violations of human rights and affirmed that the protection of civilians should be a paramount consideration in maintaining national order and the rule of law. She demanded an immediate cessation of the grave human rights violations and called for independent international investigations. On 25 February 2011 the United Nations Human Rights Council strongly condemned the gross systematic human rights violations. The council established an Independent International Commission of enquiry to investigate the alleged human rights violations. The Council recommended that the General Assembly suspend Libya's membership in the Human Rights Council and Libya was suspended from the Human rights council on the first of March 2011. (UN Press release 22 February 2011)

The Security Council issued a press release deploying the R2P doctrine and called the Libyan government to meet its responsibility to protect its population. The UNSC condemned the Libyan authorities for using force against protestors calling for those responsible to be held accountable. The council demanded an immediate end to the violence and said Libyan rulers had to address legitimate demands of the population. Thus, the UN behaved according to the protocol of R2P doctrine which calls for diplomatic efforts to be exhausted before resorting to action against the state. On the 26 February 2011 Security Council met to consider the Libyan crisis and at this meeting the Security Council adopted Resolution 1970 which was the first resolution with regards to the violent situation in Libya. The resolution was unanimously adopted by the UNSC members tuned to the concept of R2P reminding the Libyan authorities' responsibility to protect its population putting in place coercive measures. In the preamble of the resolution the UNSC referred to the statements and condemnations made by other organs of the UN as well as regional organisations. It imposed an arms embargo, a travel ban on key figures on the Libyan administration and a freeze on their assets abroad and referred the matter to the International Criminal Court (ICC) (UNSC 2011). The ICC established a prima facie case that the Gaddafi regime was guilty of crimes against humanity. Therefore, with resolution 1970 UN was acting according to R2P doctrine which encourages action to be taken by the International Community as a whole under the auspices of the UN.

However, neither the sanctions nor the imminent threat of criminal prosecution led to an end of the violence in Libya. Despite all the diplomatic efforts by the global community, the killings, torture and arbitrary detention continued unabated as the non-military measures authorized failed to deter Gaddafi to halt the mass violence on protestors. The deterioration of

the humanitarian situation resulted in demands for further action by the international community. Regional organizations like Gulf Cooperation Council(GCC), OIC and Arab League became more vocal and called on the security council to take all necessary measures to protect civilians including enforcing a no-fly zone over Libya. On 12 March 2011 the Arab League asked the UN to create a no-fly zone over Libya to protect its civilians. It specifically called for UN to

"Shoulder its responsibility and impose a no-fly zone over Libya to protect civilians from attack" (Goodman 2011:89)

The primary purpose of the no-fly zone was to close Libyan airspace to all flight preventing attacks from the air against civilian population Libya.

However, Sandipani(2012) is of the view that the Arab League provided the sustained support for military intervention in Libya due to its leadership antagonistic with Gaddafi who was championing the cause of Pan –Africanism and the AU's empowerment. He goes on to say that NATO flouted the League's consensus as the justification to continue with its regime change exercise and deliberately undermined AU's mediation initiative .Thus, the provision of involving regional groups in its containment of conflicts as emphasized in both 2001 ICISS report and 2005 World Summit Outcome Document was manipulated by external regional powers while intervening in Libya.

On 17 March Gaddafi declared that he would stage an attack on Benghazi and threatened the rebels that his troops would show no mercy and pity. Gaddafi's speech acted as a stimulus for the decision of the United Kingdom, Lebanon, France and the United States to put a draft resolution to a vote. The Security Council met on 17 march 2011to review the situation and the outcome of the deliberations was adoption of resolution 1973.The resolution was adopted with ten votes in favour and five abstentions by China, Brazil, India, German and Russia. There was no unanimity within the Security Council for military intervention in Libya. Members were significantly divided on the resolution with those abstaining highlighting the importance of exhausting all peaceful means prior to using military force. They also are viewed that the mandate was broad and did not give any specific parameters on what constitute a threat of attack and the exact point when the member states should take should take necessary measures.

Furthermore, it is important to note that as stated in the earlier chapters, intervention is closely linked to the realism theory. Davidson (2013) states that, a state considers intervention when it believes that its national interests are at stake. With regard to the Libyan conflict, interests explain the actions and votes of the five permanent members of the Security Council, for instance France was the most enthusiastic regarding intervention in Libya because of one of its interests was to block massive migration into Europe as well as to restore access to Libya's oil because during the war oil production significantly dropped, while US was a long-running opponent to Gaddafi for his support to terrorism and feared that Libya could return to a terrorist -sponsored state if Gaddafi won the war. Contrary, China abstained voting on resolution 1973 allowing sanctions and military action to move because it did not have vested interests in protecting Libyan government. Thus, NATO intervening states had concrete national interests to preserve in Libya and were the greater driving forces behind the intervention than humanitarian concerns.

Resolution 1973 deplored the failure of the Libyan authorities to comply with resolution 1970 and expressed deep concern at the deteriorating human rights situation and escalating violence and reminded the Libyan authorities of their responsibility to protect the Libyan population. The resolution demanded an immediate ceasefire and a complete end to violence and all attacks and abuse of civilians. Resolution 1973 strengthened the arms embargo, asset freeze and travel restrictions imposed by resolution 1970.However, most importantly it authorized the use of force authorizing member states

 "To take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya"

Bellamy (2011) notes that, the Security Council for the first time authorized coercive military intervention in a sovereign state without the consent of the state's governing authorities. The adoption of resolution 1973 reflected a change in the Council's attitude towards the use of force for human protection purposes. He argues that in Haiti, Democratic Republic of Congo, Sudan and Cote d'ivore the UNSC authorized the use of all necessary measures to protect civilians but the peace operations in these countries operated with consent of the host state.

Daaler and Stavridis(2011) states that in practice adoption of resolution 1973 resulted in a NATO led intervention in Libya. An intervention by a coalition force led by United States of America, Britain, and France was initiated on 19 March 2011 with Operation Odyssey Dawn bombing to incapacitate the nation's air defence systems with a focus on Gaddafi's forces

outside Benghazi. The operation involved targeting Libyan government forces and was later taken over by NATO coalition forces on 24 March under Operation Unified Protector .NATO coalition forces encompassed 18 states and notably three Arab countries Qatar, Jordan and United Arab Emirates made military contributions.

On 19 April 2011 NATO forces carried out attacks against Gaddafi's command centre in Tripoli which was destroyed by April 21 and rebels got control over Tripoli. The NTC was recognized by the international community and the General Assembly decided that representatives of the NTC would represent Libya in the General Assembly the following year. On 16 September 2011 SC passed resolution 2009 thereby easing sanctions on Libya and established a United Nations Support Mission in Libya (UNSMIL) in order to support the country's political and economic transition. On October 20 the insurgents gained control over Sirte Gaddafi's hometown and the last major city under the regimes control. During the fight for Sirte Gaddafi was killed and NTC declared the liberation of Libya. On 27 October the UNSC passed resolution 2016 thereby terminating the authorization to use force and ending the no- fly zone over Libya and NATO ended its mission in Libya on October 31 2011.

Kumar (2012) argues that the halt of NATO's offensive soon after the killing of Gaddafi despite the continuation of sporadic violence in some parts of the country showed that the intervening parties had a hidden agenda and spiralled beyond just the protection of civilians and escalated into enforcing regime change. The military operation ended ten days after Gaddafi was killed. NATO clearly related the death of Gaddafi to the end of its mission. However, it should be noted that military action in Libya was preceded by a range of non-military measures that sought to persuade the Gaddafi regime to stop the killings. All steps considered in resolution 1970 that is, referral of matter to ICC, imposition of an arms embargo, enforcement of travel ban for certain individuals and freezing of assets of senior regime figures were coercive but peaceful. It was only when these measures failed that the use of military was considered.

3.4 ASSESMENT OF R2P INTERVENTION IN LIBYA

According to the ICISS report responsibility to protect principle's core idea is that all governments have an obligation to protect its populations from the four mass atrocity crimes that is genocide, war crimes, ethnic cleansing and crimes against humanity and if a state is manifesting failing to meet its responsibilities the international community is obliged to act..It should be pointed out that the R2P does not apply to all violations of human rights it is only

required when the violations constitute genocide, ethnic cleansing, war crimes and crimes against humanity. The ICISS report of 2001 goes on to stipulate that the R2P embraces three specific responsibilities that is responsibility to prevent which seeks to address both the root causes of internal conflict and other manmade crises putting population at risk, responsibility to react that is to respond to situations of compelling human need with appropriate measures which may include coercive measures like sanctions and international prosecution and in extreme cases military intervention and responsibility to rebuild that is to provide particularly after military intervention full assistance with recovery reconstruction and reconciliation.

The Libyan intervention was the first military intervention whose purpose was to protect a nation's civilian population against gross human rights abuses committed by their own government. According to David Clark the Libyan intervention was a success despite the aftermath atrocities. He stated that, "On the evidence which is available and in contrast to what would have happened, the intervention must be counted a qualified success because Western intervention saved lives in a convincing way." (Guardian 28 October 2011)

International military intervention in Libya saved lives by 26 February 2011 when resolution 1970 was passed it was already clear that Gaddafi was willing to use whatever means available to crush a rapidly developing uprising .The objective of protecting Libyan civilians against the grave human rights threatened by their government was achieved. Citizens of Benghazi termed "cockroaches" by their leader were spared the massacre that in all likelihood had awaited them. Many believe that NATO operation rescued tens of thousands of citizen in Libya.

However, Kuperman(2013) is of the view that if Libya was a model of intervention then it was a model of failure. The best development in post war Libya was the democratic election of July 2012 which brought to office a moderate secular coalition government a stark change from Gaddafi's four decade of dictatorship, otherwise, other developments have been less encouraging. According to Kuperman (2013) the biggest misconception about NATO's intervention is that it saved lives and benefited Libya and its neighbours. In reality when NATO intervened in March 2011 Gaddafi already had regained control of most of Libya while rebels were retreating towards Egypt which implies that the conflict was about to end in barely six weeks after it started at a toll of about 1000 dead including soldiers, rebels and civilians. NATO's intervention enabled rebels to resume their attack which prolonged the war for another seven months and caused at least 7000 more deaths.

Kuperman (2013) went on to say that although inspired by humanitarian impulse, NATO's intervention did not aim mainly to protect civilians rather it aimed to overthrow Gaddafi's regime even at the expense of increasing harm to Libyans. NATO attacked Libyan forces indiscriminately including some in retreat and others in Gaddafi's hometown of Sirte where they posed no threats to civilians. Moreover NATO continued to aid rebels even when they repeatedly reject government ceasefire offers that could have ended the violence and spared civilians. The military assistance included weapons, training and covert deployment of hundreds of troops from Qatar eventually enabling the rebels to capture and execute Gaddafi and seize power in October 2011.Despite the arms embargo under resolution 1970 some countries provided sizeable quantities of weapons to the rebels and France admitted to supplying assault rifles, rocket launchers and anti-tank missiles. The victorious rebels perpetrated scores of reprisal killings and expelled 30 000 mostly black residents of Tawerga on the grounds that some had been mercenaries for Gaddafi.

In addition, among neighbouring countries Mali which previously had been the region's exceptional example of democracy suffered the worst consequences from the intervention. After Gaddafi's defeat Tuareg soldiers of Malian decent fled home and launched a rebellion in their country's north promoting the Malian army to overthrow the president in 2012.The rebellion was hijacked by local Islamist forces of Al-Qaida which together imposed sharia law and declared the vast north of Mali an independent country. By December 2012 the northern half of Mali had become the largest territory to be controlled by Islamic extremists.

Paul Ritcher(2015) argues that the military intervention fell short on the broader goal of putting Libya on a path towards democracy and stability. The intervention turned Libya into a higher security threat than it was before military intervention. Libya has become North Africa's most active militant sanctuary at the centre of the resurgent threat as arms trafficking from Libya are fuelling conflict and insecurity including terrorism on several continents. Experts' panel reported to the UNSC in February 2015 that weapons smuggled out of Libya have been used by insurgents in Mali, by Boko Haram in Nigeria and by Palestinian militants in the Gaza strip. Libya is betrayed as a society near collapse beset by crimes, terrorism, factional fighting, government failure and wide availability of portable anti-aircraft weapons that can shoot down commercial airplanes. Furthermore, more than 50 000 people including refugees from Syria and migrants from North Africa have flooded into Europe through Libya's porous borders sharpening the continent's immigration crisis.

Hall Findlay (2011) asserts that R2P stands for prevention of massacre of innocent civilians and not for the support of Libyan rebels and he strongly condemn NATO for taking the rebel side and not observing neutrality of civilian protection as well as regime change. Some including those members of the Security Council who abstained from vote on resolution 1973 firmly believe that NATO overstepped and abused UN mandate and a considerable number of unarmed civilians were killed in an effort to achieve regime change. There were several reports of continued fighting within Libya despite elections and a new government, peace was not achieved as Tripoli and Benghazi as well as other cities were plagued by bouts of fighting and serious insecurity incidents. Assassinations attempts and car bombings directed at Libyan officials were also reported.

The post-revolutionary Libya never developed the capacity to enforce a lasting peace and stability in the region. The situation quickly deteriorated as the multiple militias and rebel groups who had fought against Gaddafi rapidly took possession of the massive stockpile of weapons acquired during Gaddafi's four decade reign. The interim government failed to secure control over Gaddafi's arsenal and most weapons continued to be controlled by non-state armed groups. Awash with weapons the militias and armed rebel groups refused to be disarmed or to be integrated into the military. Libyan political leaders have been under constant threat of attack as displayed most dramatically in the October 2013 kidnapping of the Prime Minister Ali Zeidan, the attack on September 2012 on US facilities in Benghazi that killed ambassador Christopher Stevens and three of his colleagues and in April 2013 a vehicle bomb which destroyed half of the French embassy in the capital Tripoli. Therefore Libya became a significant and attractive source of weaponry in the region fuelling conflicts throughout the Sahel-Sahara region and beyond.

Dash (2012), notes that post Gaddafi Libya witnessed the eruption of intermittent clashes among tribal militias and the increase in violent crimes committed by uniformed man. Hundreds of heavily armed militia continues to indulge in clashes and defy orders from the NTC to disband or join the army and security forces. TorgerPandeBruathen(2015) notes that, Libya's revolution did not bring lasting peace and failed to prevent renewed violence. Libya's crisis shows that R2P does not end when conflict stops rather it is a continuous process that requires post conflict capacity-building in-order to prevent recurrence of atrocities. The case of Libya therefore serves as a stark reminder that failing to strengthen the state's capacity for upholding its responsibility to protect jeopardizes the success of a country in the long run.

In addition, the Canadian Defence and Foreign affairs Institute 2011asserts that responsibilities to prevent and react have been addressed in Libya but the international responsibility to rebuild has remained critical. As noted by the ICISS R2P is about continuum of interventions which start with preventive efforts and ends with responsibility to rebuild. In Libya the responsibility to rebuild should deal with sustainable development, economic growth, disarmament, national reconciliation and recovery built from ruins of Libya's political infrastructure but Libya is still wrestling with the underlying problems that produced the intervention action.

However, the immediate objective of stopping Gaddafi assault on Benghazi was successful and the bottom line is that a lot of lives were saved and Gaddafi was removed from power. What is going to take in the long term of Libya to succeed are strategies that build political coalitions and that train forces because military action alone was not going to be the end of the story it was a beginning of a new chapter. NATO cannot be blamed for the chaos insecurity and fragility of post-Gaddaffi Libya because that is an expected outcome in a country in transition with specific demographic characteristics and political culture, weak institutions and long history of misrule.

3.5 CHALLENGES

3.5.1 Piecemeal application of R2P
The Libyan case suggests that there was piecemeal application of R2P departing from the ideal R2P.NATO intervened in Libya under the right authority but it failed to commit to rebuilding a war-torn Libya, thus, failing to implement third pillar of R2P. Pommier Bruno (2011) states that UN did not commit to rebuild Libya after its regime change and the consequences had been significant. A human rights watch report stated that Libyan crisis has resulted in breakdown in the rule of law, destroyed infrastructure, widespread torture, displacement and death. The international community did not disarm militias which resulted in dire consequences on Libya's neighbours.

3.5.2 The politicization of the protection of civilians.
The NATO alliance intentionally expanded its UN mandate siding with the Libyan protestors with the aim of achieving regime change rather than merely protecting civilians. It can be argued that NATO disregarded AU's roadmap with this aim but forcible regime change by external parties does not fall within the R2P mandate. KhalifaSaif states that the international community responded briskly and forcefully in oil-rich Libya but has failed to take a similar

attitude towards the parallel case in Syria where Bashar Al-ssad has been fighting ant-regime protestors. There is no doubt that European countries in particular have more direct interests in Libya than in Syria. Gaddafi's Libya enjoys a political significance among Europeans for its oil resources as well as a restrain to illegal migrants into Europe. Britain, United States and France do not intervene in situations where the cost of intervention outweighs their strategic benefits. Therefore, protecting civilians was not the driving motive for the intervention but other outside motivations appear to be major drivers.

3.6 SUMMARY

This chapter revealed the events that led to the Libyan crisis and the implementation of the Responsibility to protect principle. The evaluation of the R2P principle was done to see if those who were at risk were left at a better or worse off situation. The immediate objective of protecting civilians was achieved but peace and security continues to be elusive for the people of Libya. The Libyan boarder is porous and there are proliferations of conflicts in the country because of a heavily armed populace.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION.

4.0 INTRODUCTION

The focus of this chapter is presentation, analysis and interpretation of research findings regarding responsibility to protect in promoting peace and security in Libya. The purpose of this research was to find out if R2P principle is contributing to promotion of peace and security with particular focus on Libya. The research seeks to find out if the Libyan people are enjoying peace and security after the intervention. The problem is that since the adoption of R2P principle in 2005 and in most cases where it has been applied peace and security concerns remain problematic. Moreover, the principle is being used selectively citing the case of Libya and Syria where intervention was done in Libya and ignored in Syria while the countries had similar circumstances. It is now almost five years since an intervention under R2P was carried out in Libya. The study was qualitative in nature utilising documentary research and interviews. Interviewees comprised of stuff from the Ministry of Foreign Affairs Libya desk, academics from Zimbabwe Republic Police Staff College and University of Zimbabwe and staff from Non-Governmental Organisations (NGOs). A number managed to respond to the interview questions. The responses and the documentary research assisted the researcher to come out with important themes from the inquiry.

4.1 Responses to general understanding of responsibility to protect principle.

The respondents were asked to give their general understanding of R2P and most of them cited that they understood the principle as United Nations principle concerned with humanitarian intervention on worst scenarios like genocide. One of the respondents said that responsibility to protect principle is an idea of Western countries and African countries are not supporting it fearing that it is another guise being used by Western countries to interfere in African affairs. However, the doctrine of R2P was first articulated in 2001 by a group of prominent human right leaders supported by the Government of Canada in response to the compelling pleas by Kofi Annan to the international community. The concept then received renewed emphasis in 2004 and was then enlivened in 2005 at the 60th session of the United Nations General Assembly gathering where 191 heads of state and government representatives unanimously endorsed a resolution supporting the R2P doctrine. The core

tenets of R2P link sovereignty with responsibility which can be assumed by the international community if a state fails its protective duty towards its own citizens.

4.2 Seeds of the conflict in Libya in 2011.

The respondents were asked to give the causes of the conflict in Libyaand respondents cited different causes some of the respondents pointed out that it was the regimes response to the demonstrations, some linked the violence to the wave of Arab springs while others were of the view that the main issue was dissatisfaction among Libyans with regard to what they perceived as autocratic rule by Gaddafi and oil was not being shared equally among the Libyan people. One can argue that the precedent set by the successful ousting of Tunisia and Egyptian presidents gave weight and focus to a wide range of other factors that pushed Libyans to begin mass protests but economic grievances and resentment of autocratic nature of Gaddafi lay behind the rapid development of the protests and eventual open insurrection.

Three respondents pointed out that it was the brutal response to demonstrations by regime of Gaddafi because when uprisings against Gaddafi rose in Libya there were parties some of which were on the side of Gaddafi and his regime and some of which were against that so when the demonstrations continued the forces and supporters of Gaddafi started to kill, torture and use brutal force. This was also supported by Bellamy and Williams 2011 who argued that in mid-February 2011 several protesters were killed by Gaddafi's forces in Benghazi and other eastern cities as response to peaceful demonstrations that demanded improved civil and political rights .The Libyan protesters demonstrated against the arrest, intimidation and suppression of human rights defenders and sparked by the arrest of a Libyan human rights campaigner named FathiTurbel (STAND 24-02-2011). It was during the clashes between the Libyan authority and the opposition group that Gaddafi's forces used armed force to contain those protesters.

Kuperman(2013) is of the view that uprisings were never peaceful but instead were violent from the start and violence was actually initiated by the protestors themselves. He added that, rebel groups that would never believe they have a chance at toppling their government absent of R2P take on dangerous assaults on their local regimes hoping to provoke a genocidal backlash and with it western sympathy and aid comes in. However, following the responses given evidence is presented beyond reasonable doubt that the Libyan government seriously violated human rights and to judge by media reports Gaddafi's response to the uprising was brutal indeed.

However, it is the submission of this study that the demonstrations were undoubtedly influenced by continuous suppression by the Gaddafi regime linked with the uprisings in the neighbouring countries of Tunisia and Egypt where the demonstrations had successfully ousted the presidents of those countries. Grievances were already there Arab Springs only sparked the situation.

4.3 Motivation of intervening states in the Libyan conflict.
In an endeavour to unpack interveners motivations in the conflict respondents were asked on what really motivated intervening states. Two respondents cited that the intervention was carried out on humanitarian grounds while some postulated that the intervention was influenced by realism theory which emphasizes the protection of national interests.

In support of the proposition that intervention was mounted primarily out of humanitarian concerns the study considers evidence that grave human rights abuses were committed by the regime and intervening countries come to rescue Libyans from gross violation of human rights. Humanitarian norms indeed played a part in the decision to intervene in Libya. President Barack Obama of the United States announced on 21 March that,

> "When it comes to our military action, we are doing so in
> support of United Nations Security Council Resolution 1973
> that specifically talks about humanitarian efforts, and we are
> going to make sure that we stick to that mandate.''

However, based on the evidence examined concerns of humanitarian nature represent a necessary but not a sufficient cause for intervention because violation of human rights alone is not sufficient to push the intervening countries. Davison(2013) states that a state considers intervention or non-intervention when it believes that its national interests are threatened. Thus, intervening states were motivated to a significant extend by pursuit of interests, as argued pursuit of resources is a key tenet of the realist worldview and the fact that those resources lie in foreign sovereign territory is not considered. Yergin(1991) supports that Libya is hydrocarbon rich, it enjoys significant exploitable reserve of natural gas and is on top ten of oil reserves and these commodities are highly sought after. Thus securing oil supplies and gas was of importance to key importing countries so ending the civil war to restore Libya's oil production was the primary purpose of their intervention. As early as 10 March, before Resolution 1973 was passed, France recognized the NTC as the legitimate representative of the Libyan people. This conveyed the impression that, beyond civilian protection, France had partisan interests in Libya.

Moreover, European Union countries have a particular interest in assisting Libya to properly control illegal migrants from other parts of Africa that use Libya as staging post for entry into Europe. Background for the intervention is not based on humanitarian grounds but rather emerges from state self-interest. In addition, intervention was motivated by pursuit of interests for instance in the context of a rising China and a more assertive Russia intervening Western country leaders thought that if a democratically governed Libya was to be established it will be less inclined with non-democracies Russia and China and be a direct economic advantage westward. This paper is of the view that realism better explain states' motivations in Libya because economic and security concerns were greater driving forces behind the intervention than humanitarian concerns.

4.4 Libyan intervention an R2P Operation?

A number of respondents indicated that the intervention in Libya was not an R2P operation but a military intervention where western countries took advantage of the security situation to bomb Libya and loot their resources without being accountable to any central government. Instead of protecting Libyan people the intervention led to a built up of militias and left the country under different factions who are unleashing terror in the Libyan society. Stewart (2011) support the view that the intervention in Libya was not an R2P operation the intervening states used the R2P doctrine to obtain international legitimacy even though the primary goal of intervention was not humanitarian Libya was not a country in trouble because of genocide or ethnic cleansing, as the case were in Kosovo, Rwanda and many others, thus Libya did not meet the criterions needed for an intervention.

However, the 2011 intervention has been suggested as a model intervention of R2P because it followed R2P protocol. The R2P doctrine set a number of requirements for a military intervention to be effected that is there should a just cause threshold that is there should be a large scale loss of life actual and apprehended with genocidal intent or not which is either of state deliberate action or state neglect or inability to act or a failed state situation.(ICISS 2001).Therefore this was certainly the case with Libya there was a just cause for intervention because Gaddafi expressed clear intent to kill people. Bellamy (2011)argues that not since Rwanda a regime so clearly signalled the intent to commit crimes against humanity.

In addition, R2P stipulates that there should be right intention that is primary purpose of intervention must be to halt or avert human suffering. It is reasonable to state that the Libyan intervention averted human suffering because the intervention saved lives in a convincing

way according to David Clarke (2011). Moreover, right intention is better assured with multilateral operations clearly supported by regional opinion and victims concerned. Libyan intervention is clearly multilateral because it was implemented by a coalition of NATO states and the condemnation of violence by regional groups like LAS, AU and OIC tallies well with the R2P framework.

Furthermore R2P prescribes that for intervention to happen there should be right authority and according to R2P doctrine there is no better or more appropriate body than the UNSC to authorise military intervention for human protection purposes (ICISS 2001). The intervention was authorised by the UNSC. On the other hand, R2P doctrine stipulates that military intervention can only be used as a used as a last resort. In the Libyan case military intervention was used as a last resort because before military force a number of soft powers were used and diplomatic approaches were explored that is the warnings and UNSC resolution 1970.

In sum, one can be of the opinion that the Libyan intervention is an R2P operation because the situation in Libya was so grave that humanitarian intervention on the grounds of R2P was justified.

4.5 NATO's action in Libya in relation to Resolution 1973
Few respondents expressed knowledge of resolution 1973 and respondents cited that NATO's actions in Libya was an overstep of the boundaries of R2P because the mandate stipulated in Resolution 1973 was stretched to serve one of the Western states' interests, which was regime change. Resolution 1973 demanded an immediate "cease-fire and a complete end to violence and all attacks against, and abuses of, civilians", it imposed a no-fly zone over Libya and increased the strength of the arms-embargo over Libya. Most importantly, the resolution also authorized member-states to take

> …all necessary measures to protect civilians and civilian
> populated areas under threat of attack in the Libyan
> Arab Jamahiriya, including Benghazi, while excluding a
> foreign occupation force of any form on any part of
> Libyan territory" (UN Resolution 1973)

The view of moving beyond the strict mandate of the resolution was also supported by Permanent representative of India to the UN Hardeep Singh Puri who argued that India was now of the belief that NATOs role in Libya had moved from protecting civilians in Benghazi to regime change in Tripoli. Thus NATO military action used the mandate granted not to

serve the civilian population but to carry out regime change in Libya. The passing of Resolution 1973 indeed legalised the use of force by international forces in Libya to protect the civilian population but the objective of regime change quickly overshadowed the intervening forces. In late October 201 Marcel Boisard former assistant of the UNSG said that nothing has been respected as no real negotiations towards ceasefire have taken place. The exclusive control of the air was used to support the insurgents. Protection of civilians was the pretext to justify an operation. It was no longer a question of protection but of regime change. The principle of R2P died in Libya just as humanitarian intervention died in Somalia in 1992.Moreover, NATO explicitly relates the death of Gaddafi to the end of the mission which seems to indicate that the main objective of NATO was not the protection of civilians but had escalated into enforcing regime change because Operation Unified Protector (OUP) ended only ten days after Gaddafi was captured and killed

Additionally, despite an arms embargo under Resolution 1970, some countries provided sizeable quantities of weapons to the rebels. In June France admitted to supplying assault rifles, rocket launchers and anti-tank missiles, claiming that such actions were both morally justifiable and within the legal parameters of Resolution 1973. Dwarfing the French contribution was that of Qatar, which allegedly supplied militias connected to the NTC with eighteen shipments amounting to 20,000 tons of weaponry. Other forms of support from key members of the NATO-led alliance included providing battleground leadership advice during the final rebel offensive on Tripoli and Sirte.

During August 2011 the New York Times reported that Britain, France and other nations deployed Special Forces on the ground inside Libya to help train and arm the rebels. Qatar went much further, later admitting that it had hundreds of troops in every region fighting against Qaddafi's forces. This was confirmed by a senior figure from the NTC. This was a direct violation of Resolution 1973, which only expressly forbid a foreign occupation force of any form on any part of Libyan territory, thus, not in keeping with the spirit of the civilian protection mandate represented in Resolution 1973.

Furthermore, according to R2P regional organisations help form international consensus for R2P based actions but in the Libyan intervention the LAS and AU agreed upon UNSCR resolution 1970. The African Union consistently worked to find a peaceful solution and expressly rejected an external military response only LAS favoured UNSC resolution 1973

and NATO listened to an organisation that matched their agenda which undermines the whole concept of working with local actors

However, in some cases curtailing a government's ability to commit further mass atrocity crimes may not prove sufficient if such activities are integral to its survival Where a government is the primary perpetrator of ongoing atrocities, changing the leadership may sometimes be the only effective way to end the crimes Few would quarrel with the view that halting mass atrocities in the context of Libya was to permanently disable the capacity of the Qaddafi regime for it not to harm its own people and this was seen by some as essential to discharging the mandate of civilian protection.

However, while conceding that the launching of the operation was almost a textbook case for R2P it subsequently deviated from its purpose. It is the contention of this study that NATO's action in Libya was not precisely in line with the mandate set in resolution 1973 because forcible regime change by an external party in support of rebel movement is not justified.

4.7 Peace and security in Libya.

R2P had its roots in the concept of human security and human rights so it is crucial to analyse whether the human rights situation improved due to the intervention. Accordingly, four respondents pointed out that there is a strong link between R2P and human rights given that the concept involves protecting the civilian population when their rights are being seriously violated but after the Responsibility to protect based intervention in Libya chaos was created in Libya. Libya had a functional state which had a strong central government before the intervention but as it stands Libya has two governments one bases in Tripoli and the other based in Benghazi so peace and security were not achieved in Libya. There are gross human rights violations on those who are not supporting the militia backed government. R2P has not been effective in Libya on promotion of peace and security as the reality on the ground shows.

Paul Ritcher(2015) argues that the military intervention fell short on the broader goal of putting Libya on a path towards democracy and stability. The intervention turned Libya into a higher security threat than it was before military intervention. Libya has become North Africa's most active militant sanctuary at the Centre of the resurgent threat as arms trafficking from Libya are fuelling conflict and insecurity including terrorism on several continents. Experts' panel reported to the UNSC in February 2015 that weapons smuggled out of Libya have been used by insurgents in Mali, by Boko Haram in Nigeria and by

Palestinian militants in the Gaza strip. Libya is betrayed as a society near collapse beset by crimes, terrorism, factional fighting, government failure and wide availability of portable anti-aircraft weapons that can shoot down commercial airplanes. Furthermore, more than 50 000 people including refugees from Syria and migrants from North Africa have flooded into Europe through Libya's porous borders sharpening the continent's immigration crisis.

The post-revolutionary Libya never developed the capacity to enforce a lasting peace and stability in the region. The situation quickly deteriorated as the multiple militias and rebel groups who had fought against Gaddafi rapidly took possession of the massive stockpile of weapons acquired during Gaddafi's four decade reign. The interim government failed to secure control over Gaddafi's arsenal and most weapons continued to be controlled by non-state armed groups. Awash with weapons the militias and armed rebel groups refused to be disarmed or to be integrated into the military. Libyan political leaders have been under constant threat of attack as displayed most dramatically in the October 2013 kidnapping of the Prime Minister Ali Zeidan, the attack on September 2012 on US facilities in Benghazi that killed ambassador Christopher Stevens and three of his colleagues and in April 2013 a vehicle bomb which destroyed half of the French embassy in the capital Tripoli. Therefore Libya became a significant and attractive source of weaponry in the region fuelling conflicts throughout the Sahel-Sahara region and beyond.

4.8 Implementation challenges of responsibility to protect in Libya.
There are a number of challenges arising from the Libyan conflict which will have a bearing on how R2P evolves in the future. Respondents cited that some of the challenges are that UNSC resolution 1973 was vague that iswording of resolution 1973 was not clear. According to Lindsay "all necessary measures" caused confusion and the resolution may have been intentionally made vague to try and get broad support for it. The mandate was broad and did not specify any specific parameters as to what constitute a threat of attack and at what exact point should member states take all necessary measure, so many questions were not answered by the resolution. According to Gareth Evans (2011) in situations like Libya where the regime represents a main threat to civilians it might be impossible to fully protect civilians without attacking the regime that one can argue that removing Gaddafi was a necessary measure to protect civilian population in Libya.

In addition, one respondent was of the view that there was division between the members of the UNSC. There was no unanimity within the UNSC for military intervention in Libya

because members were significantly divided on resolution 1973.Those who abstained highlighted the importance of exhausting all peaceful means prior to using military force.

Some respondents highlighted problem of inconsistency on the application of R2P as one could fear that the selective behaviour could end up being the end of R2P because of the lack of consistency, which might turn more countries into critics and thereby make them abstain from voting on different resolutions and intervention-initiatives.

Moreover, some respondents stated that NATO intervention in Libya damaged the credibility and prestige of AU.The same view is supported by Joffe (2013) who suggested that under AU Charter it should have been AU to intervene in Libya and not NATO.

4.9Chapter summary

This chapter dealt with data presentation, analysis and interpretation according to the objectives of the study. Chapter 5 will deal with summary of findings, conclusions and recommendations.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

Having looked at the various aspects of R2P and the humanitarian military intervention in Libya in 2011.This chapter is a summary of the whole research project, showing the problem and its setting, the objectives, purposes, literature review, methodology, summary, conclusions and recommendations deduced from the findings. Thereafter conclusions and recommendations are made which the researcher found to be of value with regard to the issue of R2P and military intervention in Libya and the world at large.

5.2 SUMMARY OF THE STUDY

Chapter one presented the background of the study and statement of the problem citing that the problem is that the R2P principle where it has been applied mostly peace and security remains a concern.

Chapter two presented the evolution of R2P Responsibility to Protect principle and highlighted that R2P principle arose as an effort to move the International Community beyond the problems associated with humanitarian intervention in the 1990s.There has been a longstanding debate about humanitarian intervention in particular concerning the right of states to intervene militarily in another state in order to prevent or stop gross violation of fundamental human rights. Throughout the 1990s the international community and UN in particular was faced with an array of humanitarian crises. The experience with the crises of the 1990s triggered serious rethinking of the role the UN should play in reacting to severe intra-state violence and Responsibility to Protect doctrine was formally introduced in 2001.It came out of a commission formed by the Canadian government.

Chapter three gave an analysis of the implementation of R2P in Libya and an evaluated as to whether R2P principle has been able to promote peace and security where it has been applied. It was highlighted that origins of the Libyan crisis lie in the Arab Spring protests that started in Tunisia. Protests which started in Benghazi demanding for release of a human rights activist turned violent after the regime of Gaddafi responded violently to the peaceful demonstrations. On the 26 February 2011 Security Council met to consider the Libyan crisis and at this meeting the Security Council adopted Resolution 1970 which was the first resolution with regards to the violent situation in Libya. The resolution was unanimously adopted by the UNSC members tuned to the concept of R2P reminding the Libyan

authorities' responsibility to protect its population. All the diplomatic efforts by the global community failed to deter Gaddafi to halt the mass violence on protestors On 17 March Gaddafi declared that he would stage an attack on Benghazi. However Gaddafi's speech acted as a stimulus and on 17 march 2011 resolution 1973 was adopted which resulted in the military intervention in Libya authorising member states to take required action to protect civilians under attack in Libya.

Chapter four presented data, analysis and interpretation of research findings regarding the implementation of R2P in Libya and its impact on promotion of peace in Libya and the world at large. The presentation was in line with the study objectives and was done under the following themes: the evolution of R2P, causes of the Libyan conflict, motivating factors of intervening states, Libyan intervention an R2P operation, NATO action visa vie UNSC resolution 1973, peace and security situation in Libya and challenges experienced in curbing conflict in the Libya. The chapter also presents a summary of the main findings of the study. Chapter five presents the summary of the study, conclusion and recommendations.

5.3 CONCLUSION

The main conclusion is that there is nothing really Responsibility to protect principle is doing to promote peace and security taking reference of the Libyan intervention. The current security situation is far from desirable and prevents Libya from being a successful example of a humanitarian intervention leading to peace and security. Reflecting on what the Libyans have achieved so far Gaddafi might have been hard but at least he provided security, basic needs and kept the country together. There were massive positives for the Libyan people under Gaddafi because Libya had sound welfare systems allowing access to free education, free healthcare and financial assistance for housing. It is now five years after the revolution in Libya but the promises of freedom, democracy and prosperity have not yet materialised. The country mighty descended into a failed state marked by chaos and increasing presence of terrorist groups. The country is facing a multitude of economic and political problems.

5.4 RECOMMENDATIONS

While R2P has had its failures, it is not all that bad to the extent of being thrown away. There are certain improvements that should be made to ensure that its mandate is carried out properly.

It is recommended that the wording of UNSC resolutions should be clear. United Nations Security Council should put effort to make the language used in UNSC resolutions crystal

clear and make it impossible to interpret too differently as with UNSC resolution 1973 so as not to exceed the mandate agreed upon. The resolution authorised member states to take all necessary measures to protect civilians and civilian populated areas but from the real action of NATO it interpreted the clause differently. NATO operation negatively affected R2P by setting a precedent of regime change.

Furthermore there is need to establish of a codified criteria on military intervention. A specific criterion should be developed to determine when the Security Council should authorise military intervention**.** As noted from the study robust implementation of R2P doctrine through military measures is not accepted by all the members of the UNSC some remain attached to traditional notions of state sovereignty and non-intervention. The ICISS report does not also address fears of hidden agenda behind R2P that there is need to have a codified criteria that narrow down who, under which circumstances and with which means one is obliged to intervene. Such criteria can prevent political abuse of R2P by great powers.

In addition, according to Mezran and Lamen (2012) in the Issue Brief the international community should incentivize militia disarmament that is offer education or vocational training to a large number of Libyan youths currently involved in the militias because the militias provide a fertile ground for Islamists groups to acquire chemical and conventional weapons which is a threat to international peace and security.

Moreover, the international community should rally international support for reconciliation because in the present political climate of Libya, the Libyans are suspicious of each other's loyalty.

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