

AN EXAMINATION OF THE INCOMPATIBILITIES OF NATO
AND THE AFRICAN UNION AGENDA (S) IN THE LIBYAN
CONFLICT BETWEEN 2011 AND 2012

By

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Declaration

I declare that the thesis hereby submitted to the University of Limpopo, for the degree of Doctor of Philosophy, Political Science has not previously been submitted by me for a degree at this or any other university; that it is my work in design and in execution, and that all material contained herein has been duly acknowledged.



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Date

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Dedication

This work is dedicated to my late father, Ludumo Mgudlwa and my three sons, Soyame, Ukho and Bukho. I am indebted to them for making me the person I am today.

Abstract

Much of the literature on the recent Libyan conflict is framed through a Westernised lens. This is an epistemic and ontological setback for Africa. Hence, the transition from the Organisation of African Unity (OAU) to African Union (AU) with the principle of, “African solution to African problems,” seemed to be a plausible one after a number of imported solutions and western powers’ interventions that often left the continent worse off than before. Syria shared a similar situation with Libya but the intervention from the western powers differed significantly.

Against this setback, this study employs Afrocentricity as an alternative theoretical lens to examine the incompatibilities of North Atlantic Treaty Organisation’s (NATO) involvement in the Libyan conflict within the context of the African Agenda. The objectives of the study were to evaluate the relations between AU and UNSC on the Libyan crisis, how the UNSC Res 1973 was understood and implemented AU and NATO and to reflect on the implications of NATO led military intervention under the pretext of Responsibility to Protect civilians in Libya. The involvement of NATO’s military force sealed not only the fate of Libyans with no long term plan to the resolution of the crisis but also severely restricted and undermined the efforts of AU in Libya. The efforts of AU and its roadmap were completely negated when NATO forces started their air raids. Divisions were clearly evident within NATO members with Germany and Netherlands opposing the motives of NATO.

The intervention by NATO facilitated regime change and flooded the region with illicit trade in arms and goods, harboured armed extremists’ groups, and terrorists. The cauldron of all of the above effectively destabilised the region. It also exposed deep divisions within AU members, lack of coordination and the effects of limited resources on operations that could be handled continentally to avoid unsavoury interventions. In relation to the Libyan crisis, AU and NATO had divergent interests and could not cooperate in finding long lasting solutions. AU should in the future be proactive in resolving conflicts with the continent and should be prepared to fund its own operations in order to reduce dependence on foreign assistance in similar situations in the future.

Keywords: Afrocentricity, African Union, United Nations, United Nations Security Council, North Atlantic Treaty Organisation, Libya, Responsibility to Protect and regime change.

List of Abbreviations

AMU	Arab Maghreb Union
ANC	African National Congress
ANCYL	African National Congress Youth League
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
AU	African Union
AUPSC	African Union Peace and Security Council
BRICS	Brazil, Russia, India, China and South Africa
CENSAD	Community of Sahel-Saharan States
CEWS	Continental Early Warning Systems
COMESA	Common Market for Eastern and Southern Africa
DRC	Democratic Republic of Congo
EAC	East African Community
ECCSAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EU	European Union
GDP	Gross Domestic Product
HNEC	High National Election Commission
HRC	Human Rights Council
ICC	International Criminal Court
IGAD	Intergovernmental Authority on Development
ISG	International Survey Group
ISS	Institute for Security Studies
ISIS	Islamic State of Iraq and Syria
LAS	League of Arab States

MENA	Middle East and North Africa
MINURSO	Mission for the Organisation of a Referendum in Western Sahara
MINUSMA	Multidimensional Integrated Stabilisation Mission in Mali
NATO	North Atlantic Treaty Organisation
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
NOC	National Oil Company
NTC	National Transitional Council
OAU	Organisation of African Unity
PSLC	People's Social Leadership Committee
R2P	Responsibility to Protect
RCC	Revolutionary Command Council
RPG	Rocket Propelled Grenade
SADC	Southern African Development Community
SAP	Structural Adjustment Program
UK	United Kingdom of Britain
UN	United Nations
UNDP	United Nations Development Program
UNMIL	United Nations Mission in Libya
UNISFA	United Nations Interim Security Force for Abyei
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council
US	United States of America
USSR	Union of Soviet Socialist Republics
WMD	Weapons of Mass Destruction

Table of Contents

Declaration.....	ii
Acknowledgements.....	iii
Dedication.....	v
Abstract.....	vi
List of Abbreviations.....	vii
Table of Contents.....	ix
CHAPTER 1.....	1
Contextual Orientation of the study	1
1.1. Identification of the research theme.....	1
1.2. Research problem.....	4
1.3. Operational definition of concepts.....	5
1.4. Theoretical framework.....	7
1.5. Purpose of the study.....	10
1.6. Study organisation.....	10
CHAPTER 2.....	13
Literature Review	13
2.1. Introduction.....	13
2.2. Conceptual perspectives.....	15
2.3. The establishment of OAU.....	17
2.4. From OAU to AU.....	18
2.5. Leadership of Colonel Gaddafi in Libya.....	19
2.6. Arab Spring Uprising in Libya.....	20
2.7. US foreign policy implementation.....	22
2.8. Regionalism.....	24
2.9. Libya under Gaddafi's rule.....	25
2.10. Inter - ethnic relations in Libya.....	29
2.11. Gaddafi's Green Book.....	32
2.12. Neo-colonial powers and African relations.....	35
2.13. 1986 Benghazi attack Lockerbie incident.....	37
2.14. Libya and Sanction.....	39
2.15. AU Peace and Security Council and UN Security Council cooperation in Africa.....	41
2.16. UNSC Resolution 1973.....	42
2.17. Arab Spring revolution.....	44

2.18. NATO's operation in Libya	46
2.19. Armed rebels of Libya	47
2.20. Conclusion	49
CHAPTER 3	51
Research Methodology	51
3.1. Introduction	51
3.2. Research design	53
3.3. Sources of data.....	54
3.4. Sampling.....	56
3.5. Data collection methods	59
3.6. Data collection	59
3.7 Secondary sources of data	61
3.8 Data analysis	61
3.9. Research principles	62
3.10. Ethical considerations	64
3.11 Conclusion.....	68
CHAPTER 4	69
The interpretation of UNSC Resolution 1973	69
4.1 Introduction	69
4.2. The Libyan uprising	70
4.3 Intervention of NATO forces.....	74
4.4 Involvement of AU in the situation.....	76
4.5 UNSC resolution 1973 implications for the Libyan regime	79
4.6. Conclusion.....	84
CHAPTER 5	86
Libya after AU and NATO intervention	86
5.1 Introduction	86
5.2 Recognition of National Transitional Council and its role.....	87
5.3 Libya's first nationwide elections post the uprising	91
5.4 Government of National Congress.....	100
5.5. Conclusion.....	101
CHAPTER 6	103
African Union Peace and Security Council in the Libyan uprising	103
6.1 Introduction	103

6.2. African Union Peace and Security Council peace initiative	104
6.3. Objectives of African Union Peace and Security Council	105
6.4. AUPSC and its role in Libya	106
6.5. Conflict response delays in Africa	107
6.6. Cracks/divisions within the AU leaders on the Libyan situation.....	108
6.7. AUPSC peaceful approach.....	110
6.8. Conclusion.....	112
CHAPTER 7	114
Implementation of UNSC Resolution 1973.....	114
7.1 Introduction	114
7.2 Passing of the UNSC Resolutions 1973	114
7.3 The nature of the implementation of UNSC Resolution 1973	116
7.4 Libya after NATO intervention	120
7.5 Regional stability	121
7.6. Conclusion.....	123
CHAPTER 8	125
General conclusion(s).....	125
8.1 Summary of the findings.....	125
8.2. Significance of the Study.....	127
8.3. Implications for theory and practice.....	128
8.4. Limitations for the study.....	129
8.5. Recommendations	129
REFERENCES.....	132
APPENDIX A: Research introduction to participants	156
APPENDIX B: Research introduction to participants.....	158
APPENDIX C: Participant consent form	159
APPENDIX D: Permission to collect data	160
APPENDIX E: Letter to participants.....	161
APPENDIX F: Questionnaire	162

CHAPTER 1

Contextual Orientation of the study

1.1. Identification of the research theme

The Arab Spring Uprising started in the late 2010 (18 December) in Tunisia and spread across neighbouring Arab states at an alarming rate (Fraihat, 2016). This was the necessary spark to ignite what has been a volatile situation for decades in the region (Salam, 2015). An act of frustration by Mohamed Bouaziz (26-year-old) who was humiliated by police in public because he did not have a permit to be a vendor, sparked the uprising in Tunisia which eventually forced former President Zine El Abidine Ben Ali to flee the country and his government to step down (Riemer, Simon and Romance, 2011). Elsewhere in Libya which is a neighbouring country, similar activities were soon initiated as a direct influence of social media that made it very easy to communicate events in Tunisia to the rest of the world in real time (Aras and Yorulmazlar, 2016).

Libyan government went on the offensive when it realised that Fethi Tarbel's supporters have organised a peaceful march in protest over his arrest (Gebremichael, 2018). He was a representative of over 1000 Abu Salim prisoners that were allegedly massacred by security forces in 1996. He was arrested on the 17th February 2011 after Mr. Abdullah Senussi (senior intelligence official) learnt that he was planning a national strike. The response by the Libyan government to peaceful marches provided the necessary spark needed to ignite wide spread protests that could not be contained (Siebens and Case, 2012).

The reaction of the government to such peaceful marches quickly escalated from marches about the arrest of Fethi Tarbel in support of what he stood for, representing slain prisoners into full-scale massive protests to oust the regime (Davidson, 2017). The situation got worse and both security forces and protesters engaged in deadly conflicts thereby creating an international outcry on the use of deadly force and alleged use of chemical weapons on civilians by the Libyan government (Salam, 2015, New York Times, 2010). This international pressure on the Libyan government led to the

passing of United Nations Security (UNSC) resolution 1970 and resolution 1973 respectively to facilitate ceasefire on both sides and to encourage Colonel Muammar Gaddafi to step down after over 4 decades of being in power. In the later part of his reign, Libyan government had edgy relations with western powers and the Lockerbie incident intensified such tensions and attracted sanctions against him, his family, cronies and regime (Siebens and Case, 2012). At least until the year 2011, internal and external measures including economic sanctions against Libya had minimal effect on their intended goals. This should be understood within the context that inasmuch as Ghaddafi led Libya was economically sanctioned by the Western powers, he remained the champion of anti-colonialism and a beacon of hope for many states in Africa and the Global South (Mararike, 2018).

Prior to the passing of the afore mentioned UNSC resolutions, the African Union (AU) leaders had met and proposed a roadmap for peaceful resolution of the escalating crisis in Libya. Unfortunately, the AU leaders were largely ignored by the government security forces (Toga, 2016). The ignorance of the AU roadmap on the part of the Libyan security forces was possibly driven by their belief that they have monopoly over the use of force and therefore, had an upper hand in terms of the prospects of emerging victorious. Equally important, Ghadaffi regime's judgement was clouded by the general belief that his influence in the AU and veneering as one of the pioneers of anti-colonial liberation struggle would translate into tangible and tactical support against his enemies (Nyerere, 1979).

Perhaps this is reflective of the failure of Ghadaffi's regime to sense the possibility of the clandestine combat involvement of external forces in support of the rebels. The danger of the presence of reactionaries within Libya's security establishment who may be sympathetic to the rebels was also downplayed and/or overlooked. The most important concern of the AU was that the provision of humanitarian assistance was followed by the mediation among concerned parties and most importantly the provision of a path for Colonel Gaddafi's exit strategy from the highest office in Libya. This call reverberated well with the foundations of the AU on African solutions to African problems (Asante, 1998).

The expression, “African solutions to African problems,” is founded on the principles of Afrocentric theory and has been a driving force for the formation of the Organisation of African Unity (OAU) in 1963 and AU in 2002 (Mbeki, 2014). Leaders such as Kwame Nkrumah (Ghana), Julius Nyerere (Tanzania) and Kenneth Kaunda (Zambia) among others who were advancing Pan-African ideals, had a significant contribution towards the formation of OAU (African Union, 2002, Bujra, 2002).

The AU which was a successor of the OAU, formed in 2002 took over the reigns and institutionalised various sectors within its wings to deal with the common goals including maintaining independence, defending sovereignty, promoting socio-economic development through regional and continental integration of the economies and territorial integrity of its member states as its primary objective (African Union, 2002).

The passing and the implementation of resolution 1970 and thereafter resolution 1973 by the UNSC flew right past the ideals of the AU. However, both resolutions enjoyed the support of African representatives in the UNSC. In return, the Libyan government agreed to implement both resolution 1970 and 1973 and ceasefire (Aras and Yorulmazlar, 2016). But it was later established that no ceasefire was observed by the Libyan government. As a result, more lives were lost (Aras and Yorulmazlar, 2016). The situation in Libya escalated and intensified by the day (Aras and Yorulmazlar, 2016).

Perhaps, what could be explained by the foregoing observation is that the Libyan government and its forces had negotiated with the rebels in bad faith. Thus, the rhetorical declaration of ceasefire on the part of the Libyan government was aimed at causing the rebels to relax and to allow government forces to regain lost ground.

The foregoing analysis is emblematic of the extent to which Africa is beleaguered by complex and precarious violent conflicts ranging from low intensity to outright civil wars. Hence, the continent is struggling to maintain peace and stability and reconcile opposing parties as it was the case in Libya (UNECA, 2016). Some of the conflicts had early warning signs that could have been picked up early to prevent them from escalating into full civil unrest as it was the case with Arab Spring uprising in the north

of the continent affecting Libya, Egypt and Tunisia. Continental Early Warning System (CEWS) is specifically designed to pick up signs of conflicts as early as possible and to recommend possible solutions to African Peace and Security Architecture (APSA), an organ of AU which was ineffective or failed to do the same in the period preceding Arab Spring (UNECA, 2016). Periodically, the primary focus of this study is the years between 2011 and 2012.

This period was arbitrarily considered by the researcher as providing sufficient duration for painting a qualitatively rich picture of the phenomena under study (Sandelowski, 1986). Hence, it covers the time when Libyan conflict was intense and there was an apparent contestation of peacekeeping roles and/or efforts between the AU and North Atlantic Treaty Organisation (NATO). The timeframe of this study does not preclude it from briefly reflecting on pre-2011 and post-2012 developments. Reflection on pre-2011 and post-2012 developments is crucial for locating the study within a historic and broader context. This is unavoidable if a crispy understanding of the subject of this study is to be generated. Hence, history is generally considered as a laboratory of Political Science (Shai, 2021). It can also be added that there is an intrinsic relationship between the past, present and the future. Thus, the past assists us to avoid the repeat of previous mistakes and make informed decisions about the future.

1.2. Research problem

The formation of AU which had jurisdiction on all African states including Libya had its fundamental functions and main objectives that included peace preservation, security, economic integration and the general development and welfare of the African states (Shehata, 2012). The initial negotiations between AU leaders and Colonel Gaddafi could not stop the escalating crisis in Libya and loss of life continued unabated. It was at this stage that the matter drew the attention of UNSC.

Mohammed Ayooob (2014) noted that, the public and academic discourse about the dynamics and implications surrounding the year 2011 international military intervention in Libya was not uniformly understood. Within the political and diplomatic circles, what emerges from this discourse was the bipolarised narratives (Murithi,

2005). For instance, a dominant liberal view from the West suggests that the intervention of NATO was necessary to quell violence against the civilians and to create an enabling environment for democracy and the rule of law (Ayoob, 2014). A view that was based on humanitarian and moral considerations underpinned by Responsibility to Protect (R2P) was contested by Pan-Africanists. Drawing from *real politik*, Pan Africanists argue that the intervention of NATO in Libya was more about advancing the selfish economic interests of the Western powers (Ayoob, 2014).

This was partly because the NATO mission was executed in such a way that it marginalised or disregarded the efforts of the AU which had obvious jurisdiction on conflict situations in African states including Libya. An examination of literature on the subject of this study reveals the deficiency of an Afrocentric perspective. This gap led to a situation wherein the Libyan question was partially understood, largely because much of the body of knowledge in this regard was rooted within the Eurocentric (also read as Westernised) worldview, disregarding the efforts of the continental body.

The study sought to review actions of NATO if they were compatible or not with the aims and objectives of AU and the aftermath of the actions taken. The study evaluated the effectiveness of how UNSC Resolution 1973 was implemented by NATO forces and whether the actions they took were a best fit into the situation.

1.3. Operational definition of concepts

Due to the contestation of the definition of concepts in human and behavioural sciences, the study now pauses to conceptualise the meaning of the following key concepts in this study:

1.3.1. Responsibility to Protect

Adams, (2012) argues that the Responsibility to Protect denotes “military intervention in a state, without the approval of its authorities, and with the purpose of preventing [or ending] widespread suffering or death among the inhabitants.” Humanitarian intervention includes provision of security to innocent civilians and other amenities such as food, water and medical supplies where necessary to those who find

themselves in hostile environments without the approval of the authorities of the concerned country (Adams, 2012).

In 1999 after the Kosovo conflict and the intervention of NATO forces (airstrikes), Canadian government introduced a new concept to replace Humanitarian Intervention and rather provide a new vehicle that was broad enough to cover areas that left interventions not covered by International Law and by the UN statutes including the UN Charter. Responsibility to Protect enables UN members to use force if the host nation fails to protect its own citizens, whether it is because it is unwilling or unable to, even if it has not requested such intervention (Roberts, 1993). It makes it an obligation of not only that of a concerned country to protect civilians but also that of the international community to use military strength to enforce protection of civilians. This new concept addressed the moral question of a humanitarian intervention brought about by an armed man legally permissible to kill in the process (Mooney, 2008).

1.3.2. Regime change

Established regimes had changed not only by the will of the ruled but also by intervention of foreign players, invited either by the ruled or at their own volition. Usually the sitting government is not willing to relinquish state apparatus and lose power. The often result of regime change involved the change of authorities at various levels with the most senior being the target and lower levels are less and less as the level of authority diminishes. More often than not, an alternative government is imposed on the citizens either by the intervener or by the militants involved through use of violent means or a threat to do so. More often than not, regime change means the removal of the sitting government physically and replacing it with another. That could be achieved either through overt or covert operations. Some covert operations include non-military approaches such as forcing the regime to behave in a manner befitting the interests of the intervener at the peril of its citizens (Levin and Lutmar, 2020).

1.4. Theoretical framework

This study is foregrounded by Afrocentric theory. Afrocentric theory was probably first propagated by Marcus Garvey, a Jamaican born political activist and later championed by Molefi Kete Asante at Temple University, United States of America (US) in the early 1980s. The theory emphasises an African centred approach to challenges facing Africans (Levin and Lutmar, 2020). It acknowledges that Africa faces a unique set of challenges and cannot rely on western powers to provide them with solutions without any form of experience to offer. It is by no means an African duplicate of Eurocentrism but a distinct thinking by Africans in finding solutions to their unique challenges that are not necessarily experienced by the Westerners (Asante, 1998).

Inspired by the uniqueness of the African problems and the number of failed imported solutions from the western powers that actually sank the continent into more anguish than relief, Africans were increasingly taking active role in shaping their own destiny (Asante, 1998). Africans have opted to bring their own initiatives that will solve their own challenges and offer hope for their future (Reid, 2012). The foregoing observation should be understood within the context that most of the failed initiatives and interventions in Africa were based on Westernised thinking which produced partial guide to the understanding of African phenomena like the Libyan question (Asante, 1998).

The father of Afrocentric theory, Marcus Garvey, insisted on Africans being independent and deciding their own affairs. He was against western intervention and mostly the interference of the West on African affairs. While his views were seen as noble by many scholars, W.E.B Du Bois did not share the same sentiments and noted some aspects that rather promoted separatist policies based on racial classification of people rather than uniting the human race beyond racial lines (Abdellatif, 2017). His association and collaboration with former Senator of Mississippi, Theodore Biblo a well-known white supremacist and Ku Klux Klan and his support for their separatist ideals shrouded his legacy with controversy (Bagnall, R. 1923). Critiques of Afrocentric theory tend to make Eurocentric thinking a barometer by which any other theory should be tested against. Afrocentric theory does not seek to compete nor replace Eurocentric thinking but offers an alternative world view from an African perspective.

While his intent were questioned as a result of his association with white racist supremacists whose goals were to separate races based on their skin colour, his theory was well appreciated by many African scholars and leaders, It was however, not spare of criticism from firm believers of Eurocentric theory. They argued that the Afrocentrism is an attempt to reinvent the wheel in the African continent. Chukwuokolo (2009 cited Hegel,1964, p.9) argues that Africans are incapable of civilization and should be zoo-bound. Chukwuokolo (2009,29) wrote, "Hegel opines that Africa only hears the echo of the majestic march of world civilization across Europe and through which the absolute spirit fulfills and realizes itself."

Chukwuokolo (2009 cited Hume,1969. 208), who echoed similar sentiments when he wrote, "I am apt to suspect the Negroes to be naturally inferior to the whites. There scarcely ever was a civilized nation of that complexion, nor even any individual eminent either in action or speculation. No ingenious manufactures among them, no arts, no sciences... Such a uniform and constant difference could not happen, in so many countries and ages, if nature had not made an original distinction between these breeds of men." Weber (1958) noted that Art, music, architecture, printing, science, politics, and other elements of human endeavour all existed in Europe as markers of civilisation.

This narrow-minded approach and barbaric perspective of Africans cannot be left unchallenged and an alternative view must be explored to dismiss these undermining basis for Eurocentric ideas. It is surprising that in the twenty first century there still exists Eurocentric ideas in Africa even more inexcusable being propagated by African scholars (Chukwuokolo, 2009). Afrocentric theory, however, is not limited to Africans but bases its views on African perspective to give a clear picture of analysis of African challenges.

The choice of Afrocentric theory as a contextual lens for this study was informed by the researcher's desire to draw from its cognitive and functional roles. The application of Afrocentric theory in a study of this nature is poised to make a contribution towards the realisation of epistemic justice; thereby allowing African centred perspectives in

Politics to dialogue with other ways of thinking from the North and elsewhere (Eregha, 2007).

1.5. Purpose of the study

1.5.1 Aim of the study

The aim of this study was to examine incompatibilities of NATO's involvement in the Libyan conflict within the context of the African Agenda

1.5.2. Objectives of the study

In order to achieve the above aim, the research delved into the following objectives:

- to explain the incompatibilities of the AU and NATO in resolving the Libyan conflict.
- to determine how UNSC resolution 1973 was commonly understood by all UNSC members before it was passed.
- to describe the response of the AU on the implementation of UNSC Resolution 1973 by NATO forces.
- to reflect on the implications of the NATO led military intervention on the outcomes of the Libyan conflict.
- Account for the role played by AU post conflict (Arab Spring uprising) in Libya.

1.6. Study organisation

This study is prearranged into eight chapters that together are designed to respond to the main objectives of the study. Afrocentric theory has been explored to explain events in Libya and to provide an African perspective of the events, the impact and outcomes of the events post the conflict. The study has examined the approach of parties concerned in the conflict and the effects of each party including AU, UNSC and NATO as main parties of interest to the study. This part of the study reveals the structure of the study in brief and how each part was carried out, techniques used and explains the reasoning for opting for them.

Chapter 1: Contextual Orientation of the study

In this first chapter of the study thorough background, what the study seeks to achieve, problem statement, operational and theoretical approach have been explained in great detail to provide justification for the study.

Chapter 2: Literature Review

The second chapter of the study examines the available literature and bases itself on existing theory in the field. The study reviews literature that relates to the events that took place not only in Libya but also in other countries in the Middle East during the Arab Spring Uprising, how the international organisations such as UN, AU, League of Arab States and NATO conducted themselves during the period.

Chapter 3: Research Methodology

Operationalisation of the study has been clearly defined in this chapter highlighting important elements of research such as research design, data collection, analysis methods, sampling methods, ethics and quality criteria have been clarified and laid to rest in chapter 3 of this study.

Chapter 4: Libya after AU and NATO intervention

The fundamental and foundation of the study rests on how the two organisations interacted during the uprising in Libya. This part of the study examines how the two bodies operated and the effects of their interaction post the conflict. It scrutinises impact and the after effects of their form of interventions and the consequences thereof to the Libyan people post the conflict.

Chapter 5: The interpretation of the UNSC Resolution 1973

This chapter deals with the most important element of the study, the fundamentals of the intervention of the concerned bodies. How both AU and NATO interacted was based on how they interpreted the UNSC Resolution 1973 and therefore their actions.

Chapter 6: African Union Peace and Security Council in the Libyan uprising

At the centre of this Afrocentric study lies the response of the AU which is a continental body that ought to be the first organisation to be involved from the onset. This chapter examines the response of the African Union Peace and Security Council (AUPSC) as a peace and security wing of the AU.

Chapter 7: Implementation of UNSC Resolution 1973

This chapter examines the implementation of the enabling resolution and its impact in relation to the spirit of the resolution. The chapter explores the actions of both AU and UNSC during the implementation phase of the resolution.

Chapter 8: General Conclusion(s)

This chapter provides a summary of the major findings of the study, as sift through various participants and literature. It demonstrates how theory was put into practice to arrive at credible results as demonstrated in the study. It is in this chapter that the manner in which limitations have been overcome is articulated and recommendations have been made that could be used for policy consideration and form basis for future studies.

The following chapter focuses on the critical review of the literature related to the subject of this study. This chapter is important as it locates the present study within the prevailing discourses and shapes its theoretical framework, among other benefits.

CHAPTER 2

Literature Review

2.1. Introduction

The foundation of AU has been built on finding African based solutions to African problems before any foreign assistance can be entertained or sought. This has been one of the pillars of the Union, which sets it apart from its predecessor, OAU (Kioko, 2003). The two bodies had different mandates relating to their era of existence, with the OAU's main mandate to free African countries from the yoke of colonialism (African Union, 2002). With South Africa gaining freedom from white minority rule in the year 1994 and technically completing the liberation of Africa from colonialism, the OAU had to transform in order to stay relevant to the challenges of the present moment.

AU was formed in a different era where most of the African countries were free from their colonial masters politically, even though there were still shared strong economic ties with their former colonisers (Abass, 2014). Formation of the AU took a completely different path and intended to set the continent free from all ties that held it back and to set it as an equal partner with all the other continents of the globe in all respects. To that end, there were a number of commissions and other supporting structures set to achieve the ultimate goal of total freedom of the continent and for it to find its own developmental path.

Throughout its existence up to its demise in 2002, OAU was characterised by internal civil unrests, coup d'états, and military rule often with gross human rights violations with almost impunity among its member states (Boutros-Ghali, 1992). The Sirte Declaration paved way for the establishment of the OAU successor, AU (Manby, 2004).

The experiences of the past coupled with the rapidly growing emphasis on globalisation, OAU had been rendered irrelevant and AU had to be different to make an impact and help Africa grow as an equal partner in a global stage. AU adopted a proactive role rather than relying on negotiated settlements as their main and at times their only strategy (Adejo, 2001). It adopted a different strategy that focused on good

governance, holding of free and fair elections on regular basis, rule of law, economic integration (domestic and regional) and the total rejection of unconstitutional change of governments (AU, 2007).

The AU established these institutions in order for it to play a significant role in the continent and therefore making itself a relevant body among similar bodies such as United Nations (UN) and European Union (EU) (Mbaku, 2004).

The establishment of The New Partnership for Africa's Development (NEPAD) as an enabling institution was a leap that set a new tone and direction for African countries. Nigeria, Libya and South Africa were the influential driving forces behind the formation of both AU and NEPAD (Makgetlaneng, 2003). Some major disagreements were among the three nations on the form of what those two organisations should focus on and most importantly their funding source. Libya was against financial support from the west and wanted NEPAD to be African funded so that it could be objective and independent of the prescribed solutions to African challenges imported from abroad (Makgetlaneng, 2003).

AU was aware of the crippling challenges to the socio-economic development of the continent, which hinged on peace, stability and security as a prerequisite for development and integration agenda (African Union, 2000). The continent has been plagued by low to high intensity civil unrest during the colonial period and that continued in the post-colonial rule. The continent has been reeling from military rule, dictatorships and at times oligarchs with devastating consequences and lasting effects. Between Sierra Leone and Liberia an estimated number of 300 000 people lost their lives (50 000 in Sierra Leone and 250 000 in Liberia) because of civil wars that were fought between 1989 and 2002 in those countries (Gberie, 2005). There were millions that were displaced and thousands had their arms amputated, more especially in Sierra Leone (UNDP, 1990).

Africa also had a number of dictators that were responsible for gross human rights violation and death. Idi Amin of Uganda was regarded the worst leader in the history of Uganda. As a dictator he was accused of brutally killing his political opponents and civilians (Eerd, 2019). General Sani Abacha in Nigeria ruled the country through an iron fist. He was also responsible for terrorising his political opponents and leashed out a reign of terror on all those he suspected of opposing his regime.

While he led his country to development and impressive living standards and the general improvement of the GINI-coefficient of Libya, Colonel Muammar Gaddafi did not tolerate opposition and in his 42-year rule, many of his political opponents disappeared, including the over a thousand prisoners that were massacred in 1996 (Eerd, 2019). A behaviour typical of dictators has been demonstrated by many more other African leaders wherein fear was constantly instilled on the general population so that no one could either question or do anything against the will of the dictator (Wintrobe, 1990).

2.2. Conceptual perspectives

Most studies on this subject are based on neo-colonialism, foreign policy implementation and regionalism. The relevance, use and explanatory value of these concepts in International Politics and other cognate academic disciplines is not in dispute. Inasmuch as the current study is primarily based on Afrocentricity, it also draws from the aforementioned perspectives (neo-colonialism, foreign policy implementation and regionalism). The complementarity of Afrocentricity with other conceptual perspectives as intimated in this study can best be explained through the fact that; like systems, theories and/or concepts can borrow from one another for the purposes of self enhancement (Shai, 2021). As such, it is worthwhile for the following auxiliary conceptual perspectives (neo-colonialism, foreign policy implementation and regionalism) to be reviewed in this part of the study.

2.2.1. Neo-colonialism

Subjugation of the African continent has been maintained post-colonial era through economic slavery and installation of governance systems that promotes continuation of the status quo and African dependency on European countries (Mühlberger, 2018). African states remain tied to their former colonial masters through economic systems that continuously maintained the superiority of the former colonisers over local economies. African states in the afore mentioned system provide raw minerals that are then processed and sold back to them at much higher prices (Mühlberger, 2018). While colonialism in its raw form came to an end, former colonisers expect and insist that policies of their former colonies should be in line with their interests. Any deviation

from the expected behaviour risked being punished through economic sanctions and other trade/economic restrictions with crippling economic outcomes (Young, 2010).

A case of Zimbabwe under the former President Robert Mugabe wherein he sought to address the land question aggressively is a classic example of how brutal the West can be when there is a deviation from their norm and expected policy conduct. Land reform was followed by economic sanctions that eventually crippled the economy of the country with devastating results to the ordinary people (Mararike, 2018). The failure of the British government and the Western media to appreciate accumulated frustrations by the Zimbabwean government and its citizens as a result of the failure of the British to meet its own commitment led to political unrest and uncontrolled land grab (Ebrahim, 2018).

The commitment to fund partly or in wholesale of certain land wherein white farmers were willing to sell their farms and to assist financially to convince those that were not ready to sell their farms was never met. When Zimbabweans took an initiative to forcefully distribute land to black farmers, the west responded with sanctions (Griffiths, 2020). It is worth noting that force was not always an instrument preferred by Mugabe led government to settle the land question within its territorial jurisdiction. The government explored it as a last resort following unfulfilled promises by Britain to avail funding for the purchase of land that could be re-distributed to landless black masses.

The extension of European imperialism into the African continent accompanied by colonialism designed to control natural resources of the continent had long lasting legacy on the colonised. Introduction of globalisation concept after the fall of colonialism, a ploy to subjugate African economies and to maintain economic dominance over African countries (Griffiths, 2020). The concept of globalisation can be argued as a form of economic subjugation of the continent and a perpetuation of western imperialism in the neo-colonial era. Globalisation assumes that all firms are starting from an equal footing and therefore are equally competitive, which is far from the truth and devoid of reality. Infant African industries are not able to effectively compete with well-developed industries from the west that have been mainly subsidized for centuries, a privilege denied to African firms through their own insistence and biasness (western powers) (Onwuka, 1986).

Ocheni (2012) notes that, neo-colonialism concept explained the relationship between the former colonial masters and the former colonised as being one sided. It has been characterised by how African leaders have either subjected their economic policies to the needs of their colonial masters at the expense of their local economic development or allowed foreign firms to exploit their resources without any form of beneficiation to the local economies (Nkrumah, 1965). Olaniyan (1987), puts an emphasis on the restructuring of international trade and the flow of capital and technology which seems to be concentrated in the developed world to the disadvantage of the developing world. New International Economic Order would then balance out trade deficiencies to the benefit of both the developing and the developed world (Olaniyan, 1987). That has over the decades been systematically rejected by developed countries such as US, UK, France and Italy. Instead Africans who failed to heed to the demands of the western powers had paid dearly either through economic sanctions or coup d'états engineered and supported by the former colonial masters.

They have planted their firms in Africa and extracted all the wealth through such firms back to their domestic economies, therefore eroding sovereignty of states on financial matter. Globalisation has reinforced African marginalisation economically further entrenching poverty and economic inequalities. This further limited meaningful running of local economies and eroded cultural identity and severely undermined chances of growth for local firms (Wang *et al.*, 2012). Different vehicles have been used to justify unfair competition, such as globalisation, trade liberalisation policies and restrictions on subsidies of the infant African firms.

2.3. The establishment of OAU

The forerunner of the AU, OAU was established (1963) in Addis Ababa, Ethiopia, after a number of conferences were held by the leaders of independent countries. At the time, they were nine and the rest of other countries were still under colonial rule (Buah, 1998). In the first conference there were only nine countries in attendance (Ethiopia, Egypt, Liberia, Tunisia, Libya, Ghana, Morocco, and Guinea). The most important item on the agenda was decolonisation of African states, racial and nationalist challenges in South Africa. The latter was invited and did not attend (Calvocoressi, 1996) and (Webster, 1967).

Calvocoressi (1996), noted that the establishment of the continental body was not without challenges to an extent that there were two groups as a result of territorial disputes and mistrust between leaders, more specifically, President Nkrumah of Ghana and Prime Minister Sir Abubakar Tafawa Balewa of Nigeria. Several conferences were held. Eventually, on the 25 May 1963 the OAU was established (Murray, 2000), with the main focus on independence of African states and economic integration (Eregha, 2007).

Article 2 of the OAU charter, however, sets clear priorities for OAU that included sovereignty and territorial integrity, eradication of colonial rule in the African continent and most importantly to promote unity and solidarity among African states (OAU, 1963).

2.4. From OAU to AU

Principles established in the formation of OAU were influenced by African states' recent experiences and made it clear that they would not interfere in the internal affairs of their member states (OAU, 1963). The same principles, more especially the respect for territorial integrity and respect for independence of states made it possible for numerous atrocious activities to take place with no hindrance from the OAU which often forced UN to take steps to quell violent activities within the continent. OAU was particularly blamed for its slow reaction to gross human rights violations in the continent with the most concerning being its inability to act in May 1994, when hundreds of thousands of mainly Tutsis, Twa and some moderate Hutus were massacred in the Rwandan Genocide (Murray, 2004) and (Lemarchand, 2000).

An institution born of a need to address a specific goal with rigid principles is bound to run out of its shelf life as soon as it has achieved its desired goal. With almost all African countries liberated from the clutches of colonial rule, it OAU became more of a stumbling block rather a vehicle to address contemporary challenges facing the continent. OAU failed to discourage unconstitutional change of governments in the continent which motivated for leaders such as Gaddafi to advocate for the establishment of AU over OAU. He was the leader of Libya and had survived several attempts on his life during his reign (Aras and Yorulmazlar, 2016).

2.5. Leadership of Colonel Gaddafi in Libya

Colonel Muamar Gaddafi took power almost effortlessly from King Idris in 1969 and has been in power up until he was forcefully removed during the Spring Uprising (Mills, 2019). He grew up within the ranks of the military at an early age of his life and later took over power. He maintained close contact with the military and his influence helped him stay in power for more than four decades suppressing every opposition and at times using brutal force (Ayittey, 1992).

In his quest to stay in power, he increasingly became vicious with his detractors (Aras and Yorulmazlar, 2016). Thirty-seven of detractors were eliminated in exile, forcing Amnesty International to raise their concerns on the “liquidating exiled political opponents” brutal policy of Gaddafi to come to an end (Ayittey, 1992). Among those that were eliminated by Libyan agents includes Yousef Khreybish of the National Front for the Salvation of Libya (killed in June 1987), Izzedin Gadamso who was fortunate to escape assassination attempts when he was in Vienna. Muhammad Fehelma of the Libyan National Organisation who was killed in January 1987 together with numerous other Libyans in the country that perished under Gaddafi’s rule. Moreover, government forces frequently violated human rights (Kuperman, 2013). This came as a result of gross human rights violations even though the oil rich country was economically viable and its people generally living above human development Index baseline, but were politically not free (UNDP, 2002).

Heyns and Stefiszyn (2006), clearly indicate that in a state where human rights are frequently violated with impunity, civilians have a right to break the law in defence of what John Locke termed “natural rights”. He was in support/justification of the Glorious Revolution of 1688 which was in defence of the natural rights which he deemed to supersede authoritarian powers. Revolution was also bound to take place even if the citizens are economically well off, but their right to choose their leader or government is limited or non-existent (Bauer, 1957, Sen, 1999).

2.6. Arab Spring Uprising in Libya

Events surrounding Arab Spring uprising challenged the foundation of the AU, especially its built in systems on early detection and prevention of potential violent conflicts which were an important aspect of the AU together with peace preservation and respect for human rights (Benedikt 2009) and (Africa Union 2000). As it gradually gathered momentum, it became violent and Libya was the worst affected. Human rights violation became an order of the day and the AU was slow in its response (Adejo, 2001). This prompted the involvement of UNSC and resolution 1970 and then 1973 was adopted to protect civilians from what was perceived to be an increasingly violent and vicious regime (Bhardwaj, 2012).

It can then be argued that one consistent and united voice from the African leaders through the AU produced the UN resolution 1706 regarding Sudan Crisis and the United Nations resolution 1769 were a clear commitment of the AU united in peace preservation within the continent (Ndaguba, Nzewi and Shai, 2018). The commitment however, has financial challenges that limit the implementation of the AU resolutions. This situation has forced AU on numerous occasions to seek UN support which comes with its (UN) mandate and may not necessarily be in the best interest of AU (Ndaguba, Nzewi and Shai, 2018). At times, failure of the AU members compromises the implementation of African solutions to African problems as a result imported solutions via UNSC (Ndaguba, Nzewi and Shai, 2018, Solomon, 2015).

Failure of the Libyan government to adhere to resolution 1970 prompted UNSC to pass resolution 1973 were an invitation for trouble for the Libyan regime. The latter resolution provided a new facet that showed serious miscalculations on the part of the African leaders when they endorsed it without any amendments (United Nations Security Council 2006, 2007 & 2011).

The resolution that gave NATO powers to intervene using any means necessary was clause no. 08, which read as follows:

Authorises Member States that have notified the Secretary –General and the Secretary-General of the League of Arab States, acting nationally or through regional organisations or arrangements, to take all necessary measures to enforce compliance with the ban on flights...(UN 2011).

With the political unrest in countries like Libya, Egypt, Sudan, Somalia, Central Africa Republic (CAR) and the ubiquitous terrorist threat in countries like Nigeria (north eastern), Kenya, etc. It then becomes much more relevant to refer to regional and continental organisations that are meant to prevent, discourage and resolve political unrests and promote socio-economic development in the continent and to evaluate their effectiveness (Mills, 2019, Solomon, 2015).

Libya together with 12 other African countries (Algeria, Angola, Cameroon, South Sudan, Sudan, and Swaziland) were classified as not free almost yearly since 1989 (Mills, 2019). This has been a fuel and a potential risk that the AU ought to have picked up in its early warning mechanisms and hopefully prevent the civil confrontation that ensued since 17 February 2011 in Libya and in other countries also classified as not free as they also suffer civil unrest of differing magnitudes (Ayttey, 1992).

The Arab Spring Uprising came at an opportune time for the Libyans to revolt against a leader that had stayed in power for far too long and had used military brute force against his own people, Abass (2014), notes that this usually comes at a personal sacrifice.

There is a lot of literature available about the Arab Spring and how Colonel Gaddafi rose to power and how he ruled the country for several decades. A lot of work has been covered on the relations between Libya and west during his tenure in office including his fallout with it. The available literature points out how Lockerbie bombing incident contributed to the worsening relations between Libya and the Western powers (Joyner and Rothbaum, 1993). However, there is limited literature available on how the West relates to Libya post Arab Spring and more importantly, how the AU agenda was affected by the intervention of NATO forces and whether the two share the same agenda regarding the future of Libya and its people and the implications thereof to the rest of the continent. US has an influential role in the NATO operations and its foreign policy is largely reflected on the behaviour of the organisation, more especially in the Middle East.

2.7. US foreign policy implementation

Western powers have through a variety of means advanced their domestic economic policies at macro- economic level through skewed and inconsistent implementation of foreign policy (Mpondo, Karba and Mbugua, 2017). In some instances, they would preach for the advancement of democracy, where that is possible fund political parties or individual candidates that support or rather do not threaten their domestic economic policies or at best promote them (Okaneme, 2015). There are cases such as Democratic Republic of Congo (formally known as Zaire) and that of Angola where they supported Mobuto Sese Seko and Jonas Savimbi who were dictators, respectively. A clear demonstration of inconsistency on the part of the western block (Mpondo, Karba and Mbugua, 2017).

Harsch (2014) states that African leaders such as Muhammad Hosni El Sayed Mubarak of Egypt and Muammar Gaddafi of Libya did receive western support despite their poor governance track record. This they did because such leaders did not threaten their economic dominance. In cases such as that of Thomas Isidore Noel Sankara of Burkina Faso who implemented economic policies that sought to liberalise local economies and cut ties with their economic colonisers, they have been accused of removing such leader either by assassination and, or supporting coups to that effect as it was the case in Burkina Faso (Murrey, 2018). Thomas Isidore Noel Sankara was murdered by an armed group organised by Blaise Compaore. The latter claimed that Sankara was damaging relations with the former coloniser (France) among other excuses he used to justify the murder of Thomas Sankara.

In US, the main driver of the foreign policy is their President cooperating with the Congress. There needs to be an understating with their target (a country/region that policy is directed to) and where there is, US has forced its way through either diplomatically or by force (military invasion). The policy reflects the character of their President and his priorities, peace vs aggression. This does not imply that they single-handedly decided or had a final word on the policy, but rather they had considerable influence on how the policy was implemented (Shai, 2016).

US under President Reagan labelled Libyan government a terrorist government because they thought it was supporting terrorist groups and went as far as imposing economic sanctions and attacked Libya including Gaddafi's residence and office in

1986 (April 14) (Intoccia, 1987). The situation has not been limited to Libya but countries like Syria have recently experienced such lack of impartiality or rather blatant support of terrorist groups either by design or by default. In Syria a city of Deir Ez Zor was decimated by US led air forces fighting Syrian government forces and thereby aiding ISIS (Islamic State in Iraq and Syria) to fight a democratically elected government. In US, ISIS was classified as a terrorist group that was responsible for carrying out numerous attacks on US embassies previously (Fieldhouse, 2005).

While the African National Congress (ANC) was waging a domestic struggle against institutionalised racism (apartheid), US government classified it as a terrorist organisation. One would argue that it was mainly because their mining companies in South African soil had a lot to lose if the regimes changed, even though all liberation movements in the country did not pose any security threat in the immediate nor any foreseeable future of the American firms and so were many other organisations within the country such as Pan Africanist Congress (PAC) (Fieldhouse, 2005).

The policy while decided by various institutions and departments of US government, it has been inconsistently applied (Shai, 2016). While it has been made public that US government does not support terrorist groups but in practice it has either directly or indirectly supported them when their domestic interests were at stake. At times, they have either directly taken part in what they have called fight against terror (Ebrahim, 2018). Examples of such attacks on countries that they deemed to be supporters of terrorist's groups include Iraq, Syria, Afghanistan and lately, Libya.

While the US has been advocating for democracy, it has supported repressive regimes across the globe. That was inclusive of outright authoritarian regimes such as Mobutu Sese Seko of the then Zaire (now Democratic Republic of Congo) (Ebrahim, 2018). They had also re-established diplomatic ties with Colonel Gaddafi from the mid-1990s up until the beginning of the uprising in early 2011 despite his well-known brutal intolerance of dissenting voices. The foregoing analysis speaks to the heart of the application of double standards in the execution of pro-democracy foreign policy of the US which often affects regional stability (Oyebade, 2014).

2.8. Regionalism

Regionalism can be clarified as a grouping of states due to their geographical orientation and similarities in economic, social and cultural practices for the advancement of common political and economic goals. Shai (2016) argues that regionalisation intends to promote collective security while guarding against sovereignty of member states from being undermined by western powers, mainly US and Europeans.

This concept is based on the notion that a group of states can have much more significant influence than individual states (Abderrahim and Aggad, 2018). African continent has eight Regional Economic Communities (RECs) covering all four geographical coordinates of the continent. They include the Arab Maghreb Union (AMU/UMA) in the north, Economic Community of West African States (ECOWAS) in the west, East African Community (EAC) in the east, Intergovernmental Authority on Development (IGAD) in the east as well. There are others including Southern African Development Community (SADC) in the south, Common Market Eastern and Southern Africa (COMESA) in the southeast, Economic Community of Central African States (ECCSAS) in the centre and lastly Community of Sahel-Saharan States (CENSAD) which is also in the north. In some cases, such as AMU and CENSAD, EAC and IGAD there has been notable overlap of activities and membership (Abderrahim and Aggad, 2018).

In the case of Libya and other north and Arab oriented countries were also members of the Middle East and North Africa (MENA). The readmission of Morocco into AU, its subsequent application to be admitted by ECOWAS. The re-energised attempts by Tunisia to work closely with COMESA and the granting of observer status by the ECOWAS was indicative of attempts by the northern African states for re-integration into the broader fold of the AU (Abderrahim and Aggad, 2018).

The formation of OAU came in when Colonel Gaddafi was already in power and he was one of the driving forces behind its formation, together with Kwame Nkrumah of Ghana and other African leaders. He was a proponent of an independent African continent with one army and one currency, a view he emphasised during the formation of the OAU successor (Buah, 1998).

AU as a continental body together with its various arms including African Parliament (legislative arm) and NEPAD and African Peer Review Mechanism was formed to improve on governance without inviting prescriptions from the west on how to govern. The emphasis was on finding African solutions to African problems as a theme (AU, 2002).

These regional bodies were designed to be the first to respond in case of a crisis such as any form of civil unrest or natural disasters, starting with the closest regional body to the affected country moving towards the continental body. Notably, Libya as a member of MENA opted initially to have its challenges resolved by it and when that could not happen mainly because some of those member states were facing similar challenges domestically. He had also alienated himself from MENA due to his erratic foreign policy, making it difficult for any assistance from the body (Abass, 2011).

AU with its wait and see approach took some time of its own before it engaged Colonel Gaddafi on allegations of civilian mass murders during the uprising. While AU was using soft diplomatic approach on Libyan authorities, situation on the ground escalated to worrying levels or at least exaggerated by the media, prompting UN to act in the interest of Libyan citizens (Badi, El-Jarh and Farid, 2019). Thereby passing two important resolutions (1970 and 1973 correspondingly) in a bid to stop the alleged use of chemical weapons on citizens (UNSC, 2011).

Over the years, Libyan government had shown signs of human rights abuse and intolerance of opposition which was largely ignored by the international community including regional bodies such as AU (Wedgwood and Dorn, 2015). APRM specifically created to pick up early warning signals and prevent full scale civil war, did not act accordingly and in advance (African Union, 2002). An indication and generally a clue that a state is not as democratic is that it had one person in charge of it without any meaningful democratic process undertaken with reports of gross human rights violations and state controlled of the media.

2.9. Libya under Gaddafi's rule

Libya has had only two leaders or rulers since its independence in 1951 to 2011 (before the uprising) (O'Sullivan, 2018). Colonel Gaddafi took power through a coup from King Idris in 1969 and for the next 42 years he has been in charge which is

archetypal of dictators. He came from a nomadic ethnic group of Gaddadfa, relatively poor and mainly fundamentalist Muslims. He grew up learning as it was narrated to him, stories of tortures, massacre and general oppression of Libyans by the Italians who had occupied Libya. He also learnt that his father and uncle suffered the torture at the hands of the Italians as captives and that his grandfather was murdered by an Italian officer (Winer, 2019). That would shape how he perceived western powers and the relations he developed later in his life as the leader of Libya. Related to this, psycho-historians may argue that inasmuch as Gaddafi made history, he was also a product of history.

Growing up, he learnt that Libya had always been under the foreign rule and gradually his dislike for foreigners (Western powers) grew stronger. This feeling was strengthened by opulence openly displayed by the close relatives of the King or had direct links with the King and by those who had families doing business with foreign companies (Chesterman, 2019). Their behaviour included heavy public drinking of alcohol, sexual intercourse before marriage and smoking, all of which were against his religious beliefs. He believed that to be the influence of the westerners he had grown to dislike. He then set out to bring about change to what he regarded as ungodly and unhealthy lifestyle, and secretly set out to overthrow the king. His aim was to bring about socio-economic balance and development to the general population of Libya without the intention of relinquishing nor sharing power with any of his fellow citizens (Siebens and Case, 2012).

A group of about 100 young military personnel under the banner, "Free Unionist Officers," that became a vehicle to oust the King on the 01st September 1969. At the age of 27 years, he was announced as the Chairperson of 12-member Revolutionary Command Council (RCC) and a Commander in Chief, placing him at the centre of the new ruling elite. The Council with speed purged most of those that were either indirectly or directly linked to the King including technocrats except for those heading the Ministry of Oil. The economy of the country relied heavily on the ministry and they thought it would be too risky to temper with the experience and therefore its operations, even though RCC had stake in the proceeds of oil sales (Chesterman, 2019).

Inspired by their eastern neighbours, Egypt under the leadership of President Gamal Abdel Nasser's Pan-Arab nationalist and Arab socialist approach, the new Libyan

government set out to roll out democracy and make it truly inclusive. It envisioned that people should make decisions for themselves and therefore establishing quite a number of congresses and committees wherein people participated directly in the affairs of the state and got their voice heard (Chesterman, 2019).

However, the realities on the ground pointed the opposite direction. Power was strictly limited to the ruling elite and mainly centralised on Colonel Gaddafi. All major decisions were made with virtually no consultation of any of the established structures. RCC remained the only power source of Libyan politics and gradually any form of opposition was incrementally less tolerated. Some of the members within the RCC were removed and the number dropped from 12 to 5 Gaddafi loyalists. In 1977, RCC was officially abolished after the adoption of the Declaration on the Establishment of the Authority of the People. To strengthen his political grip and squeeze out any form of resistance in the country he also banned all political parties and activities, independent trade unions and other civil organisations were banned (Vandewalle, 2006).

To maintain his firm grip on power, he gradually replaced most of those that were even remotely suspected of dissenting his rule. He gradually installed his loyalists in most key positions of civil service and military, rewarding his loyalists with critical and strategic positions such as running intelligence of the country, national security, and other ministries (Winer, 2019). In so doing he inadvertently systematically disrupted the functioning of his government and increasingly sowed corruption which further weakened his government.

His actions fuelled a lot of opposition, which led him to establish systems of reporting, managing and in fact discouraging any dissenting voice. In 1993, he created People's Social Leadership Committees (PSLC). These committees were created to assist government in distributing and managing small grants and houses in the main. However, the leadership of such committees was made aware that they also had a responsibility to report and to suppress any form of dissent or else they will too be held accountable for such inappropriate actions (Davidson, 2017)

This ensured that dissent was kept at its minimal and extremely private. Most of those that were brave enough to voice out their concerns or offered different views to those of the regime were severely dealt with (Gwaambuka, 2016). Some disappeared without trace and some were arrested without ever appearing in courts. General

population was terrified of voicing out their concerns for they did not trust each other anymore. That was exactly what most dictators would want to stay in power. Through various state sponsored threats and torture widespread fear instilled to ensure compliance and obedience from the citizens (Vanderwalle, 1998).

This however, does not fully describe how Libya was under the leadership of Mu'ammarr Gaddafi. Under his leadership, albeit dictator model, he improved and helped develop the country in numerous ways. Among other positive developments, that the then Libyan government did was to make education free and so was medical treatment (Laurea, 2004). The government subsidised in full medical/surgical conditions that required specialised attention not available in the country. That included specialised academic programs that were not provided within the country. Government would fully fund such programs (Baspineiro, 2020). Libya was a desert country and water was extremely in short supply. To resolve that challenge, the Libyan government constructed one of the longest man-made-rivers/canal in the African continent, to make the water accessible to various parts of the country that were struggling to access it. The biggest desalination program in the continent was in Libya to the benefit of the citizens (Baspineiro, 2020).

The river also helped the country produce enough food for its citizens and undernourishment was recorded to be less than 05%. The project like the education and health systems were funded by the proceeds from oil sales with no additional tax charges to the citizens. The nationalisation of oil mine fields earlier, had paid dividends and generated enough reserves for the country to avoid external debt. It was then easier for government to fund housing projects which was considered a basic human right (Rivlin and Even, 2004).

In sharp contrast with other Islamic countries and many other countries in the continent, Libya was the first country to officially declare gender equality. It meant that women could also go to school and be trained in all professional categories including joining the military if they so wished (Baspineiro, 2020). The Libyan government also advocated for equal work and equal pay a giant leap forward by today's standards even though most of the senior positions in the military and in government were awarded along ethnic lines. That unfortunately did not help quell simmering ethnic tensions in the country.

2.10. Inter - ethnic relations in Libya

Ethnic conflicts have plagued the African continent for centuries and at times resulted in the most horrific confrontations ever experienced globally in recent years. The case of Tutsis and Hutus in Rwanda highlighted the deep-rooted internal conflict. An indication of what could be the case if a conflict is left unaddressed for long. As many as 800 000 mostly Tutsi people were murdered in the name of ethnic cleansing in 1994 (Lemarchand, 1994).

Former UN Secretary General, Boutros Boutros-Ghali noted with concern that slow reaction of the international bodies, further indicating that the lack of interest from the western powers including international bodies such as UN coupled with inability by the OAU and other African regional bodies to act on time was what set Rwanda apart from the Yugoslavian situation (Posner, 2005).

In Libya, the mass murder of prisoners in 1996 under the leadership of Gaddafi wherein, over a thousand prisoners perished drew international condemnation and the attention of global players such as UN. It does not mean there were no cases of brutality before, there were albeit isolated cases of terror and quite a number of his political opponents disappeared (Myers, 2013). The low reign of terror was motivated by mainly political support and based on ethnic lines of which Libya has had simmering situation of ethnic tensions for decades predating Colonel Gaddafi's reign.

Gaddadfa ethnic group from which Colonel Gaddafi was born of, is a minority ethnic group albeit being well armed. Together with other minority ethnic groups such as Black Libyans (including Tawurgas and Taureg) have been victims of torture, abduction, rape, random detentions, killing and a whole range of human rights abuses because they were aligned to Colonel Gaddafi during the uprising. Mashashiya ethnic group, even though they are not black, they have also been victimised because of the perceived association with Colonel Gaddafi (Carment, 2012, Petre and Gordon, 2016).

While Libya has policies to discourage and prevent racism and discrimination, militias have been able to get away with such acts due to the widespread conflict in the country that has paralysed law enforcement to a greater degree. This situation was created before the uprising when Colonel Gaddafi decentralised parts of the legal system to the Sheiks to administer justice (Petre and Gordon, 2016).

Sheiks were handsomely rewarded for reporting any threat to the state and the punishment was as harsh for failing to report such incidents. He had stayed in power for four decades using patronage system, wherein he distributed posts and privileges to loyal clans in return for political power. It was through the same system of carrot and stick that deterred a lot of opposition from his ethnic men and mainly a stick to the rest of the Libyan population to keep them in check. State machinery in his control, it was not a difficult task to control a population of six million people divided along 140 ethnic groups. Majority of them lived in urban areas along the coastal lines (Lavrilleux, 2020). Among others, what can be deduced from the foregoing analysis is that Ghaddafi was partly able to maintain his grip on power by exploiting existing ethnic and other divisions in Libya.

Libya was formally divided among three main areas, Tripolitania, Cyrenaica and Fezzan. They existed in principle even though they were abolished formally after Colonel Gaddafi took over power from King Idris. Warfalla ethnic group and other ethnic groups that were mainly based in the north in the formerly Tripolitania area. They were in the majority of the total population amounting to almost 90% of the Libyan population. Bani Hilal and its sub- ethnic groups were mostly found in the eastern part of the country in the formerly Cyrenaica area bordering Egypt (Lavrilleux, 2020).

Some of them could be found across the border in Egypt with the same ancestry. Whereas, Toubou and Tuareg ethnic groups were mainly found in the south western area previously known as Fezzan and lived peacefully among each other, until the aftermath of Spring Uprising. Relations between the two ethnic groups deteriorated to deadly ethnic conflicts fuelled in the main by oil smuggling. Foreign players who were interested in the proceeds of oil mining sponsored the conflict (Lavrilleux, 2020).

While the regime had ideal goals for the ordinary citizens, proceeds from oil mining did not benefit all Libyans equally. Minority ethnic groups such as that of Colonel Gaddafi (Gaddadfa) stood a better chance compared to the rest. Colonel Gaddafi came from a minority ethnic group, Gaddadfa (mainly found around Sirte) and they were the preferred ethnic group for senior positions and other business opportunities in the country and thus further created ethnic tensions in the country (Baspineiro, 2020).

Gaddadfa ethnic group and Magarha ethnic group were privileged during his reign and that changed after his fall in 2011. Post Colonel Gaddafi era, the two ethnic groups had been associated with Colonel Gaddafi's regime and therefore generally accused of supporting the regime during the uprising. Their alleged support of Colonel Gaddafi's regime during the uprising made them subjects of discrimination and their human rights violated with almost impunity by the militias post the uprising (Baspineiro, 2020).

In his quest to retain power and control of the country, Gaddafi introduced a system of mass rule which he called Jamahiriya (state of the masses). In this system people were in theory decision makers. However, this was only practical at local level wherein sheiks (ethnic leaders) were able to rule on local disputes and mass meetings were held. Sheiks presided over local disputes and at times made decisions that were not in line with national policies. This system discouraged ethnic conflicts at local level of governance. They were offered a great deal of autonomy to administer their own form of justice within a legal framework established by ethnic sheiks (Myers, 2013).

In this way, he was able to focus more on national and regional power politics and therefore could easily manage sporadic opposition. He was also able to manage the largest ethnic group in Libya (Warfalla) through patronage system. He appointed those from influential families to higher government offices and had given some of them higher military ranks (Myers, 2013). This system allowed him to downplay ethnic tensions at higher levels of governance and strengthen his influence and support from other ethnic groups even though they were largely excluded from the economic mainstream activities such as oil beneficiation and major industrial businesses. It was not enough though to subdue decades of tensions that predate his arrival at the scene of Libyan governance (Bakrania, 2014).

King Idris had before him made it blatant that his ethnic group (Berber) were in biblical terms, the chosen ones and therefore got preferential treatment and opportunities were mainly reserved for them or at least they were given first priority and treated as first class citizens of the country. They were however, marginalised by the Gaddafi regime naturally building resentment towards his governance (Myers, 2013). It made it easy for rebels to recruit Berbers, as it was the case with the Zuwayyah ethnic group that mostly resides in and around oil producing regions of Libya (Myers, 2013).

Towards the eastern part of Libya in Misrata, there was Misrata ethnic group that formed majority of the ethnic groups in and around the Misrata town and towards the eastern border of the country. There were also other minority ethnic groups such as Al-Bayd, Obeidat (found in Tobruk), Barassa and Hassa ethnic groups mainly found in the east. A third of Tripoli was mainly made of Tarhunas and Zentans. Zentans were found towards the border of Tunisia and in Tunisia (along the western border) with Libya. The two ethnic groups are closely related and generally co-exist peacefully (Lacher, 2014).

The case of Libya has not been different except that there was no genocide based on ethnic cleansing registered, however, there was mass killing of more than 1000 Abu Salim prisoners and quite a number of political assassinations. Many of them opposed the regime because it did not favour their ethnic groups or felt that they were prejudiced because of their ethnic affiliation. Throughout the regime's lifespan of 42 years, there were reports of ethnic preference over other ethnic groups especially those that were found in the south and Far East of the country therefore brewing resentment among each other (Siebens and Case, 2012).

2.11. Gaddafi's Green Book

Inspired by the Egyptian President Gamal Abdel Nasser approach to the development of the country, coupled with his humble background, Colonel Gaddafi adopted Arab socialist policies. Colonel Gaddafi took power during Cold War when the US and Union of Soviet Socialist Republics (USSR) were at loggerheads over which ideology (Capitalism as against Communism) was best suited for economic development for their respective countries and by extension their blocks (US led Capitalist Western bloc and USSR led Communist Eastern bloc respectively). A war which started shortly after World War II in 1947 and ended in 1991 after the collapse of USSR. After the fall of USSR, Russia emerged as a regional powerhouse (Vanderwalle, 2012).

Colonel Gaddafi had reservation on both systems and felt that they did not mean well for the African continent. He believed that both systems were oppressive to the general population and wanted to give more meaning to those who should be making decisions about their lives and how government should be run (Muhammad, 2010).

He pointed out that in parliamentary democracies, power and decision making was transferred to a few that could make important decisions without consulting voters and that such decisions may not necessarily be the will of the people they represent. He noted that general population was reduced to voting cows and nothing more with no real say in how a government works. Heavily influenced by his religious beliefs, he infused Islamic beliefs into an economic ideology and created Islamic socialism as a way of life and governance (Muhammad, 2010).

In response to limited power taken away from the people, he created a bid to create a more inclusive democratic system through establishing People's Committees as the lowest level of decision making and their inputs are then aggregated to formulate a national decision. In established democracies such as constitutional or parliamentary democracies similar processes are followed through referendums to get the country to decide on a national programme of action. His system was the most practical form of direct democracy. A system that is not user-friendly in running day to day activities of the country and it is usually the expensive and time consuming route (Muhammad, 2010).

The second part of the Green Book addresses the economic question facing workers/labourers versus wages across the globe in what he viewed as slavery in a different form. He argued that if workers do not have ownership of the means of production they are slaves of their employers (Winer, 2019). This he claimed to be particularly true in the private sector when profits are enjoyed by an individual or a group of individuals. Whereas if they labour for government, they get to enjoy the benefits of their work. Government decisions were because of public engagements in a true democratic sense (Vanderwalle, 2012).

The country under the leadership of Colonel Gaddafi emphatically nationalised oil mines and other main economic industries in the country when he took over power an unprecedented move in the Arab history. National Oil Corporation (NOC) was established to manage oil production, sale and collection of rentals, tax and royalty payment from companies such as Total from France, ENI from Italy, Repsol from Spain, British Petroleum (BP) from United Kingdom of Britain (UK) and Occidental from the US (Vanderwalle, 2012).

Oil is the main driving force behind the Libyan economy, it accounts for almost 98% of the government revenue and 65% of the Libyan Gross Domestic Product (GDP), making a strategic economic mineral not only for the country but also for western powers (Vanderwalle, 2012).

Libyan economic approach limited access to private sector retarded further economic growth and made the country less market oriented compared to its neighbouring countries. It however, made the country over reliant on one commodity (oil) for all its operational activities and general development of country (Khan and Mezran, 2013). There were benefits enjoyed by the citizens, such as low fuel costs and numerous other subsidies such as school fees, healthcare services, electricity and agricultural subsidies for those who showed interest in the sector (Khan and Mezran, 2013).

Revenue (98% government revenue) generated from oil production was generally used to run the country and to develop Libyan people and helped to build social cohesion (Raymond and Haddad, 2015). It also prevented exploitation of labour by the owners of production from the industrialised nations. Social cohesion, that could be traced to the very foundation and basics of community, an individual in a family. The family unit in Libya was much appreciated and individuals incentivised to start them and therefore build the nation. Inadvertently, this approach encouraged ethnic identity than as it was also encouraged by Sheik structure of leadership/governance mainly to disperse patronage (Raymond and Haddad, 2015).

The program of nationalisation was actually in practice even before Green Book was written. Libyan government took over the oil mines and in a show of determination made it clear that Libyans for the better part of their lives have lived without oil and could live for a couple of years without it if it means retention of foreign companies (Partager, 2012). Inspired by the ideals of a united Africa, Arab community and generally the economic prosperity of the people of the south, Libya's economic policies and foreign policy sometimes erratic, was heavily influenced by the desire to be treated as equals by the west (Vanderwalle, 2012). That was what was a necessity for Africa to develop itself and move away from both economic and political dependency on western powers.

From the Libyan government standpoint, economic freedom from the west was not negotiable and African states should be in-charge of their economic destiny. This was evidenced by the nationalisation of oil fields from the onset post the first revolution that ousted King Idris. The previous regime/kingdom had given mining rights to Seven sisters (Royal Dutch Shell, Anglo Persian Oil, Standard Oil of New Jersey, Gulf Oil, Texas Company, Standard Oil of California and Standard Oil of New York) (Imam, Abba and Wader, 2014). In 1973, he reversed those rights and nationalised oil mining, making it clear that if the Libyans could live for centuries without oil, they could still live without it.

In the main he was emphasising that Libyan resources must benefit first and foremost people from Libya before western powers. His decision created diplomatic tensions with western powers such US, UK and France (Imam, Abba and Wader, 2014).

2.12. Neo-colonial powers and African relations

Africa has not changed much economically from its economic dependency on their former colonisers. Even though most countries in the continent were politically independent, they had not successfully shaken off the shackles of their colonial past. That was what colonial masters expected and rather encouraged their former colonial territories to do and effectively enable them to rule from them from afar through governments that served the interests of their former colonial masters. Often, systems set up by the former colonial masters were designed to advance their interests even if it came at the expense of its former colony's economic development, which been the case in most African states. Any deviation by the Africans from the set norm was punishable through sanctions, sponsored coups and at times assassinations (Lere, 2014).

This ensured that the continent always depended on donor support from the former colonisers and from the institutions mainly controlled by the west such as Bretton Woods Institutions (International Monetary Fund and World Bank). They have played a significant role in shaping how African countries were run and in some instances would sponsor destabilisation of governments with policies that are against their interests. Burkina Faso and Zimbabwe under Thomas Sankara and Robert Mugabe

respectively were typical examples of how punitive measures can be implemented even without the approval of the world bodies such as the United Nations (Young, 2010).

In the main, such relations have been characterised as predatory on the resources of the continent. Young (2010) in reference to how Osagyefo Kwame Nkrumah explained the concept of neo-colonialism as a new form of colonialism with the use of the word freedom to smoothen the ride while plunging the continent into more economic hardships. He argued that the unification of African countries politically would be enough to fight back neo-colonialism by the western forces. His approach has been critiqued by a number of academics, arguing that political freedom while it is important and a good start, but on its own would not be enough to address economic challenges faced by the continent, economic freedom was equally important (Tiger and Nkrumah, 1966).

To maintain the suppression of African economies, the west has used all manner of means to either encourage, incentivise and reward African leaders to surrender their economic resources and to subject their countries to their will. Failure to do so has resulted into brutal end of some leaders including Colonel Gaddafi and earlier Thomas Sankara (Young, 2010). Interestingly UK under two different political parties, first in 2003 under Labour Party led by Prime Minister Tony Blair and in 2011 under a different political party Conservative Party led by Prime Minister David Cameron were involved in two different wars within a decade (Mbeki, 2016). The two wars that resulted not only in regime change but also into the brutal killing of the leaders in Iraq and in Libya, Saddam Hussein and Colonel Gaddafi respectively.

The use of misleading propaganda by UK and US both within their territories and globally has enabled them to attack Iraq and Libya under false pretence. Iraq was attacked on the pretence that it had Weapons of Mass Destruction (WMD) and there was a real risk of such weapons transferred to terrorist groups (Mbeki, 2016). It was however, alleged that Saddam Hussein of Iraq was sponsoring terrorist groups in other parts of the world. Both claims were never substantiated with empirical evidence. Iraq had vast amounts of crude oil, natural gas, sulphur and phosphate. These minerals are of key importance to both imperial powers (US and UK) (Mbeki, 2016).

While in Libya widespread misleading propaganda fuelled by media platforms was used to allege that Colonel Gaddafi was about to use chemical weapons and brute military force to quell the uprising. Such claims were also unfounded and were merely used to get UNSC approval to invade the country. Oil and dictators are the common denominators that motivated the US and UK to attack both countries and most importantly, those dictators refused to conform to the demands of the western powers resulting to their brutal end (Mbeki, 2016). A strong message reminding those that may be unwilling to conform in the developing of what might just happen should they decide to behave likewise.

The one-sided relations were mainly designed to benefit the western bloc at the expense of the developing countries of the south. The south is the provider of raw materials and cheap labour for the extraction of minerals. Foreign firms operate the mines and leave very little for the local economies to utilise for their development. It has been very frequent to witness impoverished communities where mines were based. This has been extended to the country at large, an impoverished country that was rich in minerals and therefore a continent that has mineral resources but remains poor.

2.13. 1986 Benghazi attack Lockerbie incident

Tensions dramatically increased when President Reagan called Gaddafi, “mad dog of the middle east,” an indication of irretrievable breakdown of relations between the leaders. This came after terrorists bombed US embassies in Middle East and continued killing of Americans alleged by terrorist groups supported by Colonel Gaddafi. On the 05 April 1986, a nightclub (La Belle in Berlin, Germany) frequented by Americans was bombed. In that bombing, two Americans were killed (Kenneth T. Ford and James Goins) and fifty were injured (Moore, 1991).

The La Belle incident happened about three days after the Trans World Airline (flight 840) bound for Athens from Rome exploded mid-air killing four Americans. Both bombings happened during the Cold War between US and USSR. Trans World Airline (TWA) had one of their planes hijacked the previous year (1985) by a group of terrorists associated with Shiite Hezbollah and they demanded the release of 700 Shi'ite Muslims from Israeli custody (Wedgwood and Dorn, 2015). Americans believed

that they were targets of terrorist attacks and felt unsafe more so in the Middle East. Colonel Gaddafi made it public that he does not support western ways of living and that put him under their scrutiny and a suspect (Blanchard, 2011) and (Neumann, 2000).

A few days later, a cable transcript was discovered by West German and US authorities. The transcript was between Tripoli and the Libyan embassy in East Berlin about the plans for the bombing. Nine days after the bombing based on the transcript, President Reagan attacked Libya targeting military bases and Colonel Gaddafi, killing over a hundred people through airstrikes including Colonel Gaddafi's adopted daughter (Walton, 1997). The La Belle attack was believed to be Libyan retaliation to an earlier sinking of two Libyan ships in the Gulf of Sidra by America. Almost fifteen years later, a German court ruled that Libya was involved in the bombing but could not find any evidence that Colonel Gaddafi himself was involved. Libya acknowledged damage and compensated families of the victims and victims a total of \$283 million with the exclusion of the Americans (Joyner and Rothbaum, 1993) and (Niblock, 2001).

When flight 103 (Pan Am) exploded over a small Scottish town of Lockerbie killing everyone on board, there were already tensions between the west and some countries in Middle East including Libya. These were the countries that were suspected of supporting terrorist groups. Flight 103 was a third incident involving aircrafts with American citizens in it within a space of a twelve months and there was also La Belle incident that was still fresh in the American minds which exacerbated the situation. Hardly with any tangible information, the attack was linked to Libya and shortly thereafter, US had plans to retaliate and attack Libya and acted on it on the 15th April 1986, an attack code named El Dorado Canyon. There was no UN approval for the airstrikes nor was the body informed of the intentions for the strikes by US government (Siebens and Case, 2012).

The fight against terrorism was used as a pretext for the attack, similarly as it was the case in Iraq following September 11 (9/11) incidents involving airliners that were crashed into buildings in US soil. In both instances an attempt to remove governments was witnessed even though the war on terror succeeded in removing Saddam Hussein who was ultimately killed by execution on the 30th December 2006. Iraq was said to

have weapons of mass destruction and Saddam Hussein was a threat to world peace. Joined in the attack by UK, US could not find any of the alleged weapons of mass destruction that were the basis for the attack (Mbeki, 2016).

In Libya, Colonel Gaddafi survived the attack after Malta government informed him of the pending attack. Malta became involved after France, Spain and Italy refused to give permission to US air space for the attack and they had to travel a longer distance. That forced them to use Malta as an airbase from which they could launch their attack. That gave Colonel Gaddafi time to escape. He was not so fortunate on the 22nd October 2011 when he was caught and killed by western supported rebels during the Arab Spring Uprising (Siebens and Case, 2012).

2.14. Libya and Sanction

After a series of terrorist attacks that were at times vaguely linked to Colonel Gaddafi's regime, US pushed for economic sanctions through UN. The Lockerbie incident, the attacks in Italian airport in Rome and the attack in Vienna (Austria) on the 27th December 1985, the hijack of Italian cruise liner (Achille Lauro), on the 05 April 1986 a nightclub in Germany, Berlin (La Belle) was also the subject of terrorist bombing caused security concerns for American citizens travelling abroad (Chesterman, 2019).

With the exception of Achille Lauro incident, all the other acts of terrorism were in one way or the other linked to Colonel Gaddafi regardless of the strength and credibility of the evidence presented to the public. He denied involvement in any of them but he voiced his support for terrorist actions, which did not help his diplomatic relations with the west. Put under pressure by the western powers, Colonel Gaddafi agreed to pay compensation for the Lockerbie incident, the Belle incident and handed over culprits believed to be involved in the Lockerbie incident. One of the culprits (Abdel-Basset Ali al-Megrahi) was found guilty and sentenced to life imprisonment while the second culprit (Lamen Khalifa-Fhmah) was acquitted. At the time of the bombing, these culprits were Libyan Intelligence Agents (Siebens and Case, 2012). It is not unthinkable to believe that the handing over of these culprits by the Gaddhafi led government was meant to trigger the normalisation of diplomatic relations between Libya and the West- the UN by extension. Apparently, Gaddhafi had hoped to secure

their forgiveness through the diplomatic channels. Unfortunately, this was not to be until the improved diplomatic relations between Libya and the West took a nose dive during the 2011 conflict between the government forces and pro-democracy rebels.

It appeared that American citizens were primary targets in such attacks, prompting US President Reagan to act in defense of US citizens. Whether their attack was a matter of coincidence, or they were targets did not matter much to the US authorities that were eager to act against what seemed to be an increasing deadly terrorist activities. The Benghazi bombing by the US was the most aggressive act against Colonel Gaddafi as a result of terrorist acts. These were shortly followed by unilateral sanctions against Libyan Government officials and economic sanctions (Intoccia, 1987)

US sanctions included arms embargo, travel ban, asset freezing and importation of Libyan oil. Whereas in 1992, UNSC took a resolution (UNSC Resolution 748) on imposing further sanctions restricting movement of Libyan officials, restricting Libyan aircrafts from taking off, flying over and landing any of the member states airspace and ground (Vorrath, 2020). Sanctions also included withdrawal of any form of technical assistance on the maintenance of Libyan military equipment including the sale of and servicing of aircraft components. Sanctions that were aimed at forcing Colonel Gaddafi to surrender the two Lockerbie bombing suspects (Neumann, 2000).

Libya eventually handed the two suspects for prosecution in 1991 as it has been demanded by the UN and US. In 2003, Libyan government paid compensation for the loss of lives related to the Lockerbie bombing, amounting to \$2.7billion in acknowledging and taking responsibility for the terrorist act. This was part of the demands by the US which forced Libya to admit responsibility notwithstanding defective evidence linking Libyan government to the incident (Chesterman, 2019). The imposed sanctions slowed down significantly economic development of Libya with its impact felt by the general citizens, similarly to the sanctions imposed on former President Mugabe's regime in Zimbabwe with devastating consequences on the economy at its people.

2.15. AU Peace and Security Council and UN Security Council cooperation in Africa

AU as a continental body has made its mark on the international political and economic system. It has significantly influenced systems on matters relating to peace and security in the continent. There have been several peace keeping missions in the continent led by UN peacekeeping forces emanating from robust deliberation between AU representatives in the UN General Assembly. The same has been difficult to achieve in the two Councils of the two respective bodies. There seems to exist quite a few areas of tension and misunderstanding and at times lack of interest in taking initiatives and responsibility on either side. One would argue that AU's financial and general resource handicap contributes a lot to how it approaches peacekeeping missions, while the US financially backed UNSC is constrained by the foreign policy interests of the major funders of the UN (Aning, 2012).

Chapter V, article 23 of the UN's Charter provided for the establishment of the Security Council with US, UK, France, USSR (now Russia) and the Republic of China as permanent members of the Council. The remaining seven members were to be elected by General Assembly for a rotational period of two years with the consideration of geographical representation (Marcus, 2011). Article 25 of the charter committed member states to accept and carry out decisions of the UNSC that are in line with the charter. The following article clearly stipulated the purpose for the establishment of UNSC, which included maintenance of global peace and security (Norooz, 2015).

Decisions are then taken/approved/endorsed when all five of the permanent members (with veto powers) agree with it and are supported by at least one additional vote from the non-permanent members to make a simple majority. It must also be noted that if one of the permanent members with veto powers votes against a motion, regardless of the how many other votes supported the motion, it will not be endorsed, a system that has frustrated non-permanent members and paralysed the institution in critical instances wherein domestic interests of veto powers diverged (Boreham, 2011).

UN has through its Security Council (UNSC) established operations in various parts of the African continent with the aim/goal of preserving peace and protecting the vulnerable group of people (disabled, elders, children and women). Such missions/operations are inclusive of UN Multidimensional Integrated Stabilisation

Mission in Mali (MINUSMA), UN Mission in South Sudan (UNMISS), UN Interim Security Force for Abyei (UNISFA), UN Organisation Stabilisation Mission in the Democratic Republic of Congo (MONUSCO), African Union-United Nations Mission in Darfur (UNAMID) and UN Mission for the Organisation of a Referendum in Western Sahara (MINURSO) (Marcus, 2011).

2.16. UNSC Resolution 1973

When the situation in Libya was reportedly getting out of hand with Colonel Gaddafi's government using military equipment/apparatus on civilians to quell the uprising forcefully and thereby brutally killing them became an invitation for world attention. Whether the extent of such brutality was accurately reported or exaggerated is unclear at this point. Conflicting views are offered by different individuals depending on their experience with regime. A repressive government is likely to carry out such inhumane acts when threatened (Harris, 2011).

For a resolution to go through the UNSC, all five-veto powers must vote affirmatively with additional four non-permanent members voting, making it at least nine votes for. Regardless of the number of votes casted for, the motion would not be passed if any of the veto powers votes against it (Williams and Popken, 2011). They can abstain and in that case a simple majority (51 %) kicks in and the decision will be passed. In the case of UNSC Resolution 1973, five countries abstained (Brazil, China, Germany, India and Russia). Strangely South Africa voted together with UK, US, France, Bosnia and Herzegovina, Colombia, Portugal, Nigeria, Lebanon and Gabon making it ten out of fifteen and that meant the resolution was passed (Williams and Popken, 2011).

Interestingly, South African and other African countries (Gabon and Nigeria) voted for a resolution that effectively invited foreign interference against its (Africa) own principle of, "African solutions to African problems." BRICS (Brazil, Russia, China, India and Russia and South Africa) with the exception of South Africa abstained citing concerns for the consequences of such an intervention on Libyan population and the long-term effects thereof (Abass, 2011). The two veto powers that abstained did so in respect of Arab League's wishes even though they had expressed their views against the motion.

They wanted concerned parties to engage on peaceful means other than use of military intervention. Though the resolution prohibited land invasion or any form of occupation it permitted airstrikes in defence of civilians (Dewall, 2012).

It may not be farfetched to conclude that South Africa and Nigeria's voting with the US on the Libyan question within the UNSC circles may not be delinked from the strong trade and foreign aid relations of South Africa and Nigeria with the US. Alternatively, the South African and Nigerian diplomats possibly misread the resolution and overlooked the vague nature of its implementation clause. It is this clause that was exploited by the US to get NATO to override the AU's efforts in Libya and make a forceful military intervention. The foregoing observation is partly reflective of the extent to which big powers such as the US are able to arm-twist international organisations such as the UNSC and NATO to advance their narrow and selfish national interests (Shai, 2021).

The resolution sought to achieve an immediate ceasefire and a complete end to human rights violations including all forms of abuses and attacks. To achieve this end, it gave permission to participants to use all means necessary to protect civilian-populated areas (Badi, El-Jarh and Farid, 2019). The resolution, in line with the previous resolution (UNSC1970) approved travel bans against for some individuals and added on the list a few more and their foreign assets to be frozen. The increased threat to security of Libyan civilians prompted UNSC to strengthen the arms embargo and harsher actions against mercenaries meaning all ships and planes with Libyan connections should be thoroughly inspected forcibly (Dewall, 2012).

The most important consideration of the UNSC 1973 was the fact that Colonel Gaddafi's government was using airstrikes against his own people and he had to be stopped by enforcing a no-fly-zone over Libya compelled by the responsibility to protect (R2P). What was however, prohibited was land invasion and occupation therefore, which was somehow addressing both AU and the Arab League's concerns that could have effectively jeopardised the entire process if they were left unattended (Badi, El-Jarh and Farid, 2019). This study contends that inasmuch as there was a dire human security situation in Libya which warranted a hard-line stance and intervention by the international community, this does not necessarily invalidate the

possibility of such a deplorable situation being exploited by Gaddafi's external nemesis to engineer regime change.

This interpretation should be understood within the context that there has been worst situations in form and contest such as the cases of Zimbabwe and Cameroon which never faced a similarly brutal response. It is also difficult to make sense of assassination of Gaddafi upon his capture. It can be argued that should his capturers had good intentions for national peace, security, stability and development, they would actually have captured him and subjected him to a trial at the national or international level, so that he gets to account for the war crime allegations against him and his associates (O'Sullivan, 2018).

But Gaddafi was more than an individual, he represented a timeless Afrocentric idea which was deemed to be a threat to western civilisation. As such, for his ideas, he had to be killed in order to maintain Westernised stereotypes against the people of Africa and the Global South. It is worth remembering that Gaddafi was one of the pioneers of African unity. The unity of Africa is not in the best interests of the US and the West. Hence, the US and the West maintains their global hegemony by perpetuating societal divisions as means of festering capitalism. The idea that Gaddafi represented sought to promote African value systems such as unity, cooperation and interdependence which are the building blocs of Afrocentricity (Davidson, 2017).

The Aforementioned African values are in conflict with Western civilisation and Eurocentricity, whose core values include individualism, competition and selfishness, inter alia (Shai 2021).

2.17. Arab Spring revolution

When a 26-year-old Tunisian Mohamed Bouazizi set off to fend for his family that included his widowed mother and siblings a common scenario throughout the African continent, more especially within black communities, it was a normal day for him like any other. He could not have known that what was waiting for him would change the not only the course of his country but would change many repressive regimes in the region (Middle East) and eventually topple presidents (Cook, 2012). Most of the

toppled presidents have been in power for decades, including President Zine al-Abidine Ben Ali of Tunisia, President Muhammad Hosni El Sayed Mubarak of Egypt, Colonel Gaddafi of Libya and Ali Abdullah Saleh of Yemen (Nouiehed and Alex, 2012).

Most rebellious nations during the Arab Spring Uprising albeit at varying levels included Tunisia, Egypt, Algeria, Iraq, Jordan, Kuwait, Morocco, Sudan, and Bahrain. There were, however, protests that were not of much scale in countries such as Mauritania, Oman, Saudi Arabia, Djibouti, Western Sahara, and Palestine. The deadliest of the protests were in Yemen, Libya, and Syria (Salam, 2015). The latter three countries had been experiencing long periods of sustained violent conflicts for almost a decade post the beginning of the uprising (Kuperman, 2013). Even though their leaders have been removed in their respective countries with Colonel Gaddafi brutally killed by the rebels the same year of the revolution in Libya (October 2011) (Kuperman, 2013).

Tunisia, Egypt and Bahrain had returned to relative stability while the other three countries are still battling to find a middle ground that would accommodate all parties concerned. External forces supporting either side or at times the western powers supporting both sides therefore fuelling the conflict further in all of the three countries. Notably, Russia and US in Syria have been accused of exacerbating the conflict through their support of opposing sides. Various attempts by UN to quell the conflicts have been either sabotaged or undermined by leaders involved in the conflict and mostly by the western interests (Salam, 2015). Apparently, Western support for opposing sides during a conflict is driven by the desire to perpetuate instability, which provides an opportune moment for the plundering of strategic resources including but not limited to minerals, oil and gas (Shai 2021).

In some of the troubled Middle East countries, the violence had been perpetuated by religious beliefs. For an example, Sunni and Shi'a Muslims, with the former significantly in majority (87-90%) of the global Muslim population. Extremism in both sects of Muslim communities have given birth to unrelenting conflicts not only for religious superiority but it has over time included political power. This has been particularly a

serious problem in the region and has fuelled conflicts beyond comprehension. Samuel Huntington (1996) attributes it to clashes of civilisations based on history, language, culture, tradition and he claims that the most important of them all is religion as a source of conflict.

2.18. NATO's operation in Libya

The approval of the intervention of regional bodies and/ or member states to prevent Colonel Gaddafi's indiscriminate attacks on civilians. There had been quite a number of engagements with him to cease firing live ammunition on civilians and his use of brute military force on civilians. What was widely reported by the media backed by the fear of realising what has been known about Colonel Gaddafi being a brutal dictator (based on his reputation). A much-publicised statement Colonel Gaddafi made addressing rebels on the 1 March 2011 confirmed what was already feared he would do. In a threatening manner, he voiced it out that, "*We will come street by street, house by house, room by room... We will find you in your closets. We will have no mercy and no pity,* (Wedgwood, 2015) ." It was also feared that like the late Iraqi former President Saddam Hussein Abd al-Majid al-Tikriti had done to the people of Iraq (Kurds in Halabja) in 1988, killing an estimated 5000 people (Byman, Pollack and Waxman, 2016).

The two leaders had a lot in common including frosty relations with the west especially US and both were brutally removed from power with some US involvement either directly or indirectly. In the case of former Iraqi President Saddam Hussein, it was direct and indirectly with the former President of Libya, Colonel Muammar Gaddafi (Byman, Pollack and Waxman, 2016).

Both leaders have not had friendly relations with the western powers particularly US. They were both brutally removed from their respective highest offices in their countries. In the case of Libya, NATO forces were involved and took charge of the situation from the airstrikes under the banner of UNSC Resolution 1973 even though it was not covered by any of the Articles in the UN Charter (Wedgwood, 2015). It is also interesting to note that both Hussein and Gaddafi presided over oil rich states of Iraq and Libya, respectively. Oil is among the scarce resources that are perpetually

needed by the US to strategically grow its economy. In this process, any person or government that appears to be an obstacle for the US's lust for oil in the international market is brutally dealt with (Shai 2021).

What became alarming when they eventually intervened was the manner in which their intervention was designed and the impact it had on the uprising. The mission was to enforce a no-fly zone; however their intervention was anything but the enforcement of such a no fly zone. It became clear that they had a different mandate when they attacked military bases of the regime and provided military intelligence to the rebels that their mission is not in line with what the UNSC had approved (Byman, Pollack and Waxman, 2016).

2.19. Armed rebels of Libya

General population/civilians are generally not expected to casually carry around military equipment or to be driving around in military tanks with full ammunition, anti-tank missiles, Rocket Propelled Grenades (RPG), assault rifles and other military firepower. In the case of Libya, rebels were running around streets with all sorts of military firepower that should have been solely owned by the state to defend itself against foreign invasions (Winer, 2019). The question that one would generally be interested in finding out is how they got hold of such heavy weaponry early in the days of the uprising. The distribution and therefore control of such arms once they are in the hands of untrained and unaccountable civilians does pose a long-term challenge to any government that could take overpower of government machinery (Winer, 2019).

While the Arab League and AU were advocating for a peaceful settlement of the crisis in Libya, calling for a ceasefire, Qatar's Prime Minister Sheikh Hamad bin Jassim al-Thani admittedly supported rebels with defensive weapons including French made Milan missiles (Dembinski and Reinold, 2011).

This was deemed permissible under the UNSC Resolution 1973, claiming that they were helping civilians defend themselves against Colonel Gaddafi regime's offensive attacks. US Ambassador to the UN, Susan Rice, Colonel Thierry Burkhard of France

and British Foreign Secretary, William Hague agreed with Sheik Hamad bin Jassim al-Thani that arming rebels was legal (Dembinski and Reinold, 2011).

Colonel Thierry Burkhard confirmed that they had supplied assault rifles to the rebels claiming that it was for self-defence. The self-defence excuse was conveniently used to legitimise the supply of weapons to rebels while they all denied the intended consequences of their support (regime change). Interestingly these were the first countries to recognise rebel led government post Colonel Gaddafi's rule (Dembinski and Reinold, 2011).

Libyan south neighbours, Sudan were also happy to supply arms to the rebels as a form of retaliation to what Colonel Gaddafi did three years prior. Former President of Sudan, Omar Hassan Ahmad al-Bashir, former British Foreign Secretary, William Hague, and former French Military Spokeswoman, Lt. Stephanie Lugin openly admitted that they had supplied arms to the revolutionaries (Dewall, 2012). That dismayed Dutch Defence Minister, Hans Hillen, concerned that such a conduct was creeping into the mission (Birnbaum, 2011). Omar Hassan Ahmad al-Bashir had acted out of revenge after Colonel Gaddafi had sent trucks, equipment, arms and ammunition to the Justice and Equality Movement (JEM), a rebel group in Sudan in 2009 (Elhag, 2012). That depicted broken relations between Libya and its neighbours at best, and non-existent at worst. Colonel Gaddafi's erratic foreign policy created nemesis out of Nigeria and it vowed not to support him (Copnall, 2011).

Across the eastern border of the country, Libyan government had neighbours (Egypt) that were fresh from the uprising themselves and had not fully recovered. They became a transit route for illegal weapons and for other essentials needed by the rebels in Libya (Copnall, 2011). The erratic character of the Libyan foreign policy had affected Libyan relations with its neighbours negatively. Tunisia for example has been one of the major routes for trafficking weapons into the country from Europe. The route made it easier for rebels to get to Tripoli, the capital city of Libya.

Notably, all the participants in the enforcement of UNSC Resolution 1973 which included the prohibition of arms embargo, vessels transporting arms destined for rebels were given free pass with no interruptions which fuelled and rather advantaged

them as opposed to the spirit of the resolution. The intentions were clear, to arm the rebels and disarm Colonel Gaddafi a situation that should have been avoided if their intentions were to truly implement the resolution as it were.

2.20. Conclusion

The history of Libyan government under Colonel Gaddafi with the western powers spells a bumpy relationship that has been at times violent and punitive to not only the leaders of Libya but to a large degree its people in general. It can be argued as displayed by the literature reviewed that the displeasure of the western powers on how Colonel Gaddafi conducted himself made it possible for them to quickly act when there was a slightest window of opportunity opened for them.

While the regime had initially used means that are generally acceptable in dispersing crowds and to bring in order, the general repressive approach it has had for decades quickly took the centre stage. It has worked for it previously and the assumption and expectation were that it would again. The miscalculation and most importantly the underestimation of social media influence made situation worse, and it quickly escalated from what could have been easily managed to a catastrophe (Riemer, Simon and Romance, 2011).

Libyan government nor any other Middle Eastern countries had never encountered the smooth and effective use of social media and most importantly on how both fake news and misinformation can quickly spread. Generally, government apparatus across the globe is much slower in responding to such misrepresentations at times and the reporting of true stories in real time. This forces governments to play catching role and managing damage that has already been done. It is such reactions that determines whether a minor situation can be quelled or it escalates to a level of toppling a regime (Aras and Yorulmazlar, 2016).

The recent history of genocide in Rwanda, the killing of more than a thousand prisoners coupled with death threats from a well-known repressive regime, it was always going to be difficult for the regime to keep up with the information in the public domain. It remains unknown whether the situation would have been different should the government had released the Fethi Tarbel as demanded by the protestors and

therefore set a totally different course that Libya took. A path that could have brought completely different results, peacefully as it was hoped for by AU. The intervention of NATO preceded by France, US and UK prevented peaceful settlement and further engagement of the Libyan government by AU leaders (Salam, 2015).

While there were widespread rumours and speculation that the regime would use chemical weapons on its citizens, there is no empirical evidence on the reviewed literature suggesting that there was ever such an intention by the Libyan government. Responsibility to Protect notion was invoked with hardly any intentions to protect civilians as actions on the ground would reveal. The aerial bombing of government forces by NATO forces made it possible for rebels to advance to Tripoli and therefore take overpower, which was not what the spirit of UNSC Resolution 1973 was. There is literature suggesting that the involvement of western powers facilitated a regime change rather than R2P implementation (Winer, 2019).

Proximity of the Libyan government to AMU that preferred to have the matter by UN through Security Council meant that AU would have very limited role to play in intervening. The general slow reaction speed of the AU costed it crucial time and opportunity to be the first ones and therefore block all other parties taking calamitous decisions on the Libyan crisis (Toga, 2016). There were, however, countries like Nigeria and Sudan that wanted to see a change of regime in Libya for various reasons. It was also the case with AMU (specifically) wherein some countries were vocal on getting rid of the Libyan leader as speedily as possible. This was indicative of frosty relations Libyan government has had with its neighbours and with countries in the same region over the year, underpinned by erratic and unpredictable diplomatic policies of the Libyan government (Toga, 2016).

The next chapter focuses on the methodology of the research for this thesis.

CHAPTER 3

Research Methodology

3.1. Introduction

Social Scientists conduct their research either using a qualitative, quantitative or mixed method. The method that has been mostly used and was seen as the most relevant in social studies has overwhelmingly been qualitative method and at times mixed method of conducting research has been preferred. What stood out for it was the ability of the method to take into consideration the human element that cannot be quantified in numbers and reported statistically (Morse, 1994). The method enables researchers to interact with a limited number of participants and still be able to extract as much quality information as possible without compromising credibility of the research (Shai, 2016). The challenge with quantitative method is that its statistical focus has a tendency of overlooking human emotions, interactions and their reasoning that changes based on the situation, expectations, information known and wishes of the participants (Bless, Hegson and Kagee, 2013) and (Yin, 2003).

For centuries more especially post-colonial era, Eurocentric theory has been a dominant and unchallenged with almost no alternative offered to explain African challenges. The narrative went further to discourage any alternative theory as inferior or irrelevant and at times as to an extent of labelling such as competition to what the westerners have established as a gospel truth, Eurocentric theory. Marcus Garvey was the first to establish what a viable alternative theory to Eurocentric theory became. Later on in the late 1980s, Molefi Kete Asante took on the baton, gave the theory perspective, and demystified the purported narrative that Afrocentric theory was a competition and an inferior theory to Eurocentric theory (Asante, 2003).

Later when the AU was established, African leaders realised that they had to provide African solutions to African problems, because such problems and challenges were only unique to Africa as a continent. While many countries in other continents such as South America and Asia were also colonised by Europeans, their condition of

colonialism did not match that of African countries that continued in the post-colonial era (Pakenham,1991). Colonial scars are clearly visible in all the countries that were colonised in Africa and a typical example common to all of them is the western culture including a language foreign to the country that made it to be an official language. English, French, Spanish and Portuguese are three main languages that were left behind by colonisers as a permanent mark of their grip to such countries. English and French being the most dominant languages spoken across the continent by Africans. Countries that were colonised by France had their domestic economies linked to that of France in one way or another to some degree. This is atypical in other continents. Their liberation came with economic liberties as opposed to African countries (Pearson, 2012).

A lot has been said and done about and on behalf of Africans with very little or no inputs from them by world dominant Euro- American worldview. Afrocentric paradigm in this study served as an alternative to the western system that has over the centuries prescribed how Africans should resolve their challenges (Shai, 2016). The imported and mostly unsolicited solutions to African problems that were mainly generated and sustained by the former colonisers have left the continent worst off than before. Structural Adjustment Program (SAP) was one of the most disastrous policies that were imported and forced into the African continental leaders to implement in order (Mbeki, 2016).

Amongst its worst outcomes was the entrenchment of financial dependency on foreign aid that came with conditions that were extremely unfavourable for Africans. Continued submission to such approaches equates to one discussing and trying to find a solution of malaria with a mosquito. The oppressor will always be unlikely to offer any alternative solution to the problem he created if it would mean losing his privileges. The need for Africans to have a viable and strong theoretical framework to seek solutions to their challenges cannot not be over emphasised, hence the need for a robust Afrocentric theory that addresses African challenges through an African lens (an insider's view) (Pakenham, 1991).

Contextually, a brief reflection on theoretical considerations in this chapter of the study is not misplaced. This is because there is an intrinsic relationship between theory and methodology. For example, the choice of theory has obvious implications on the type of research methods to be pursued to address a research question.

3.2. Research design

Activities that took place in Libya 2011 leading to the ousting of Colonel Gaddafi and eventually his brutal murder on the 20 October 2011 under the auspices of NATO with the blessings of the League of Arab States (LAS) (also read as the Arab League) and at the dismay of AU (Rijke, 2014). There arose a need for an explanation of the events that took place and the role each player had during the period. The study therefore took an explanatory research design approach.

It offers an alternative theoretical and contextual lens to the underlying cause and effects of actors such as NATO and AU during the Libyan crisis. It sought to explain relations between the two bodies whether they were compatible or not regarding Libyan crisis, whether their actions complemented each other, or they were at odds with each other's agendas (Bless, Hegson and Kagee, 2013).

Kothari (2004:31) wrote, "A research design is the arrangement of conditions for collection and analysis of data ... In fact, the research design is the conceptual structure within which research is conducted; it constitutes the blueprint for the collection, measurement and analysis of data". Robert Yin (2011) explains that qualitative research enables researchers to study human beings in their natural settings (real-world setting) and generally how they cope in such a setting. It also enables participants to express their emotions and the researcher to accurately capture and record them (Kothari, 2004). Through the use of exploratory qualitative research design, the study has been able to record and report on the different emotional statements of the participants (Khokholkova, 2016).

Qualitative research while seeking to understand human behaviour, it does not seek to generalise inputs from participants and therefore make a blanket approach, it rather seeks to give an understanding and to interpret the meaning and intentions that underlie human interactions (Sumathipala, Siribaddana and De Silva, 2003). It is also best suited for this study because it has an ability to reveal useful unanticipated information that may be of value to the current study and may even lead to future studies (Marshall and Rossman, 1995).

3.3. Sources of data

As an Afrocentric qualitative study, the focus has been to obtain data mainly from Africans to give them space to account on their experiences rather than being told by outsiders on how they felt or should have conducted themselves in the period preceding, during and post conflict.

3.3.1. Primary sources of data

In a qualitative study based on Afrocentric theory the emphasis is on human element than numbers. Hox and Boeije (2005) noted that qualitative study collects data through standardised and consistent questions asked from participants and code such answers in standardised categories. The study purposively selected individuals for the study whether they were formal or informal sources of information could be in a position to provide valuable information to the study or at least point the researcher to other informants or sources of information relevant to the study (Hox and Boeije, 2005).

Raw data was collected from Libyan citizens based in South Africa who had experienced or rather witnessed the crisis first hand including those that had been affected directly by the events leading to the ousting of what the western world has deemed a ruthless dictator. Data was collected from those that were deemed privileged during Gaddafi era and from those that were mainly excluded and suppressed, with varying emotions and results thereof.

Participants offered quite a unique and informative perspective to the study. Some of the participants referred the researcher to video clips of interviews they have conducted with the media previously or articles that they have written about the subject claiming that all the information needed by the research would be found in such articles and/or clips.

Diplomats that were involved in the making and passing of both resolutions that led to the intervention of NATO forces in Libya were approached and unfortunately, declined participation in the study. Thus, questionnaires were emailed to them individually. Unfortunately, due to secrecy protocols and the fact that such an information was classified, they could not contribute to the study. Several attempts were made to get the opinion of the former AU Commission, Dr. Nkosazana Dlamini-Zuma, emails, and telephone calls were not successful. Public statements and media briefings were used to extract the much-needed information, which proved to be valuable. Academics in the field of International Relations and research institutions were approached and together provided a wealth of information.

Media communication to the general public, interviews, videos and speeches made by leaders before, during and post the uprising gave the research a valuable perspective of the events as they occurred, collaborating both primary sources of information and what has been given as secondary accounts of events. In total, the number of participants in this study was and they were spread as per table below:

Table 1: Summary of the sample

Academics	Citizens	Diplomats	Politicians	Total
South Africans (3)	South Africans (04)	South Africans (2)	South Africa (3)	
Nigerian (1)	Libyans (12)	French (1)		
Cameroonian (2)				
6	15	3	4	28

3.3.2. Secondary sources of data

A complex system of gathering data (desk review) from quite a number of secondary sources including reputable journals, books, proceedings newsletters, newspapers, websites and other online services that included online videos proved to be quite beneficial in the study. The complexity of the crisis interested scholars and mostly journalists who followed and reported on the events, as they were unfolding. The latter group played a critical role influencing the actors in the crisis and largely shaped the outcomes. Secondary data has been a backbone of this study and has given it invaluable information on the activities that took place decades before the crisis occurred, events during the crisis and substantial data post the ousting of Colonel Gaddafi in the office.

3.4. Sampling

Qualitative studies do not necessarily depend on the statistical inputs to make a meaningful output. Researchers in this field of study mainly employ nonprobability sampling because it gives them the opportunity to select participants. The study has considered the use of purposive sampling within a range of sampling methods inclusive of random purposive sampling (which adds credibility to the study when the population size is too large (Cohen, Kahn and Steeves, 2000). Quantitative studies tend to generalise their findings to the general population, however, qualitative study relies on the inputs made by a representative population carefully selected to reflect all segments of the relevant population, as it has been the case with this study (Cohen, Kahn and Steeves, 2000). The study carefully selected a small number of participants to participate either through interviews (mainly unstructured interviews) or through questionnaires that were distributed to them mainly via electronic means (emailed).

The research utilised purposive sampling to focus on a specific group of participants, as they possess intimate knowledge of the events in Libya during the period under review. Participants included Africans that were well conversant with the processes within the UNSC, Academics with thorough understanding of politics of the African continent from recognised universities. The research also included participants from different research institutions/Non-Governmental Organisations (NGO), participants in the country from across the continent including Libyan citizens with

thorough/reasonable knowledge and understanding of the crisis. An interview of the Secretary General of NATO by Aljazeera was also used (Yin, 2003) (Babbie and Mouton, 2010).

3.4.1. Sampling method

The study used extensively thematic analysis method and the methods demanded that all the data should be collected before analysis can be made (Charmaz, 2006). Qualitative study demands that for some principles to be followed for efficient results to be obtained. Fundamentally, data should be collected in an organised fashion and grouped according to relevance and its usefulness to the study. As a principle in research, data collected must relate to the objectives of the study.

It was therefore quite important to get raw data from most relevant sources, sources that were close to action. That often led to the formation of a conceptual basis for the research that was also important. What was clear from the above principles was that the researcher had to carefully select participants (purposive sampling method) that were most relevant and could provide data that was related to the objectives of the study (Denscombe, 2010).

Participants that were carefully selected included Libyan citizens who had experienced the uprising first hand. They also provided crucial comparative account of how the country was before the uprising, during the uprising and post the uprising era, an invaluable aspect for the study. While diplomats of African nations (Tunisia and Egypt) neighbouring Libya did not have the first-hand experience of the events in Libya. Their respective countries were affected directly and indirectly by the uprising in Libya and their contribution was relevant to the study.

Academics with thorough understanding of politics of the African continent from recognised universities were also engaged and provided valuable perspective and input into the study. The research also included participants from different research institutions/Non-Governmental Organisations (NGO). The then Chairperson of the African Union Commission (Dr. Nkosazana Dlamini-Zuma) and some of the senior officials in the office and officers that were senior in the office of the Secretary General

of NATO did not respond to their emails for scheduling interviews (Yin, 2003, Babbie and Mouton, 2010).

3.4.2. Sample size

Afrocentric qualitative research relies not in large numbers of participants to assert and to generate an understanding of the society, contrary to quantitative research which seeks to make large enough sample size to credibly represent a population being studied (Gentles *et al.*, 2015). The approach by qualitative research based on Afrocentric theory acquired useful data to understand depth, variation, complexity, and context of a situation. Saturation determined the sufficiency of the sample size (Charmaz, 2006). The overarching demand for the research was to identify information-rich participants with the aim of producing insights and in-depth understanding (Patton, 1990).

(Sharma, 2017) (2000:56) stated that, “The scientifically important criterion for determining sample size for the hermeneutic phenomenological researcher is the intensity of the contact needed to gather sufficient data regarding a phenomenon or experience. This intensity is measured in both length of time it takes for an event to occur...and how often a participant should be contacted to understand the changes undergone”. Patton (2015:264) added that for purposeful sampling, “The logic and power of purposeful sampling lie in selecting information-rich cases for in-depth study. Information-rich cases are those from which one can learn a great deal about issues of central importance to the purpose of the inquiry...Studying information-rich cases yields insights and in-depth understanding.” A sample size in qualitative studies can only be accurately determined once a saturation point has been reached, when participants only repeat and emphasise what previous participants in the same grouping have already stated.

3.5. Data collection methods

Primary sources of data played sacrosanct role in this study to provide the Afrocentric element of it to the fore. The aim has been to give Africans inclusively, a chance to narrate their own story and experiences the best way they could with no pre-determined or sponsored views from the western powers or through western media that hardly understands nor have the experience of the African conditions. Interviews and questionnaires were used as primary sources of data. While written communication, documents, journals, newspapers, and press statements provided invaluable data as secondary sources of data.

The nature of this study warranted the use of questionnaires drafted for specific audience. They were distributed via electronic means such as emails and faxes. Interviews were also conducted, more especially with participants that were within reach of the researcher for more insight into the study and additional information that may have been overlooked and relevant to the study (Nowell *et al.*, 2017). Textual documents such as books, journal articles, e-resources, magazines, and newspapers were reviewed to give clarity on relevant elements of the research (Diener and Crandall, 1978).

3.6. Data collection

Raw data could be drawn from the direct sources of information, meaning it could be first-hand information from the horse's mouth, someone who has direct experience of the situation. In an Afrocentric study, it meant that the people who lived in Libya at the time of the uprising, the authorities that took the decisions that changed course of history in Libya were primary sources of data (Mesly, 2015). Data from primary sources was extracted from primary sources through interviews and questionnaires as discussed herein below (Silverman, 2005).

3.6.1. Unstructured and interactive interviews

Interviews were used as an important instrument for collecting data (Nowell *et al.*, 2017). Semi-structured interviews with participants enabled the researcher to ask follow-up questions and at times to rephrase some of the questions that were not clearly understood by participants. Advantages of face-to-face interviews include

picking up non-verbal cues that participant make while communicating their views. On a number of occasions such cues were used to either, dig more data from the participant or to rephrase questions asked for further clarity (Sumathipala, Siribaddana and De Silva, 2003).

3.6.2. Questionnaires

One of the most cost-effective forms of data collection methods in Afrocentric research is the use of questionnaires to reach out to a widespread geographical area. This method made it easy for the researcher to give enough time to the participants to complete it at their leisure and in their own words. The approach also gave the researcher access to participants that would not have been otherwise accessed. The use of questionnaire made results dependable and reliable (Kothari, 2004).

While the method yielded much needed response from a wide range of participants, it proved to be a slowest and frustrating method of getting responses back from participants. The extensive use of electronic media such as emails made it quite easy for the researcher to easily get to several participants at much lower costs as opposed to physically visiting participants. There were however, some participants that could not be reached through emails and telephones forcing the researcher to physically visit their premises to get a response from them (Kothari, 2004).

The declaration of national disaster by the President of the Republic of South Africa as a result of a widespread Covid-19 global pandemic, made it quite difficult for the researcher to make physical appointments to meet participants in person, with the exception of some academics and few participants who agreed to a physical meeting. This deprived the study a chance to observe body language and other visual cues of the participants as they responded to questions posed to them. The Department of International Relations and Corporation (DIRCO) and the Institute for Security Studies (ISS) were particularly strict on restricting physical contact with participants citing Covid-19 related fears.

3.7 Secondary sources of data

The study made extensive investigation on the already available similar literature inclusive of books, journals newspaper, newspapers, reports and publication by various institutions with interest in African politics and specifically the Libyan crisis. Research reports prepared by scholars, public records and unpublished papers that were reviewed and valuable data was extracted, interpreted and analysed (Chowdhury, 2015).

3.8 Data analysis

To complete a research, one needs to analyse the raw data gathered from the participants to get a clear view/perspective of the investigated phenomenon. This process gives meaning and context to the raw data extracted from the participants. Data from primary and secondary sources of evidence was recorded and interpreted using several strategies. Data from both primary and secondary sources was gathered, interpreted, and grouped according to themes (Silverman, 2001). Data was transcribed to identify categories of responses, testing such categories by classifying responses soon after the interviews, coding and tallying responses, and thus deciding which data remained to provide internal focus of the study (Gibbs, 2007). Secondly, interpreted data was reported and displayed by means of narrative text to clarify the main direction of the analysis (Silverman, 2001). Finally, data was interpreted by drawing conclusions from what was found and made sense in the findings regarding the study using thematic analysis as a major tool.

The selection of a mainly qualitative design for this study presented the imperative that the researcher interpreted the study data mainly through qualitative analytical processes (Yin, 2003). The study drew its conclusions from empirical data findings and explained the relationship/cooperation between AU and NATO when they handled the Libyan crisis between 2011 and 2012.

Thematic analysis was a relevant tool of analysis chosen because of the qualitative Afrocentric nature of the study. In this Afrocentric study, data analysis was used to reduce large quantities of gathered data into sets of information manageable and meaningful information relevant to the objectives of the study (LeCompte and

Schensul, 1999). The analysis enabled the researcher a wide scope of reasoning using both inductive and deductive methods to arrive at compelling conclusions supported empirical evidence based on raw data collected. The process started with inductive approach wherein raw data was collected with precise content and gradually developed to include a broader generalisation (Solomon, 2015). The process of generalisation made it easier to effectively link themes to data.

3.9. Research principles

Research, both qualitative and quantitative must adhere to simple and basic principles for them to be regarded as truly academic and truthful. It must without a doubt be dependable, credible and confirmability by other researchers for it to stand the test of time (Petrova, Dewing and Camilleri, 2016).

3.9.1 Dependability

Readers and researchers should be able to review the study because it is dependable. The processes followed by the researcher were to draw conclusions from the raw data and how the data was collected has been clearly outlined in the research in order to give confidence to the principle of dependability of the study (Moon *et al.*, 2016). Guba (1981:80) gave a brief but adequate account of what dependability entails in line with an Afrocentric qualitative study as follows, “How can one determine whether the findings of an inquiry would be consistently repeated if the inquiry were replicated with the same (or similar) subjects (respondents) in the same (or similar) context?”

Explaining, further the principle of dependability in qualitative research, Shenton (2004) puts an emphasis on the methodology employed that it should be easy to follow as how certain conclusions were reached by the researcher after careful collection, processing, interpretation and analysis of data led to such conclusions. Dependability in this was achieved through clear definition and consistency of procedures that were vividly outlined with a view to enable those who were not part of the study to review it and be able where necessary to critique the process of data collection, processing, interpreting, coding and analysis (Shenton, 2004).

3.9.2 Credibility

True reflection on what the participants have contributed has been an important aspect of the processing of data, from both primary and secondary sources with the aim of eliminating researcher bias (Moon *et al*, 2016). Data and method triangulation, peer debriefing and referring of results to some participants for confirmation of outcomes had been done for the purposes of ensuring credible outcomes of the research (Creswell and Miller 2000, Padgett 2008). Moon *et al* (2016:02) noted that, “Both credibility and dependability relate to all aspects of the research design, including the focus of the research, the context, participant selection, data collection, and the amount of data collected, all of which influence how accurately the research question/s can be answered.” What was of utmost importance has been what Shenton (2004) noted as accurate reporting/reflection and therefore the conclusions reached by the researcher as a result of raw data gathered from both sources of data inclusive of the processes undertaken to reach such conclusions which should be transparent and auditable by readers.

3.9.3 Confirmability

Closely linked to the above principles, confirmability has been observed at times as a sequel dependability and credibility principles. The attainment of at high standards of the afore said principles naturally gave way to the confirmability with a couple of additional elements to be met for the research results to be confirmable by readers. At all material times researchers ought to guard against their own bias whether they are aware of it or not (subconsciously). To avoid confirmation bias, researcher ought to report on the processes undertaken to, “manage and reflect on the effects of their philosophical or experiential preferences and, where necessary, i.e. according to the ontological and epistemological position of the research, to ensure the results are based on the experiences and preferences of the research participants (subjects, respondents) rather than those of the researcher (Moon *et al*, 2016:03).

Whereas human beings naturally have their own preferences based on a number of things including cultural beliefs, societal expectations and numerous other predispositions and assumptions, in qualitative study, a researcher should report on such for the purposes of meeting confirmability principle (Miles and Huberman, 1994). While the demonstration of process followed gave no sureties of complete researcher

confirmation bias or personal involvement in the findings, it provided an opportunity for the researcher to offer useful insight into the study. The flow of processes and methods employed by the researcher enable the principle of confirmability to be easily determined and therefore theories and concepts in the research can be traced back to the raw data collected even though it has been processed by still reflect the views of participants (Shenton, 2004).

3.9.4 Transferability

The provision of clear methods and processes followed in drawing conclusion has far reaching implications not only on the study process but also to the reader. The purpose of research can be reasonably argued as a basis for informed future decisions to be taken on its bases. Transferability then becomes a major factor for the usefulness of the research. The researcher is however, absolved of any responsibility to make such a call, but a reader should be able to read and relate to the findings of the research if the basic conditions were met (Moon *et al*, 2016).

Transferability in an Afrocentric qualitative research is a function of external validity. In a continent troubled by numerous unrests and violent confrontations resulting to millions of refugees across the continent and some fleeing to other continents including western countries and even many more millions of internally displaced individuals that are of concern to UN, transferability of research could not be overemphasised. Considering that, the African continent had a rich history of tyrant leaders and prone to civil unrest as it was the case in horn of Africa, Sudan, Democratic Republic of Congo, Chad, Central Africa Republic and most recently Mozambique (Drury, Homewood and Randall, 2011).

3.10. Ethical considerations

This Afrocentric qualitative study dealt with human beings and had a direct and indirect impact on human lives. In that aspect of research strict adherence to ethical guidelines was not an option and in line with the stringent policies of the university. Interaction between researcher and participants ought to be regularised in order to protect

participants and the environment on which the research is conducted (Creswell, 2013, Yin, 2003).

Elements such as plagiarism, collaborative relationships among researchers, mentoring relationships, intellectual property and fabrication of data should be discouraged and avoided at all costs to bolster authenticity, credibility, reliability, dependability, confirmability and lastly transferability of research findings (Denzin et al, 2000).

3.10.1. Permission to conduct the study

An application to conduct this research was forwarded to Turfloop Ethics and Research Committee (TREC), which was preceded by the submission of the proposal to various Committees within the University of Limpopo, particularly within the Faculty of Humanities Higher Degrees Committee (FHDC). After thorough interrogation and scrutiny of the research processes, permission to conduct study was granted in the form of clearance certificate (herein attached under annexure C).

3.10.2. Academic fraud

Academic fraud remained a key issue in research and it has reportedly been on the rise. Cases of plagiarism wherein researchers as explained Gwandure (2012), that claiming or not acknowledging that a researcher has used someone else's intellectual product (such as texts, ideas, or results), thereby implying that it is their own, is plagiarism. Shai (2016) accurately noted that, "To this end, this research envisages the provision of a true sense of African destiny that is based on honest facts of history and personal experience of the Africans." A view that complements what Shenton (2004) noted as findings of the research traceable back to raw data extracted from both primary and secondary sources of data. In essence, research findings must strictly be conducted within strict confines of ethical considerations following dependability, credibility, confirmability and transferability principles and to acknowledge contribution from other secondary sources (Cresswell J and Poth C, 2018).

3.10.3. Informed consent and voluntary participation

In line with the strict requirements of the research, participants were given an opportunity to partake in the research voluntarily. Annexure B (herein attached), dealt with the element of informed consent and participants were acutely made aware of the fact that their participation was completely voluntary and they reserved the right to withdraw any time they felt the need or were uncomfortable with the research. Cresswell and Poth (2018) echoed the same sentiments and stated that there is a need for continuous engagement with participants as the research is still in progress to reassure them of their voluntary participation.

3.10.4 Confidentiality and anonymity

In a volatile environment, such a situation in Libya wherein civil unrest was the order of the day and professional requirements demanded from the researcher, all participants were assured of confidentiality and anonymity that their identity would not be revealed to protect their identity throughout the study. Confidentiality implied that information gathered from participants was not revealed to other participants and that the presentation of findings did not in any way reveal either the identity or geographical location of participants ensuring that at all material times confidentiality and anonymity were strictly maintained and participants protected (Hartnett and Cooper, 2016).

3.10.5. No harm to participants

It has been the responsibility of the researcher to protect participants from any form of harm, whether physical, emotional and psychological as a result of the study (Shenton, 2004). In a volatile environment with limited rule of law, it became apparent that the research outcomes should not in any way be attached to any of the Libyan citizen even if they were not based in their country of origin for the fear of their families and or relatives that could be targeted back home. The researcher has also been careful on the questioning techniques to avoid invoking emotional and psychological damage because of their memories (flashbacks).

A careful selection of academics, civil organisations and reporters that had reported on the situation and had followed events in Libya proved to worthwhile because the researcher had no difficulty in explaining the purpose of research and were in fact willing

participants. The researcher has however, taken great care in protecting their identities.

3.10.5. Voluntary participation

Participants were informed about the purpose of the study and that their participation was voluntary. The importance of the study and their contribution to it was explained. Formal letters requesting their participation were sent to them electronically. Participation was entirely voluntary with no incentives on offered or misrepresentation by the researcher (Kuzel, 1999).

3.10.6. Protection of participant identity and data.

For the credibility of the study and its integrity, participants were protected and their true identity was not revealed and any information that may link them directly or indirectly was carefully considered. Interviews were held discreetly and privately in places where participants were comfortable and safe. The researcher ensured that there was no harm or cause harm to other researchers whether in the same field or other fields as a result of this study (Kuzel, 1999) and (Gentles *et al.*, 2015). The research was always in line with globally and academically accepted norms, acknowledged other writers to prevent plagiarism.

Transcripts and general information gathered from participants has been kept in a safe place (lock safe). Information obtained electronically has been printed and stored together with the other transcripts gathered from participants. It has been transcribed and anonymised after receipt to protect participants (Kothari, 2004). Confidential agreement was entered into between participants and the researcher in order to maintain and enforce strict control of information gathered.

The research has in line with globally and academically accepted norms acknowledged other scholars to prevent plagiarism. The researcher has respected the privacy of all participants and treated the information gathered from them with absolute care. It will not be shared with anyone without the prior authorisation by the university and agreed to by the participants concerned in writing (Sumathipala, Siribaddana and De Silva, 2003).

3.10.7. Informed consent

Informed consent was emphasized throughout the research, participants were informed of what the research was about, how it affected them, the risk of participation, and that they had a right to withdraw from participation whenever they felt uncomfortable (Bless, Hegson and Kagee, 2013).

3.11 Conclusion

The study was located within an Afrocentric qualitative research methodology. It was exploratory in design. In the chapter herein above, the research design and how the study was conducted of the study was explained in detail. It further went on how data was collected based on the sample determined. What has been at the forefront and on the researcher's mind throughout the research was the importance of ethical considerations relating to the study. Most importantly was the fact that the study only commenced once there was permission granted by TREC to do gather data. The chapter set out the foundation, ethical and academically acceptable for the collection, grouping and forming themes for the analysis of the collected data. Afrocentric theoretical approach of the study enabled the Africans to have a voice on matters that concern them directly rather than being told on how to feel. That also include how to think and therefore being told what is good for them and what is not by generally people who have no experience of a life lived in the African continent (Asante, 2003).

In this chapter, Afrocentric theory was used to dispel the myth that it is a competition of Eurocentrism or at best undermined as desperate replacement of the latter. It firmly established its position as a credible theory of equal importance and as a standalone theory with its own basis, merits and foundations in the academic world (Chawane, 2016). This Afrocentric theory and its qualitative approach became a lens through which data was collected, processed, grouped, presented and thematically analysed in the forthcoming chapters.

The following chapter addresses the implications of the varying AU and NATO intervention on the outcomes of the Libyan conflict.

CHAPTER 4

The interpretation of UNSC Resolution 1973

4.1 Introduction

African countries have shared unpleasant experiences post-colonial era. Foreign occupation had also affected the Arab world, including North Africa which is inclusive of Libya. The occupation of Iraq by US armies and the prolonged presence of US forces in Afghanistan has had a lasting effect on the lives of the local citizens. That somehow has been in the minds of parties while negotiating the two consecutive UNSC Resolutions (1970 and 1973), with the aim of preventing foreign occupation. They were also concerned about the reports of gross human rights violations reportedly carried out by the Libyan government. Noting that the previous UNSC Resolution 1970 was largely ignored and not effective and did very little to deter the Libyan government in its tracks (UNSC, 2011).

UNSC participants were apprehensive of a rapidly deteriorating situation in Libya, mindful of the 1994 Rwandan and Kosovo genocide and many more other atrocities that had befallen the African continent and other parts of the globe before. The Libyan uprising had all the signs of it degenerating into a modern and latest mass massacre of civilians, prompting members to take posture that is much more aggressive. The general consensus on the approach seemed to be as divergent as members present in the Security Council meeting (Martin, Weber and Carment, 2012). Implementation of the resolution revealed differing interpretation and exposed hidden motives that some members had at the time. Motives that were fuelled by the widespread information from the events in Libya were widely reported through social media and other platforms of media.

4.2. The Libyan uprising

The inter-connectedness of the globe through media, more especially social media made it possible for the Libyan people to see how other countries sharing similar experiences with them had toppled their long-standing leaders. While in both neighbouring countries triggers were different, the results were similar. Libyans had initially no intentions nor plans to emulate their neighbours from both east and west of their borders respectively. Coincidentally, protests in Libya broke out when Mr. Fethi Tarbel was arrested for planning a march (Siebens and Case, 2012). Notwithstanding the fact that the environment was conducive of the protests, the regime's response provided the necessary spark to start the uncontrollable flames that were wide spreading and engulfing many Arab states. Similar events in other countries gave them courage to finally rise up against a dictator of 42 years in their own country (Libya).

Live events happening both in Egypt and in Tunisia encouraged young people to confront government head on. The difference between what triggered the uprising in Libya was not initially to remove Colonel Gaddafi, but the release of the lawyer (Mr. Fethi Tarbel). The normal response of the government to protest had always been harsh and close to brutal (Salam, 2015). The regime had enjoyed relative success in quelling similar protests before without much effort. Regional atmosphere was completely different at the time, not only in the neighbouring countries but also in the Middle East region in relation to long standing ruthless leaders in various Arab countries (Salam, 2015). The arrest of Fethi Tarbel on accusations of planning protests fuelled the concerns of the Libyans. The regime completely underestimated the wrath of the already frustrated Libyans (Siebens and Case, 2012).

When the protests changed tune, to mean the removal of the regime on the 17th February 2011, initially in Benghazi it quickly spread to other parts of the country including Tripoli. The state of Libya was not fully prepared and responded by deploying ordinary police force and riot prevention units. It is difficult to comprehend how else would any of the present liberalised governments would have reacted to destructive protests that threatened the livelihood of the state and that of its citizens, at least in the eyes of the regime. Libyan government stepped up its efforts as it met irrepressible resistance from the protesters equally heavily armed (Salam, 2015).

At the height of similar regional events, the media depicted horrific picture with accusations that the Libyan government was using chemical weapons on civilians. A claim that has been disputed by majority participants. There were other participants who reported that there was a lot of bloodshed and blamed on security forces. There has been limited evidence to support such claims from the western media. A similar situation happened in Iraq, wherein the regime of the late Saddam Hussein Abd al – Tikriti was accused of producing chemical weapons designed to be used against the citizens. It was later discovered that such claims could not be adequately substantiated (Siebens and Case, 2012).

A September Dossier (also known as Iraq's Weapons of Mass Destruction: The Assessment of the British Government) was produced months before the invasion of Iraq on the idea that he was supporting terrorists and had WMD. It was based on false information and could not be validated. The Iraqi Survey Group (ISG) went to Iraq to hunt stockpiles of WMD but could only find insignificant and inadequate amount to pose military threat to any nation nor to its citizens and therefore justify an invasion. The aim of the report was to convince the British government to approve the support of US going into a war with Iraq by exaggerating military capabilities of Iraq and therefore making it as threatening as possible. The dossier has since been criticised as deceptive and heavily plagiarised (Herring and Robinson, 2014).

The same equivalence and misinformation were used to motivate western nations to intervene in Libya in a manner detrimental to the very same Libyan citizens it was meant to protect. News media later pointed out that NATO forces at times bombed areas that had civilians and their homes were destroyed in the process. Participants unequivocally pointed out that they were not aware of any civilians that were targeted by the regimes' military forces nor there was any use of chemical weapons against them. The affected were unfortunate to be either mistaken for revolutionaries or were simply at the wrong place at the wrong time. It would have been extremely difficult to hide such an information given the social media hype and general media coverage of the events in Libya at the time (Herring and Robinson, 2014)



A rebel fighter in Libya fires a rocket propelled grenade during clashes with pro-Gaddafi forces

Revolutionaries in combat against Libyan forces (Marcus, J: 2011).

What many of the participants noted was the amount of arms at the hands of rebels, notably military grade weapons (including rocket propelled grenades, anti-aircraft, anti-tank missiles, military tanks, AK-47, hand grenades, Grenade launchers) that an ordinary person would not have had access to. Some of the arms came directly from the Libyan army officers who had defected to join rebels. Despite weapons embargo as espoused by both UN Resolution 1970 and 1973 respectively, rebels quickly accumulated large stockpiles of military weapons. Arms from countries like France, Turkey, Egypt, Qatar, US and UK reached rebels indirectly via other governments. Facing armed rebels, the state of Libya had difficulty calming the situation using lesser force and felt compelled to scale up its response (Risen, Mazzetti and Schmidt, 2012).

While the skies were taken over by NATO forces, limiting the regime to ground forces frequently targeted by air strikes, it would have been impossible for the regime to restrain itself to peaceful means given the circumstances. Any efforts to resolve the challenge in Libya needed to address the arms in the hands of civilians, which has been haunting the Libyan state since the revolution. Arms embargo merely directed towards the Libyan regime, while countries like France and Sudan openly admitting that they had violated it by supplying revolutionaries with arms, the intervention degenerated to effectively, regime change (Copnall, 2011, Marsh, 2017).

While the Responsibility to Protect (R2P) was an overriding factor used to pass both resolutions, the implementation was largely one sided with NATO insisting that their involvement was beyond reproach and according to Resolution 1973 prescripts. Former NATO Secretary General, Mr. Anders Fogh Rasmussen described the intervention as both a model intervention and a successful operation, denying any overstep by the forces up to the last day (31st October 2011) (Aljazeera, 2011). Some study participants acknowledged that it would not have been possible to remove the regime without the support of the western powers.

NATO forces joined on the basis that there was a real risk of the regime to use chemical and lethal force on civilians. Fully aware of the circumstances and the watchful eye of the media, to some reasonable extent the regime stayed clear of such atrocities as against what was widely reported to be the case. However, media continuously painted a bleaker and much more horrific picture. Participants asserted that civilians were at no stage being targets but did get affected as some of the battles were within residential areas. The misinformation peddled by the media should be understood within the context that the international media and by extension, knowledge structure of the global political economy are dominated by the US or the West (Shai, 2021).

The West's dominance of the knowledge structure provides a fertile ground for influencing other structures including but not limited to security, trade and finance (Shai, 2021). This observation dovetails with Carter Woodson's (as cited by Goodreads, 2022) contention that "When you control a man's thinking you do not have to worry about his actions. You do not have to tell him not to stand here or go yonder. He will find his 'proper place' and will stay in it. You do not need to send him to the back door. He will go without being told. In fact, if there is no back door, he will cut one for his special benefit. His education makes it necessary."

In response to the quickly escalating situation UK, France and the US pushed for UN resolutions that eventually enabled them to intervene in Libya. Those three major powers took steps to implement UN Resolution 1973. They were within the legal prescripts of the UN Charter because they were members of it. UN Charter Chapter VII, Article 39 provided for the Security Council to make recommendations to maintain

and to restore international peace and security. Article 43 of the UN Charter indicated that all members of the UN should contribute to the maintenance of peace and security and makes no provision for bodies or countries that were not members to do the same (UN, 1945).

The resolution laid the legal groundwork for military action in Libya's civil war, calling for an "immediate ceasefire" and authorizing the international community to establish a no-fly zone and use whatever means necessary to protect civilians short of foreign occupation. Assets linked to the Libyan government, senior leaders of the regime were frozen, and arms embargo was selectively implemented. The use of force was, however, a priority program for some countries. For example, UK, France, and US were the first countries to send military jets in Libya. Later NATO took over the operation and saw it to the last day of it. They started bombing strategic military bases of the regime such as various communication/command centres and air force bases disabling it even before it could be used (Terry, 2015). The takeover of the military intervention from the individual nation states to NATO was to defuse a possibility of the act being viewed as foreign aggression. What then follows is that the act by NATO would lend credence to the intervention as it would easily qualify as having been sanctioned by the international community. The loose description of "international community" within the diplomatic circles is problematic. In fact, it is abused to give a certain level of legitimacy to actions of the powerful states in the international system.

4.3 Intervention of NATO forces

Resolution 1973 passed by the UNSC as a reinforcement and a build-up from Resolution 1970 which imposed economic sanctions including arms embargo on Libyan government sought actively to protect Libyan citizens on the violent attacks allegedly unleashed by the Libyan government on them. Participants acknowledged that there were civilian casualties but not to the scale reported by the media. Mostly, it was mercenaries that were affected than ordinary citizens. Fearing the worst, NATO took over from the three western powers (Pommier, 2011).

On the strength of the UNSC Resolution 1973, which enabled forceful implementation of the no-fly zone, NATO later on (the 27th March 2011) took over from France, UK and US the operation that was initiated on the 19th March 2011. While African countries believed that the resolution would effectively stop the regime from killing its own people in numbers, they opposed how western powers were implementing it. Even though some of the AU member states had voted for the passing of the resolution, they had a different interpretation of the resolution. For them, it meant that Libyan air forces would be grounded, that all military activities would stop, therefore enabling the peace engagement with the parties concerned (Overseas Development Institute, 2011).

That sentiment was not shared by countries like France, US, UK, Italy and Qatar. France was the first country to announce its intentions and readiness to implement no fly zone two days after the resolution was passed. For the western countries, the term, “all means necessary,” was interpreted through a military code equivalent to the use of military force. Countries that contributed militarily to the operation included Belgium, Canada, Denmark, France, Italy, Norway, Qatar, Spain, United Arab Emirates, UK and US (Winer, 2019). While the armed conflict carried on, participants noted that the western forces did not only shell military bases, but at times public places known to have civilians. The intervention was not only one sided to the detriment of the regime amounting to regime change, but there were also intentional civilian casualties.

Some study participants alleged that NATO forces provided military intelligence to the rebels enabling them to strike key areas of the regime. It was alleged that it was through aerial intelligence support that the late Colonel Gaddafi was tracked, found and killed by the rebels. However, Anders Fogh Rasmussen, the then Secretary General of NATO denied such claims and maintained that NATO only did what it was mandated to do by the UNSC Resolution 1973 (Aljazeera, 2011). Participants were acutely aware that without the military support of the western forces, rebels would not have been able to overthrow the regime.

While the enforcement of the embargo was on full swing, rebels were supplied with arms by countries inclusive of Egypt, Turkey, Qatar, United Arab Emirates and Saudi Arabia. NATO forces were aware of it, and at times it was alleged that some of the weapons to the rebels were flown in and dropped into rebel-controlled areas, in

violation of both resolutions and R2P principle. The enforcement of arms embargo was interpreted differently, for western powers it meant restrictions of arms to the Libyan government, and not to the revolutionaries. In fact, France dropped light arms and ammunition in and around Nafusa Mountains arguing that rebels needed them to protect themselves, a move which violated the resolution. AU had a totally different perspective and understanding. For AU, it meant no weapon should enter Libyan borders for all parties concerned (Pommier, 2011).

The then Secretary General of NATO, appraised the operation as successful. He indicated that the task of NATO was to prevent Colonel Gaddafi from massacring his own people. NATO denied being involved in the overthrow or even supporting rebels even though it accepted that it bombed the regime's strategic military areas including Command Centres and Airbases (Aljazeera, 2011). Notably, strategic military bases of the regime and some government buildings and assets were attacked/bombed by NATO forces, which neutralised the regime's abilities to face rebels or provide any form of security to the country. AU was aggrieved after its chances of peaceful engagements of parties concerned were severely limited and cut short by the military intervention of AU. The killing of Colonel Gaddafi on the 20th October 2011 signalled the end of the regime that had been in power for more than four decades. NATO forces had to leave on the 31st October 2011 (Kuperman, 2013).

4.4 Involvement of AU in the situation

The AU plan was based on a reasonable assessment of the dangers of civil war in Libya and the limitations of violent regime change. Some of the problems that arose during and after Libya's political transition may have been avoided if NATO pressure and AU diplomacy had been combined (Nuruzzaman, 2014). Such efforts were not appreciated by the western powers and the push for the passing of resolution 1973 and its subjective implementation thereof conflicted with the wishes of the AU and the interpretation of the resolution (Gebremichael, 2018).

Several meetings between the AU leaders feared that the situation in Libya could overspill to the already volatile Maghreb region and beyond if it was not controlled speedily without the use of arms. This view was not shared by the westerners who believed that there was a genocide pending if Colonel Gaddafi was not deposed with as much urgency as it was possible at all costs and regardless of its after effects (post conflict implications both short or long term) (Hugh, 2011). While both organisations wanted the same result, their methods were completely different of achieving the same goal, removal of Gaddafi, even though AU did not expressly mention it.

African leaders acknowledged that, Colonel Gaddafi (also known as Brother Leader) was a controversial and divisive figure that has previously rubbed shoulders with some of the continental and international leaders in the wrong way. As such, they were willing to have a peaceful settlement in Libya. That, inconsideration of diverse ideas of how the situation should be handled with countries like Nigeria and Chad firmly believing he should step down. The same sentiments were shared by the LAS (and the general Arab world), Europe and the US. The latter two, later pushed for the implementation of UNSC Resolution 1973 knowing that it would paralyse the Libyan (militarily) regime significantly (Zondi, 2017). (Zondi, 2017)

Events immediately following the passing of the UNSC Resolution 1973 moved with speed. While AU through its Peace Initiative was brokering peace with all the parties concerned including the rebels in the east, the western powers prepared to forcefully implement, “no fly zone.” AU’s Peace and Security Council met on the 28th February focusing on the repressive response against oppositions was later followed by another on the 10th March 2011 recommending that an *ad hoc* committee formed by Heads of States would make a difference in getting parties involved to some form of agreement. The *ad hoc* committee would have some political clout and respectability since it would be formed by Heads of States (Randall, 2015).

Ad Hoc Committee chaired by the Mauritanian President Mohamed Ould Abdel Aziz came up with a road map to resolve the impasse. It had five points that it thought would bring some stability and prepare for peaceful long-term solutions to the crisis. Most importantly, the outcome of it all would have Colonel Gaddafi stepping down in a few months and a new regime elected in a peaceful environment. They could foresee that

Colonel Gaddafi had to step down and that the process should be carefully managed to avoid devastating effects to the country (De Waal, 2012).

Most importantly, in the resolutions of the *Ad Hoc* Committee was that the aggressions should be stopped immediately. It also meant that all parties involved should participate or at least allow humanitarian assistance to reach the vulnerable populations (Pattison, 2011). The committee was also concerned that the foreign nationals and African migrants living in Libya were unnecessarily attacked and that should stop. The root cause for the uprising had to be addressed to stop further hostilities in the future and of immediate concern, to stop the impasse (UNSC, 2011).

On the 19th March 2011 *Ad Hoc Committee* resolved to go to Libya and communicate its intentions to all the parties concerned. However, an urgent message from both, the UN and the US put all those plans on hold as it was declared unsafe and their protection would not be guaranteed should they go to Libya due to a no fly zone implementation as per the UNSC Resolution 1973 provisions. No fly zone came into effect on the 20th March 2011, the day the *Ad Hoc* Committee was due to fly to Libya to meet the Libyan government. Their plans were put on hold up until the 09th April 2011, an indication of divergent interpretation of the same resolution (UNSC, 2011).

On the 10th April 2011, UN permitted the delegation to go to Libya thereby suspending the aerial raids on the day. They met with Colonel Gaddafi and presented the roadmap and not surprisingly when he sensed that, the envisaged endpoint was not favourable for him, that he would lose power he became less cooperative. The typical tyrant behaviour showed up in him forcing and the AU delegates had to consider negotiating with his revolutionaries. The opposition made it clear that nothing would be accepted if it meant keeping Colonel Gaddafi in power, while negotiating change in Libya (Copnall, 2011).

Colonel Gaddafi knew that surrendering his leadership position would invite many challenges for him including but not limited to persecution within Libya and abroad. He would also lose influence over government. Part of what concerned him was the fact that the uprising in Libya started because of the Abu Salim prisoner massacre, because it provided the necessary spark for the uprising. He understood if he stepped

down, it would haunt him just (Kuperman, 2013). The case of former President of Sudan, Omar Hassan Ahmad Al-Bashir who was wanted by the ICC for crimes against humanity he committed while he was the President was used to persecute him. UNSC Resolution 1973 had also referred the uprising in Libya to the same court. That made it even much more difficult for the *Ad Hoc* Committee to negotiate with him, when he was fully aware of his fate post the change of government (Copnall, 2011).

ICC at the time had 10 cases under investigation and 90% of them were in Africa. Mali, Sudan, Democratic Republic of Congo, Uganda, Central African Republic, Ivory Coast, Kenya, Guinea, Nigeria and including Libya with additional four African countries likely to be investigated (Rijke, 2014). He was acutely aware of how other leaders facing the same challenges he was facing including both of the neighbouring countries did not farewell with Tunisian former President Zine El Abidine Ben Ali fleeing the country and Hosni Mubarak of Egypt also deposed and facing charges of human rights abuse in his own country. His prospects were also desolate, even more so considering that the leaders of the opposition to his regime included leaders that he had a personal fallout with. That did not encourage him to step down and made negotiations even much tenser (Kuperman, 2013).

4.5 UNSC resolution 1973 implications for the Libyan regime

The overwhelming concern of the parties discussing UNSC Resolution 1973 was the safety of the Libyan population and foreign nationals residing in the country. League of Arab States was the first group to call for the no-fly zone on Libyan military aviation, effectively banning all flights including civilian flights over the Libyan soil. The initial push for the approval of the resolution was to hold those in senior government positions accountable. However, the resolution exempted those who were ordinary citizens and protesters equally accused of similar acts of violence and destruction of buildings both private (businesses) and public (governmental) buildings (UNSC, 2011).

The overwhelming information flashed out by the media about the atrocities purportedly committed by the regime prompted UNSC members to resolve to refer the situation to the Prosecutor of the ICC was horrific, though it could not be independently verified. ICC has been accused of being unreformed, highly selective and targeting African states. Quite importantly, Secretary General had appointed Special Envoy led by Mr. Abdel-Elah Mohamed Al-Khatib, while the AU had its own delegation (high powered) to facilitate peace talks to get to a sustainable and peaceful solution (Husabø and Bruce, 2010). None of the efforts would be possible while the fighting was still rampaging the country, which necessitated a call for an immediate cease-fire and other measures aimed at resolving the crisis. According to the report given by Mr. Abdel-Elah Mohamed Al-Khatib, both parties, the regime and the revolutionaries were willing to end ceasefire sharing similar conditions. While the regime was willing to end all hostilities, it had one main condition, that the revolutionaries should also end it. Revolutionaries noted that ceasefire alone would not end the crisis, and demanded Colonel Gaddafi to step down (Green, 2019).

4.5.1 Protection of civilians

Humanitarian intervention has been used by UNSC to discourage violence against civilians and to provide basic needs such as medication, food and other basic needs such as water. While that was a good and often effective measure, it was basic on a flawed assumption that a conducive environment would permit UNSC personnel, or any other body interested in providing humanitarian assistance to the civilians (Pattison, 2011). The Kosovo case of 1999 highlighted the shortcoming of the principle. Yugoslavia (now Serbia and Montenegro) was hit by NATO airstrikes because of the conflict involving a disputed province (Kosovo). The regime made it impossible for any humanitarian aid to reach its intended recipients through consistent and at times intensified attacks on the civilians with the hope that both UNSC and NATO would back down after realising that their efforts did not bear any fruits (Simonovic, 2016).

Canadian government coined a new concept that was quickly (relatively) adopted as a “principle.” It emphatically put it clearly that protection of civilians was no longer an option that could be overlooked. It gave the intervening states authority to use force when their actions were impeded by armed resistance. While there have been successes of the principles in various cases, such as in the case of Libya. In Syria, the principle has not enjoyed the same or an equivalent success (Chesterman, 2019).

Dembinski and Reinold (2011) argues against a popular notion that has flooded academic cycles, that UNSC was driven by the responsibility to protect principle. Throughout the public engagements of the UNSC about what has since become a backbone of the intervention or rather an overwhelming basis for the passing of UNSC Resolution 1973, R2P was not adequately presented. Notably, only US, France, Columbia and Germany referred to the R2P, even when they did, they only referred to the first pillar of the principle. Pillar one of R2P gives the state the responsibility to protect its own citizens. In this case all four countries merely pointed out the failure of the Libyan regime to observe R2P (first pillar) (Simonocic, 2016).

While all UNSC member states were concerned about the safety of the civilians, they could not agree on the method of intervention proposed. Each of the five states presenting different reasons for their objection to the use of force as an intervention. China had previously declared itself to be against the use of force and it maintained its position throughout the deliberations. India felt that it was too soon to venture into such a drastic measure of use of force. Germany and Brazil were uncertain about the consequences of such an action, understanding that there was a real risk of the events deteriorating into a much grave situation. The latter two states feared that such an action would open a room to a large-scale military intervention (Brockmeier, Stuenkel and Tourinho, 2016).

4.5.2 No Fly Zone

The approval of UNSC Resolution 1973 and the success of it hinged on the implementation of paragraph 7 and 8 to effectively protect civilians. Paragraph 7, notably provided for a conducive environment for all international and domestic bodies to freely provide humanitarian assistance such as delivering/facilitating assistance in the form of medical supplies, food, humanitarian workers and evacuating foreign nationals from the country. Paragraph 8 proved to be the most decisive part of the UNSC Resolution 1973, deciding the fate of Libya and its people (UNSC, 2011).

Ten member states of the UNSC including three from the African continent approved UNSC 1973 of 2011 with a clause that potentially invited airstrikes to the Libyan soil. Paragraph 8, at the heart of global controversy in academic and media spheres sparked a lot of debate on the appropriateness of the situation and mainly its timing. The paragraph read as follows,

Authorizes Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and requests the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban (UNSC, 2011).

The paragraph was at the heart of the success or failure of the UNSC in protecting the civilians and restoration of peace in Libya. Some academic participants felt that African states contradicted themselves, when they either inadvertently, knowingly, or vengefully invited foreign forces to the Libyan crisis. Academics consistently pointed out that South Africa was struck by period of foreign policy confusion, moving from the then former President Thabo Mbeki's indifference to human rights concerns in Zimbabwe and Burma to a contradictory position. AU had advocated for, "African solutions to African problems," and when they voted for a foreign military assistance, they went against their own principle (Rossouw, 2011).

Whether the decision was thoroughly thought through remains a sensitive topic in South African politics considering the backlash government and the ruling party (African National Congress) received from the opposition parties and from its own

Youth League (ANCYL), academics and media. In defence of the position taken by the South African government, the then Spokesperson for the South African Mission in New York, acknowledged that there were states with ulterior motives and the government knew about such, but had to vote in favour of the resolution. A resolution that was laced with, “all necessary measures,” which were generally understood to be a code for military action. In the same statement, the Spokesperson distanced the country from what was happening in Libya post the passing of the UNSC Resolution 1973, citing that the aim was narrowly to stop aerial strikes and put an end to indiscriminate killings by Colonel Gaddafi’s regime. The sentiments were later on backed by the former President of South Africa, when he also distanced the country and the AU from what was happening in Libya (Rossouw, 2011).

4.5.3 Enforcement of the arms embargo

Arms embargo though it is an obvious form of sanctions in a violent situation such as that of Libya cannot be used as the only measure to end violence by any of the parties involved in an armed conflict. Paragraph 13 of the resolution had much stricter measures to prevent the flow of arms and mercenaries to Libya hoping that it would stop or at least limit the level of violence. It then required as paragraph 8 did, that all participating member states should report to the Secretary General of the actions taken against adversaries (UNSC, 2011).

The effectiveness of the arms embargo relied on all parties cooperating strictly with the UNSC in implementing arms embargo and to slow down the indiscriminate killing of civilians. However, hopes of it being implemented successfully were compromised by the same western forces that advocated for it in the Council meeting, when they either directly or indirectly (through other countries), supplied rebels with arms. There was, however, a consistent voice that the Libyan regime at the time should not have assisted with any form of military aid. The opposite was achieved when military bases, air defences, runways and helicopter gunships were destroyed by NATO’s airstrikes (Aljazeera, 2011).

While the civil unrest was at its peak, participants that took part in the revolution (took arms against the then regime), reported that they were given arms either through Egypt or Tunisian borders. They also reported that there were at times some arms

dropped off in certain areas by military planes including helicopters from other countries (Risen, Mazzetti and Schmidt, 2012). Notably, Qatar has been a single major violator of the arms embargo when it supplied military grade arms to the rebels. France and US also directly and indirectly supplied revolutionaries with arms against the resolution that prevented escalation of violence in Libya (Birnbaum, 2011). This was evidently a matter of concern to the Head of the UNSMIL, Stephanie Williams (Gebremichael, 2018, Carment, 2012).

4.6. Conclusion

Intervention of the western forces in Libya was based on the UNSC Resolution 1973. However, it became clear that the interpretation and implementation varied widely between actors. Russia, China and Brazil were sceptical of the wording of the resolution understanding that it authorised the use of military force. For them, there was distrust of what the Western powers would abuse the Resolution and overstep their boundaries. History backs their cynics' perception on the Western agenda in the Middle East coupled with long-standing history of cold and confrontational relations between Gaddafi, US, UK, France and Italy.

Middle East countries initiated the passing of both resolutions (1970 and 1973) a move supported by the Western powers. Evidently, Gaddafi's erratic foreign policy decisions had irritated many in the region especially in the South West Asia. His obsession with Arabism and Green Book philosophy placing him at the helm of leadership did not go well with Middle East leaders. Their support was instrumental for the passing of what was needed by the Western bloc to use arms in Libya. It became quickly evident that the NATO forces had a different understanding on how Resolution 1973 should be implemented. Early intervention signalled eagerness on the part of UK, US, France, and Italy to take to the skies in the implementation of no-fly-zone (Risen, Mazzetti and Schmidt, 2012).

AUPSC and its representatives in the UNSC had a different interpretation of the resolution even though they were warned by Russia, China and Brazil on the implications of passing the resolution as it was. Paragraph 8 of the resolution was the

dividing line between the West and the rest. When the African countries (*Ad Hoc* Committee consisting of High-Level Delegation) realised that NATO forces were intending to attack Libyan army and that there would be no room for peaceful settlement of the dispute (Toga, 2016). The sense of urgency was evident when there was a realisation that the Libyan government was willing to concede to a ceasefire. This was announced on two occasions by the Libyan government signalling willingness to engage on peaceful discussions. But such calls were ignored resulting in the fierce fighting between revolutionaries and Libyan forces, later joined by NATO forces. AU *Ad Hoc* Committee had a very limited interaction with Libyan actors at the height of the Libyan uprising as a direct interference of NATO forces with increased number of casualties on both sides including civilians (Toga, 2016).

Responsibility to Protect principle relies on the state to protect its citizens as their first line of defence. Additional actors may only join if the regime has not performed its task adequately. The assumption that UNSC was concerned with the massive civilian loss of lives, in the debates leading to the passing of Resolution 1973, the principle was hardly mentioned explicitly as a motivating factor for the intervention. The focus of the Western actors was on implementing no-fly-zone since the ground forces were not allowed into the Libyan soil (Minteh, 2016, Blanchard, 2011). Much less, focus was paid to the enforcement of arms embargo resulting in revolutionaries acquiring military grade arms from some of the Western powers. Abandoned Libyan military arms stockpiles were looted by the militias increasing the amount of deadly firepower in the hands of revolutionaries. It would seem that the arming of revolutionaries was less significant in comparison with immobilising and paralysing Libyan forces, a view that was not shared by AUPSC (Wedgwood and Dorn, 2015).

The next chapter focuses on the role played by AU post conflict (Arab Spring uprising) in Libya.

CHAPTER 5

Libya after AU and NATO intervention

5.1 Introduction

The new era in Libya after heavy gun fight and shelling that destroyed much of the already underdeveloped infrastructure and loss of life meant that the country had a serious setbacks compared to its neighbours with similar challenges except that they did not descend to a civil war situation. The take down of the long-standing dictator and the official recognition of National Transitional Council (NTC) had serious ramifications for the ordinary Libyan during and after the revolution. Both AU and NATO had varying interests in the developments in Libya. Even though the resolution (1973) was mainly around protection of civilians (R2P), different methods were employed by the two organisations to achieve a somewhat common goal (bringing peace in Libya). Beyond the protection of Libyans, there lies a compelling responsibility from the international community, the new Libyan government and the Libyans themselves to reconstruct the country under the new political dispensation, post conflict. What most Libyans had hoped was the removal of an obstacle (previous oppressive regime) to their freedom and their prosperous future (Armstrong and Gurung, 2011).

The common goal (UNSC Resolution 1973) was implemented by two organisations with vastly different approaches and intentions. AU wanted a peaceful intervention that did not involve military action, whereas NATO wanted an immediate action to be taken against the Libyan regime at the time even if it meant the use of military force. Both organisations (AU and NATO) had a chance to intervene in the situation the best way they could (Toga, 2016). The role they played had a direct impact on the short and long-term future implications on the ordinary lives of the Libyans, whether their actions were compatible or not, the role each played had a direct consequence on how Libya would recover from the destructive uprising. While AU and UN in general had (initially) not taken an official position on whether to recognise NTC as a Libyan government, some individual countries within those organisations were the first to recognise it.

Those that did, engaged it on the activities unfolding in Libya, a move that compromised the official position of the international bodies like AU and UN (Saeed, 2011).

5.2 Recognition of National Transitional Council and its role

Early on at the beginning of the uprising, there was a need to form leadership to guide the revolution. What was initially a protest for the release of a lawyer (Fethi Tarbel) who needed justice and an explanation/account of what happened to the Abu Salim prisoners, escalated to a much more violent situation (Siebens and Case, 2012). Participants aligned violent reaction of the Libyan government to the protests as a basis for many within government to question the motive of the regime and in fact sympathise with the protesters. One of the first to defect included a former Justice Minister, Mustafa Abdel-Jalil, who went on to lead the revolution.



NTC head Mustafa Abdul Jalil at the centre of the picture (Armstrong, 2011)

The former Minister of Justice of the previous regime was a well-known figure who consistently opposed human rights abuse. Participants also argued that amount of violence unleashed on the protesters in Benghazi was intolerable not for him only, but

for the most revolutionaries that joined the struggle. Participants pointed out that protests in the neighbouring countries (Tunisia and Egypt) motivated even more revolutionaries to be part of the change, and what became popularly known as the revolution. On the 05th March 2011, he became Chairperson of the National Transitional Council. An organisation that was formed because of the protests, hardly a month after the initial start of the protests (Cole and Mcquinn, 2015).

Right from its formation, NTC made it quite clear that it was a representative body of all the protesters to liberate every town and city in Libya. Some participants acknowledged that NTC was the representative body of the revolutionaries internationally as there were no fruitful negotiations with the regime. Participants also reported that the number of liberated towns and cities increased as the revolution went on, which led to the demise of Colonel Gaddafi, at which stage NTC became an official representative of the entire country. The latter's death signalled the end of his regime and effectively a total change of the regime (Armstrong and Gurung, 2011, Okaneme, 2015).

During the initial stages of the protests, NTC believed that the regime would not use as much force against protesters or put up a fight as much as it did, comparing their situation with that of Egypt and Tunisia. Participants, however, noted that for Libyans, things turned out to be drastically different and deadly. In response to heavily armed protesters who went on a rampage destroying government property, the regime had limited options that included simply surrendering to the revolutionaries, negotiating their demands, or retaliating with brute military force. Participants were aware of the consequences of a failed attempt to oust Colonel Gaddafi from power. The understanding of the history of the regime's natural response to different views, there was a real possibility for the riots to turn deadly.

Regardless of the real threat that they faced; revolutionaries were initially reluctant of involving foreign aid. That was based on the experience Libyans had with the foreign occupiers. Regime's response made it clear that their revolution was not going to be the same as those in the neighbouring countries. Their efforts took much longer than their neighbours did and it was much more deadly and destructive, some participants pointed out. There was a lot of violent reaction from the regime and revolutionaries

were increasingly arming and later became heavily armed making it difficult for the state to use any less force (Randall, 2015). Participants argued that, violent reaction by the regime was a direct response to armed rioters who openly paraded their arms and used them against state apparatus.

The interpretation of the protests by the Gaddafi regime at the time did not make it any easier for the protesters. As the protests grew much more violent and turned from being protests to a change of regime, Colonel Gaddafi refused to assess the situation objectively. Participants appreciated the fact that, decades of absolute power clouded his decision-making.

He undermined the scale of the problem he had in his hands and kept believing that he had the military muscle to crush any protests as he had done before, he did not factor in NATO's involvement and its intentions to support revolutionaries (Saeed, 2011). He was fully aware that International Criminal Court (ICC) wanted to try him for the Abu Salim prison massacre and numerous other crimes against humanity he had committed during his reign and there could be more charges emanating from the uprising based on his response. On the other hand, Mustafa Abdel-Jalil the leader of the revolution was also fully aware that anything less than toppling Colonel Gaddafi would almost be a total waste of resources and it would likely result into his death and many others would meet the same fate (Badi et al, 2019).

In Tunisia and Egypt the army largely became part of the uprising, which made it far much easier for rebels to topple their respective regimes, which was not the case in Libya. Loyalist army personnel and quite a significant number of civilians were ready to defend the regime with their lives and take up arms against the opposition in comparison with their neighbours. Participants added that the support he received from ordinary civilians and the army created tensions between revolutionaries and some ethnic groups that were associated with Gaddafi. Revolutionaries, as noted by participants targeted them even though many individuals within those ethnic groups did not support Gaddafi, suffered at the hands of revolutionaries. That complicated the situation in Libya and gave Colonel Gaddafi a false impression that he had adequate support to overcome rebels (Badi, El-Jarh and Farid, 2019).

The might of the army and its weaponry made it impossible for the NTC to maintain its previous stance of no interference by the western powers, when they knew that there were global players willing to support them. Participants were also cautious of the foreign intervention in the country. LAS had frosty relations with Colonel Gaddafi's regime and frankly wanted him out of power and that background made it possible for NTC to approach the earlier hoping that it would be sympathetic to their objectives. AU had a firm principle, opposing undemocratic change of governments, which made it the least favourable organisation to be approached (Winer, 2019).

There was a general belief that Colonel Gaddafi had many friends in the AU and they would be unlikely to support the NTC. France was the first country to officially recognise NTC followed by Qatar a few days later. In Africa, Gambia, Senegal, Cape Verde, Gabon, Nigeria, Sudan, Chad, Ethiopia, Burkina Faso, Djibouti, Cote d'Ivoire, Rwanda, Benin, Niger, Togo, Guinea, Sao Tome and Principe, Botswana, Central Africa Republic, Comoros, Seychelles, and Ghana all recognised NTC before an official decision was taken by AU on the 20th September 2011, an indication of disunity within AU (Weiss and Welz, 2014). Indeed, unity in the AU remains a pipe dream. This can be attributed to uneven levels of development, political climate and divergent colonial orientation. The divisions within the AU are multifaceted. Some countries still project their identity in terms of their previous colonial links i.e. Anglophone Africa, Francophone Africa and Lusophone Africa (Sotloff, 2011).

It did not take much effort to convince some of the European countries to support the revolution. LAS together with UK, France, Italy and US moved for the two telling and enabling UNSC Resolutions (1970 and 1973 respectively) that eventually decided the fate of Libya. Some of the first African countries to recognise and support NTC had slippery relations with Libyan regime (Winer, 2019).

The fall of the previous regime gave way for the NTC to establish some of the governmental systems to pave way for the electoral process to take place. With virtually no experience of national elections and with no formal political parties in existence, Libya was at sea, as to how such a process should unfold. They had to rely on foreign assistance to set up/prepare for national elections. NTC issued a Draft

Constitutional Declaration on the 03rd August 2011, laying out a timeline for the election of the General National Congress (GNC) (The Carter Center, 2012).

The previous regime had most of its institutions underdeveloped for various reasons that made it possible for Colonel Gaddafi to cling to power for more than four decades. In the absence of a pre-existing modern state machinery, according to Fukuyama (2014), the process of democratisation is likely to result in clientelism. In the case of Libya, this is true. Fukuyama (2014) based his argument on the Greek and Italian states that, given their respective histories, nepotistic practices were difficult to change. When NTC took the responsibility to lead the revolution, it became responsible for coordinating not only resources during the uprising, but also the transitional process to a civilian rule. Transitional governments have a year or two at most to release such power to a structure that has been elected by the general population in a fair and credible process, free of violence and intimidation. After which it becomes increasingly difficult to maintain peace and order and the country is likely to slide into a violent conflict (Fukuyama, 2014).

5.3 Libya's first nationwide elections post the uprising

Democracy is a system in which individuals and organised groups compete for all effective positions of government power at regular intervals, without resorting to violence. In the process of selecting leaders and making policies, there should be high level of inclusive political engagement, with no adult social being left out (universal suffrage maintained). There is always a need for a sufficient amount of civil and political liberty to guarantee fair political competition and participation (Barracca, 2007). Similarly, a semi-democratic regime is one in which there is a significant degree of political competition and freedom, where the effective power of elected officials is limited, political competition is restricted, or election freedom and fairness are compromised to the point where electoral outcomes, while competitive, deviate significantly from popular views (Birikorang, 2013).

NTC was expected to organise general elections within a year of officially declaring Libya free from the clutches of a dictator. What was of utmost importance was to avoid a country slithering back to violent clashes because of either perceived or real political

restrictions. Elections were to be organised and held on the 07th July 2012. After which NTC had to give way to a newly elected body to take charge of the country and maintain a peaceful environment fit for the transformation of Libya (Badi, El-Jarh and Farid, 2019). The development of the country depended on the actual transition of power from those elected and the decisions they made. Something that has been a challenge to many African states emerging from coup'd'états. Many of them have regressed to violent conflicts shortly after the failure of the transitional process, mostly aggravated by political leaders failing to accept the outcomes of elections citing various reasons including manipulation of such outcomes (Barracca, 2007).

A common, normal and almost a natural occurrence in democratic states is not always as easy in countries emerging from violent conflicts, smooth and almost effortless change of governments. While military forces generally understood the importance of handing over state machinery to the civilian rule, the practicality of it has not always been met with the same enthusiasm. On the 08th August 2012, GNC took overpower in a peaceful transition from militias to an elected government/civilian rule. The most important task of the GNC was to draft constitution of the country within 18 months so that a constitutionally elected government can take over. Its role was to prepare systems and the environment that constitutionally permits free and fair elections in facilitation of good and accountable governance (Badi, El-Jarh and Farid, 2019).

5.3.1. Conditional requirements for free and fair elections

Good governance necessitates that minimum requirements conducive for the system to operate be met. Democracies are known to be stable and change of regimes predictable and systematic. Classical definition of democracy states that it is the government of the people by the people for the people. That simply emphasises the point that people themselves should be involved in electing their leaders who will represent them and take decisions on their behalf. The system of electing such leaders should be free and fair or at least be seen or believed by most voters to be so (Birikorang, 2013).

Thomas Hobbes, Locke and Rousseau explained the theory of social contract as requiring a society to jointly and willingly give up some of their rights in return for protection of their lives and property (Elahi, 2014). Civilisation agree to treat one another with respect and live in peace and harmony. People would then insist to obey an authority and sacrifice all or part of their freedom and rights to an authority under the contract of subjection. That guarantees them life, property and to some degree, liberty by those they elected into government (Elahi, 2014).

An agreement is needed between the ruled and the ruler to live together under shared laws and to devise an enforcement mechanism for the social compact and the rules that make it possible and to assure them an escape from the State of Nature as envisaged by Thomas Hobbes (inherently ruthless, and selfish). In Libya, there were quite a number of ethnic groups that were superficially held together by the former regime. Rather than a fostered willingness to subject the ruled to the ruler, force, intimidation and patronage were used to achieve the same result. They had many differences in their ways of life, living at edge of Hobbes' state of nature (Elahi, 2014). While there was one enemy during the uprising, a regime that had to be toppled, post revolution there was a leadership vacuum coupled with a nationwide confusion of the status of present regime, a situation compounded by uncoordinated and generally unaccountable heavily armed mercenaries present in the country. Conditions present at the time required that NTC formulate an acceptable legal framework generally accepted by all parties concerned on how and when elections of GNC should take place.

5.3.2. Enabling Legal Framework for elections

In the previous regime, all political parties were banned and so were political activities, making it illegal and punishable by law for citizens to partake in similar activities. If Libya was to move from its past to a newly inclusive political system, new legislation had to be enacted to allow general citizens to fully participate in the process. Political parties were established, enabled by law to practice freely and fairly to gain state power in a regulated manner (Randall, 2015). That signified a complete change of paths from the previous regime that suppressed any opposing political ideas. NTC had to depart from that path and map out a complete new change that will inspire citizens

to freely and fairly participate in the process bolstering legitimacy of the upcoming government and the confidence of the international community and therefore Libya's sovereignty.

A significant number of participants in the study acknowledged and appreciated the establishment of Article 30 of the constitutional declaration enacted by NTC. What was significantly important and the subsequent amendments made to the Constitutional Declaration, indicative of the general acknowledgement by the NTC members of the limited experience and willingness to adopt imported systems to the Libyan situation. Libya as a member of the UN, AU, LAS and Organization of Islamic Conference was compelled to observe such rights and therefore to allow independent observers to confirm whether elections were free and fair or not. Independent observers use standardised and internationally acceptable tools/norms as bare minimum for evaluating the entire process of elections right from the start to the announcement of results and everything in-between (Badi, El-Jarh and Farid, 2019).

NTC was not initially a legal entity and there was a need to legitimise it in order to get the buy in from all the role players both internally and internationally. Its actions during the uprising made it a common vehicle for the divergent views united in one purpose, to oust the regime. Its lifespan was short-lived and had to give power to a more legitimate body. Its efforts however appreciated, it had to facilitate the promulgation of Constitutional Declaration, which paved way for general elections of the GNC. Importantly, article 30 of the Constitutional Declaration was the process of establishing legislative foundation for the elections to be carried out smoothly. High National Election Council (HNEC) coordinated and ran elections based on the laws passed by the NTC. HNEC had a mandate of further creating manageable boundaries or voting administrative districts (13 were formed) (Badi, El-Jarh and Farid, 2019).

Composition of the GNC was also of utmost importance to accommodate equal distribution electoral seats and promote gender equality. A swift move away from the centrally controlled state with no meaningful power of influence distributed unevenly across the country by the previous regime. A total of 200 members were elected into the GNC using a variation of electoral systems. Candidates were elected as individuals or through political party representation. A single electoral system could not achieve

that objective and a mixed electoral system was adopted. There were 120 directly elected candidates and 80 political representatives in total for all 13 voting districts. Three systems were used including first-past-the-post, single non-transferable votes and proportional representation (Randall, 2015).

5.3.3 Political landscape before, during and post elections

Libyans did not have meaningful political activity in their lives. The new era offered them a chance to choose their own political leaders. With no experience, the Libyan community had to gear themselves for the new era in their lives. The fall of Colonel Gaddafi made it possible for NTC to drastically transform Libyan politics within a very short space of time to bring stability and an end to violence in the country. A new set of rules and political landscape had to be established for it to be a possibility. NTC mandate was to create that environment which would encourage the existence of political parties and individuals, and for them to compete for positions in government on an equal footing (Baspineiro, 2020).

In a region frequently experiencing political upheavals, armed militia, omnipresent terrorist threats, NTC had to navigate the process carefully. It was acutely aware of the relations between political parties and religious entities and the effects of such in the society. That had to be regulated or extremist politics would contaminate the already volatile environment. The establishment of GNC as a vehicle to drive the electoral process was the first major achievement of NTC. GNC had to considerably put restrictions on the formation of political parties, including creating distance between political parties and military or quasi-military units. Parties affiliated to Muslim Brotherhood objected to some of the restrictions especially on the association between political parties and religious bodies/ethnicity/ ethnic group and NTC overturned such restrictions relating to political parties associated to religious groupings. The establishment of HNEC provided means to an end. An establishment of an independent electoral body to oversee the election and to effect all the changes introduced by the NTC relating to the electoral process (The Carter Center, 2012).

HNEC established and oversaw elections in 13 voting administrative districts across the country. There were 3,767 registered candidates for elections. Of the 3,677 candidates, 377 represented 130 political parties. Even though HNEC had put a quota

to encourage women participation and representation, there were only 585 female candidates. Participants attributed this to a variety of factors (The Carter Center, 2012). A significant number of them noted that women withdrew from active politics during the uprising. They attributed such a decline on violence and lack of personal security before and during the election period. While this was a popular view, some participants were quite concerned by the level of intimidation that civilians were facing daily and associated that to the low levels of women participation. Government and its agencies were not blamed for putting restrictions on gender registration or any discriminatory limitations on women (The Carter Center, 2012). It could also be argued that cultural barriers accounted for the poor participation of women in the electoral contestation. It should be remembered that Libya is predominantly Islamic, a religion that is well known for discouraging women from assuming public leadership roles.

The ever-present high probability of physical violence, organising elections in such a harsh and volatile environment are extremely difficult to manage/run. Citizens were on average hardly politically educated on the electoral process and mainly their rights. Citizens fearing for their lives compounded the situation. There were several mercenaries and subtle intimidation tactics were employed in some areas to sway elections results. The window of calm and to some degree, the general excitement and feeling of euphoria among the Libyans worked in the favour of HNEC. While media, more especially social media had played a major role in communicating events in Libya during the uprising, it was not enough nor interesting for the youth to be utilised as an educational tool for the upcoming elections. Print and electronic media had to be used to spread the message fast enough to meet the electoral deadline and most importantly smoothen the entire electoral process.

5.3.4 Voter registration

Libya has been ravaged by civil unrest, to violent conflict between rebel forces and the previous regime forces for almost a year, starting from the 17 February 2011 to 20th October 2011. Political insecurity, instability and unpredictable environment posed a serious security challenge for both HNEC and voters themselves. Importantly for the HNEC was the registration of all those who were eligible to vote and those who wanted to be voted into power. Identification of individuals had taken setbacks during the

conflict as most of its infrastructure was destroyed and personnel in most government buildings had abandoned their jobs in fear of being caught up in the gunfire (Mühlberger, 2018).

The challenges faced by HNEC included a long held dispute over the nationality of the nomadic Toubou ethnic group that traverse mainly the southern borders of the country. The ethnic group was promised citizenship in exchange for their support for the regime against the revolutionaries. They had previously been denied citizenship and the few that were granted, it was later revoked before the uprising. This meant that they would not be able to enjoy rights normally enjoyed by other citizens, including voting. While some within the ethnic group believed that the regime was honest and supported it, many of the Toubou ethnic group did not support it and in fact took arms against it. NTC together with HNEC needed to decide on whether the Toubou ethnic group in the south and elsewhere in the country should be given rights to vote or not. More importantly, whether they should be recognised as citizens and therefore were eligible to vote or not. An application was made for them to participate in the election and were informed that they could only be allowed to after the 2012 elections (The Carter Center, 2012).

Despite negligible challenges and threats of violence in certain areas, voter registration was reportedly well handled by the HNEC participants. Some even applauded the inclusion of female candidates on the voters roll and women population in the general election process.

5.3.5 Assessment of the elections

HNEC with limited resources including timeframe and financial resources with the support of the United Nations Mission in Libya (UNMIL) had to deliver world-class election results that were not only globally acceptably but also domestically unchallengeable. The success or failure of the HNEC would signal either the end of the violent conflict or a beginning of the new wave or resurgence and instability (Martin, Weber and Carment, 2012). The effects of NTC on whether it was successful as a transitional government hinged on whether election results would be acceptable or not.

In a country that had been ravaged by full-scale civil war for nearly a year, HNEC had to navigate a very dangerous terrain, an unstable situation that could easily result into fatal confrontations between any of the heavily armed militias in the country (Martin, Weber and Carment, 2012). Voter registration as a first step in transforming the country's political system towards a democratic country moved swiftly and registered almost 2,865,937 voters out of the estimated 3,5m people eligible to vote. A significant and an internationally acceptable figure (The Carter Center, 2012).

There were quite a number of people that were eligible to vote but due to violence they ran away from their homes and even districts. Provisions were made to register them where they were. Internally Displaced Persons (IDP) were estimated to be around 14,000 and were eligible to vote. They were mainly in Tawarga, Al-Imshashiya, Bani Walid and Misrata. There were some who were in Tripoli and Benghazi, a significant number of them totalling to 10,514 between the two cities, registered and voted (The Carter Center, 2012).

Whereas some of the citizens eligible to vote ran out of the country or simply lived in other countries for other reasons other than violent clashes in the country during the revolution. They were given a chance to register and therefore exercise their right to vote in their respective foreign countries. The number was reduced to only six countries. Voters in the neighbouring countries had to converge to any of those countries nearest to them including US and UK where there was a significant number of Libyans (European Union Election Assessment Team, 2012). Participants did not report any significant challenges regarding the registration and voting. They reported that observers made it even easier for them to participate in the voting process.

The processes of registration flowed relatively much more positively than previously predicted. There were however, some incidents that tainted the process. The murder of Dr. Khalid Saad Abu Slah who had recently registered as an independent candidate on his way back home from the registration site. This is one of the glaring dark spots in the process (Martin, Weber and Carment, 2012). It has been argued that the reason for his murder was his posture regarding the Toubou and Arab ethnic group conflict in Murzuq. He wanted them to be recognised and registered for elections (The Carter Center, 2012).

The speed at which the complaints were resolved contributed significantly to the prevention of further violent clashes and bolstered credibility of the election outcomes. Quite a number of registered voters in the District of AL-Kufra were deregistered after it was discovered that most of them were residents of the Republic of Chad, Libya's southern neighbours. Notably among concerns raised by the public included an incident in one of the voting Districts in Benghazi at Kaitouan school, wherein there were gun shots fired nearby and as a security measure ballot boxes were removed before they could be sealed. New open ballot boxes were later (23:30hrs) brought into the voting station. Verification of the ballots was compromised and they could not be adequately verified (The Carter Center, 2012).

The overall conclusion of the election assessment was generally positive and regarded by many international observers as free and fair. Local observers did not object nor come to a different conclusion. Notably, the speed of the courts, the legislative framework established and timeously amended by NTC and most importantly, the tireless efforts made by the HNEC were recognised and appreciated by participants. Despite the challenges, they had to face and the general volatile environment, which they had to operate in, HNEC made it possible for Libya produce free and fair elections for the transition of Libya from military to civilian rule.

NTC was not an elected governing structure by the Libyan people and it could not have enjoyed legitimacy for a prolonged time. However, there was a need for the revolution to be guided and all the efforts concentrated on resolving one obstacle in the people of Libya's way to democracy. Notably, NTC made quite a number of adjustments to legislation to enable the election process to go as smooth as possible. They were aware to the fact that unnecessary rigidity to prevailing circumstances could undo the achievement already made (Martin, Weber and Carment, 2012). On the 08th August 2012, after successful elections, Mustafa Abdel-Jalil handed the reigns of the country to the newly democratically elected leader of the GNC, Mohammed Ali Salim. NTC was officially dissolved and newly elected members of the GNC took oath of office as led by Mohammed Ali Salim. A new era in the Libyan politics had thus begun (Randall, 2015).

5.4 Government of National Congress

A significant step and a milestone was achieved when a military regime peacefully transferred power to a democratically elected regime. While democracy may not be the ultimate best form of governance, it is relatively much more stable than the available alternatives. In democratic governments, leaders are likely to be accountable and generally have limited time in office. In Africa the latter is not always a norm, countries like Zimbabwe had former President Mugabe in office for more than three decades while there were regular elections held (Birikorang, 2013). The former Libyan leader argued that his country was more democratic than any of the western powers, emphasising that direct democracy was the way to go as opposed to representative alternatives.

On several occasions in the continent, elections had been rigged in favour of mainly sitting political leaders, giving incumbents unfair advantages, often leading to conflicts, military intervention, and often plunging countries into civil unrest with deadly consequences. Citizens expect free and fair elections and demand that the results be respected in healthy democracies. When electoral results are observed and respected the process usually facilitates peaceful and smooth transition of power as it was the case between the outgoing NTC and the newly elected GNC (Gilpin, 2016).

The election of Mohammed Ali Salim's regime was in preparation for a long-term solution. A process designed to shift power to a civilian rule as speedily as possible in order to bring stability to the country. The process included finalisation of the constitution (hold referendum) and the arrangement of elections based on the constitution and most importantly hand over power to the House of Representatives within 18 months (on or before the end of August 2014) (Twinomugisha, 2013).

The need to set up government systems by an elected government was of utmost importance to the Libyan people in restoring normal day-to-day running of the government Departments, but most importantly in bringing legitimate government that can take decisions on behalf of the citizens. They had to complete fundamental tasks that were initiated by the NTC in restoring normal life to civilians. While many governments had recognised NTC, there was a need for an elected government to

establish itself as a civilian government elected according to internationally recognised and acceptable levels (Patel, 2011).

5.5. Conclusion

The 20th October 2011, the day Colonel Gaddafi was brutally murdered by rebels, signalled the end of what was generally considered an oppressive regime, ushering in a new era uncharted by the Libyans before. NTC took over power and quite a number of countries and international organisations that gave it recognition increased significantly including those that had refused to earlier during the initial phase of the revolution. With a plan to get the necessary infrastructure and stability initiated to bring back civilian rule to effect. A peaceful transition from a military insurgency group to a democratically elected (NGC) that would be able to effectively take long-term decisions and effectively be running the state through elections organised by HNEC. Legislative requirements were needed to bring consistency and an acceptable guide to the process.

A body tasked with the running of the elections (HNEC) had to navigate a volatile environment facing possible physical violence daily. An environment that generally excluded sections of the population because of its historic background wherein some ethnic groups were not recognised as citizens. In the revolution, women were generally forced to take a back seat. While they were forced to almost oblivion, both NTC and HNEC made it possible for them to be represented and actively took part in the process (registering for voting and availing themselves to be voted into power positions) (Martin, Weber and Carment, 2012).

The process of registration as an initial process for successful elections was the first step that paved way for the entire process, as important as it was it showed how willing the Libyans were to unite in the process of rebuilding the country. There were challenges and some complaints and those were effectively addressed therefore enabling the process to move swiftly and bolstering credibility of the results. Both domestic and international observers could not find significant flaws that could have affected the outcomes of the election results. That meant that GNC had a strong possibility of enjoying legitimacy and the support of the masses of the Libyan

population and recognition by the international bodies including UN, AU, MENA, LAS and many more other regional bodies and countries.

The next chapter's focus is on the dynamics and implications of the interpretation of the UNSC resolution 1973.

CHAPTER 6

African Union Peace and Security Council in the Libyan uprising

6.1 Introduction

OAU as a continental body was emphatically formed at height of colonial rule and it then became natural for its leaders to focus on working with liberation movements to free the continent from the clutches of colonial rule. The end of colonial rule signalled obsolescence of the organization. Its founding Act was too rigid to amend and adapt it to match contemporary challenges. This meant that significant changes that made it almost unrecognisable as an old OAU had to be factored. Shortcomings in its design and new subunits contemplated could not quite fit in with the Constitutive Act of an old organisation (AU, 2002). That gave a rise to a new and a modern organisation, AU. The move from OAU to AU was designed to modernise and make the Union much more relevant and alive to the contemporary challenges facing the continent (Abraham, Mugoni-Sekeso and Ensenbach, 2014).

Founding leaders of AU were quite aware of the reality of some African leaders being the perpetrators of gross human rights violations, making the principle of non-interference in domestic affairs of its members outdated. A new model of OAU, the AU had to be a contemporary organisation like its counterpart (European Union). AU introduced quite several committees to help achieve its broad mandate. Its structure was completely different to that of its predecessor. AUPSC was established as a vehicle to address specifically challenges that continue to drain African resources and retard its development, violent conflicts within borders of its members and inter-state conflicts (Aning, 2012).

AUPSC (PSC) has a variety of objectives centred on peace preservation, promotion of security and stability, restoration, protection of human rights, prevention and combating of international terrorism, execution of peace-building, post-conflict reconstruction and to develop a common defence policy. It was tasked to promote democratic reforms and good governance. Its fifteen members elected on a rotational

basis have a task of setting up systems that detect potential conflicts before they could occur (operationalisation of Continental Early Warning Systems) and to take steps preventing it. PSC is at the centre of the, 'African solutions to African problems,' philosophy. A driving force to the newly coined term, "Africa we want," (Aning, 2012).

6.2. African Union Peace and Security Council peace initiative

Africa remains one of the hotspots of violent conflicts with significantly high number of deaths. Democratic Republic of Congo, South Sudan, Central African Republic, Libya, Nigeria, Mali and Somalia contributed more than any other in the continent in terms of the outbreak and escalation of fatal conflicts. While neighbouring countries need to retain some relative calm post the uprising, Libya did not enjoy much of it and it quickly returned to armed conflicts. These conflicts have resulted in tens of thousands of people losing their lives and millions more either internally displaced or migrating to other countries as refugees (Ighobor, 2019).

Countries with extended political conflicts share a common blessing that has been over the years turned out to be a curse. That is the abundance of mineral or oil resources highly sought after by the western powers. International interference has on many occasions made it difficult for AUPSC to navigate such conflicts. While conflicts are made up of more than one issue of conflict, often spreading across borders. Regional stability is often threatened by opening a room of opportunity for terrorists' groups. In a continent with artificial borders as Africa, such conflicts have descended to cross border ethnic/religious conflicts (Stavenhagen, 1996). This makes it extremely difficult for the host country to resolve such challenges on its own, often forced to rely on regional and international bodies such as UN for support, inadvertently importing foreign solution to domestic challenges.

The establishment of AUPSC meant that the continent for the first time had a continental body designed for addressing regional and continent-wide instabilities (Levitt, 2019). The foregoing should be understood within the context that inasmuch as some violent conflicts may be internal to certain nation states, most of the violent conflicts in Africa have a national, regional and international dimension. This is one among the many pointers affirming the complexity of the violent conflicts in Africa.

6.3. Objectives of African Union Peace and Security Council

Dissolution of OAU and the establishment of AU as a replacement body meant that the latter had a foundation to be built on. It did away with what was deemed outdated but retained some of the institutions that were recently established such as, The Mechanism for Conflict Prevention, Management and Resolution (MCPMR). It was established in Cairo, Egypt in a meeting of African Leaders during the 29th session of the Assembly of Heads of States and Governments in June 1993 (Albert, 2007).

OAU had Commission of Mediation, Conciliation and Arbitration which operated under very different set of rules with its aim focused on facilitating peaceful settlement of disputes between member states. It must be noted that it relied on member states referring matters to it and could not take any initiative to resolve conflicts before they could erupt. It was also restricted by the territorial integrity clause that made it impossible for it to intervene in domestic conflicts and to human rights violations. Rwandan genocide occurred under its watch and it was unable to intervene even though there were glaring signs of the upcoming catastrophe (Naldi, 2002). To improve and make it operational, AU had to make several changes to its peace initiatives that gave birth to AUPSC, its mandate had broader objectives than its predecessor.

The coordination of peace efforts and to have a common defence policy was important for the AUPSC, it had to be developed in line with article 4(d) of the Constitutive Act. Prevention of conflicts is generally a much more effective means of promoting peace and protecting human life (AU, 2002). It is almost impossible to protect human rights and even much harder to guarantee any person his/her fundamental freedoms, democratic practices. In any conflict, especially violent conflict, rule of law and good governance are the first victims of such clashes.

Quite commonly, in unstable environments such as Afghanistan, Iraq, Democratic Republic of Congo, South Sudan and Syria there has been emergence of terrorists' groups taking advantage of unstable government and lack of domestic intelligence. Religious and ethnic extremists are likely to spring up into action and threaten all prospects of peace consolidation, peace rebuilding and generally peace building.

Conflict prevention is much easier to manage than it is to stop it. It does not demand as much resources as undertaking peace making and peace building which the AUPSC is tasked to do with its limited resources. Resources that could be rechannelled to developmental programs (Forti and Singh, 2019). This further emphasises the point that Africa has been relegated to the peripheral ruins of the globe (marginalised) by the western powers.

6.4. AUPSC and its role in Libya

Most of the cases of Arab spring uprising in North Africa were not as violent as it was in Libya. The two neighbouring countries, Tunisia and Egypt relatively achieved freedom with almost no violent conflict between the revolutionaries and the government forces. That was hardly the case in Libya, in a matter of days there were international reports that government was using heavy artillery against protesters. There were some exaggerated reports of government forces using chemical weapons or openly firing shots at civilians indiscriminately. However, such reports were hardly substantiated by facts. Notably though, in both neighbouring countries there was an unconstitutional change of governments (Aras and Yorulmazlar, 2016).

Constitutive Act of the African Union (2002) and Lomé Declaration on unconstitutional changes in governments forced the AUPSC to take notice of the actions, not only in Libya but also concerning the changes of governments in Tunisia and in Egypt. The unconstitutional fall of the two long standing Presidents and the Libyan leader was on his way out of power as well drew the attention of international bodies and that forced response from AU. This compelled AUPSC to act and through its AU representatives in the UN, it became apparent that a coordinated position of the AU and AUPSC had to be reached in order to make a significant decision in the interest of Africa and its philosophy of “African solutions to African problems,” and silencing guns in Africa. Focus quickly shifted to the active conflict in Libya because of its nature and potential risk to descend to full-scale civil war (Dewall, 2012).

Threats made by Colonel Gaddafi required AUPSC to pay close attention on the events unfolding in Libya. An unscheduled meeting was held on the 23rd February (hardly seven days after the breakout of the clashes). It was followed by an AU meeting

on the 10th March 2011 to find a diplomatic solution to what was clearly descending into a bloody conflict between government forces and revolutionaries. The idea of the meeting was to get international support for the AU's efforts in resolving the matter (Tubiana and Gramizzi, 2017). AU leaders were quite aware that it would almost be impossible for Colonel Gaddafi to survive the uprising given the intensity of the revolution and the recent activities in the neighbouring countries. There was a real risk of the conflict spreading to its southern neighbours, Chad.

There are Toubous living on either side of the border between Libya and Chad. They have equally been involved in some rebel activities trying to oust the Chadian government previously. It was alleged that they were supported by the then Libyan leader, Colonel Gaddafi. The two nations had frosty relations as a result thereof. It was then feared that the presence of arms in the hands of civilians and rebels could find their way south of Libya into Chad for the same purpose. There was a real possibility for a similar situation to occur in northern Sudan, which also shares porous borders with Libya and Chad. All three governments at the time were relatively unstable (Tubiana and Gramizzi, 2017).

6.5. Conflict response delays in Africa

The establishment of the Continental Early Warning Systems was designed to prevent political tensions from escalating to violent conflicts. Ethnic and religious conflicts have been known to be much more deadly and difficult to resolve. In 1994, a simple act of assassination of the then two Presidents, Juvenal Habyarimana and Cyprien Ntaryamira, (Rwandan and Burundian respectively, both Hutu) in Rwanda, sparked the worst genocide in the continent in 1994. Shortly after it (genocide), Democratic Republic of Congo saw a surge in rebel activities linked to Rwanda. A late response by the then OAU on the matter that lasted for 100 days resulting to more than 800 000 deaths and millions of either internally displaced Rwandan citizens and many more expatriations (Adelman, Suhrke and Jones, 1996). Mindful of the threats made by a well-known dictator who hardly tolerated any opposing view and had a history of at least 1000 deaths under his belt, it was prudent for the AUPSC to act soon as they could to prevent a modern-day genocide on their watch.

The experience learnt in the recent conflicts in the continent coupled with loss of civilian lives serves as a reminder of what should not be repeated. The situation in Libya remained volatile and there was limited time to act and avert the impending disaster and loss life. AUPSC proposed a high-level delegation to negotiate with the parties concerned and to give the political clout needed to facilitate the process smoothly. The Ad-hoc Committee appointed was made up of Heads of States that would be able to engage the Libyan leader and the international community with necessary authority it had. President Mohamed Ould Abdel Aziz of Mauritania was nominated to chair the ad-hoc committee. There was a realisation that Colonel Gaddafi would not survive the uprising as the Libyan leader, echoed by the feeling of the study participants. Participants also noted if he had survived the uprising, there would have been more prison deaths and political assassinations. The road map drafted by the AU ad-hoc committee reflected the fate of the former Libyan leader even though it was not expressly stated in it (Dewall, 2012).

6.6. Cracks/divisions within the AU leaders on the Libyan situation

AU approach to conflict resolution has been consistently the same, it being to resolve conflicts through peaceful negotiations. What has been a setback on the very same organisation is that on certain occasions the international community was against recognition of unconstitutional change of regimes. Related to this, Madagascar is a case in point. AU was also of the view that such a practice should not be encouraged and initially set against it (Diamond, 2002).

After failing to meet a deadline to form a unity government, Madagascar's leader, Andry Rajoelina, was sanctioned (travel ban) by the AU. Mr Rajoelina and 108 of his supporters were restricted from traveling and had their foreign assets frozen (BBC, 2010). Sanctions were then lifted after three years (2013) and the former AU Peace and Security Commissioner, Ramtane Lamamra noted that the country was moving towards the right direction (of hosting elections) (Bachelard et al, 2011).

In 2009 Andry Nirina Rajoelina was appointed President of the High Transitional Authority (HTA) after what many international bodies including AU, classified as coup d'état. He took over power from Marc Ravalomanana and quickly dissolved National Assembly and Senate, which flew against the wishes to bring about peace in the

country (Patt, 2010). While many African countries profess to have accepted democracy in theory, the bulk of them are only semi-democratic in practice. They accept democracy, but democratic values like freedom of expression, human rights and free and fair elections are often corrupted or not being followed at all, a phenomenon that has precipitated quite a number of coup d'états in the continent (Diamond, Linz and Lipset, 1990).

NTC, a similar body to that of Madagascar in 2010 that was established after the coup d'état, with a slight difference in that NTC was established during the conflict. This was an attempt to organize the rebels' operations in such a way that they could gain international sympathy and thus support in return. The first target of the NTC were countries and regions that had relations with the regime of the time. LAS was the first organisation to lend an ear to the cries of the NTC followed by the western powers such as US, UK, France and Italy initially. Other European countries joined in through NATO participation and were not actively participating in giving the direction as to how the events in Libya should go. In Africa; Nigeria, Mali and Sudan had their own scores to settle with the then Libyan leader Colonel Gaddafi who had emphatically rubbed them the wrong way through his erratic foreign policy (Copnall, 2011).

While there was a standing principle regarding unconstitutional change of governments within the members of AU that sought to discourage such, the latter members were the first in the continent to recognise NTC as a government of Libya while the riots were ongoing. That gave an impression that, while AU had an official position and had pronounced on its own road map, certain members did not necessarily support the idea and wanted the regime changed even if it compromised the principles of the Union.

AU resolved on a peaceful approach to the crisis in Libya in its first meetings before UNSC Resolution 1973 was passed. However, when the three African nation states that were part of the voting system voted with western powers even though they had been warned by Russia on the consequences and the implications of the Resolution in its current form. Any of the three countries including South Africa that later went to Libya to try to get the parties concerned to get to a negotiated settlement, voted for the resolution, negating the efforts of the Union (Murithi, 2012). This clearly indicated

that AU members were not coordinated nor did they realise the implications of their actions when they voted against AUPSC decision in a different platform (UNSC).

Lack of coherent and united voice within the AU has on many occasions compromised their efforts to intervene in continental challenges. It has been unable to resolve on going challenges and continuous coup d'états ravaging the continent. Statistically, Africa has much more unconstitutional change of governments than any continent. Some of the African countries at times jumped guns and recognised the rebel groups even before the Union did (Chothia, 2020). A typical example is that of Libya wherein the Union only recognised NTC as a ruling body in Libya only on the 20th September 2012, whereas many of its members had already recognised the body (Abass, 2014).

Countries like Ghana, Seychelles, Comoros, Central Africa Republic, Botswana, Sao Tome and Principe, Guinea, Togo, Niger, Benin, Rwanda, Ivory Coast, Djibouti, Burkina Faso, Ethiopia, Chad, Sudan, Nigeria, Morocco, Egypt, Tunisia, Gabon, Cape Verde, Senegal and Gambia emphatically recognised NTC way before an official word from the AU (Talmon, 2011, Adebajo, 2011). The latter country did not only recognise NTC but also chased out diplomats of the Gaddafi regime as early as on the 22nd April 2011 when the protests were still relatively on infancy stage, signalling a severe fallout with the previous regime.

6.7. AUPSC peaceful approach

The delegation was sent to meet with different stakeholders including Colonel Gaddafi as the foremost stakeholder in the process. Notably, the talks fell off and the delegation was forced to engage rebels. It became clear that rebels would not settle for anything less than the removal of Colonel Gaddafi and that brought a stalemate to the negotiations. While the AU was seeking peaceful and negotiated settlement to the challenge, revolutionaries approached LAS for assistance and shortly thereafter approached western powers including US, UK, France and Italy. They mostly had a similar view regarding the leadership in Libya, that Colonel Gaddafi should step down. Some of the western powers complicated the situation by calling for Libyan leader to face war crimes (Perroux, 2019).

The approach by the AU on the matter was not visible or noticeable on the ground especially after the implementation of the deadly no fly zone under the guise of Responsibility to Protect principle. Most of the study participants felt that there was no real impact of the participation of the AU's intervention. Some argued that it may have been because they were negotiating "too much" with Colonel Gaddafi than actually taking decisive actions against the regime and also stopping the rebels (Kuperman, 2013).

Participants also noted that the peaceful negotiations and therefore the approach was not given enough time to take effect. The initial actions of the western powers before the involvement of NATO hindered such actions and NATO forces made it totally impossible for AU to find negotiated peaceful settlement of the dispute which was one its cornerstones. Use of force was against its principles and it prevented all possible means to engage either party (the regime and the rebels) on a meaningful ceasefire (Abass, 2011). The situation deteriorated to a winner takes all rather than a solution that could take the country to a calmer environment. A situation that resulted to the brutal killing of Colonel Gaddafi and later the recognition of NTC by international bodies inclusive of AU, UN and LAS and their member countries.

US, UK and France pushed for the passing of the UN Resolution 1973. While Russia was against the resolution and had stated its reasoning before the three members representing Africa in the UNSC and voiced its distrust of the intentions of the no fly zone and the sanctions imposed as taking sides and aimed at regime change. The three African nations, well aware of the situation in Libya and the efforts of the AUPSC and its intentions, voted for the resolution with its questionable wording, and therefore subconsciously thwarting AUPSC efforts to bring an African solution to an African problem. In so doing, they alienated the support given by Brazil, Russia, India China and Germany and that sealed the fate of the Libyan leader and that of the people of Libya to a peaceful and negotiated solution (Abass, 2014).

When the Ad-hoc committee met on the 19th March 2011 and resolved to engage the then Libyan leader, realising time limitations and consequences of the decision taken by the UNSC on Resolution 1973 and its implications for the Libyans, that had to be done sooner than later. On the 20th March 2011, the delegation was warned that their security was not guaranteed if they entered Libyan airspace, effectively denying them access to the country. Through persistent negotiations with countries involved in the implementation of no-fly-zone in Libya, the delegation was able to go and meet Colonel Gaddafi who then agreed to a ceasefire. Revolutionaries motivated by the western support, had a different approach and their mistrust of the Union prevented them from engaging meaningfully with the Union, negotiations fell apart. It became impossible to have peaceful talks between the affected parties (Nuruzzama, 2014).

6.8. Conclusion

Different approaches to the same situation experienced by Libyans complicated by varying interests impeded the smooth and peaceful solution intended by AUPSC. The initial reaction of the AUPSC was to call upon all parties to ceasefire and end all hostilities to facilitate humanitarian aid and for the protection of foreign nations. AUPSC drafted its roadmap to encourage role players to engage with it. It was clear from it that they did not see a future with Gaddafi as a leader of Libya. Their proposed form of political reform needed a peaceful environment for the engagement of all parties concerned. Plausible as the initiatives were, revolutionaries had deep mistrust of AU on the basis that Gaddafi had close relations with many of the African leaders (Perroux, 2019). NTC made it clear that it would rather seek help among other Arab nations rather than from the continental body, fearing that they would not get the necessary support they needed.

NTC could not trust any solution that retained Gaddafi as their leader even if it was for a short transitional period as proposed by the AUPSC. They could not trust that he would be willing to step aside or handover the controls of power to any incoming government. The ordinary, expected and almost routine initial response of condemning excessive use against peaceful demonstration and its subsequent fact-finding mission to substantiate allegations of mass atrocities did not convince NTC leaders that AU would move beyond it. The establishment of High-Level ad hoc

Committee consisting of five presidents and the comprehensive road map developed was largely marginalised by much more powerful role players, irrespective of its intended gains and outcomes in the crisis. AUPSC initiatives of peaceful resolution of conflicts and the AU's principle of finding African solutions to African problems was dominated by the UN, EU, and Arab League intervention approach.

The next chapter focuses on the response of the AU on the implementation of UNSC Resolution 1973 by NATO forces.

CHAPTER 7

Implementation of UNSC Resolution 1973

7.1 Introduction

UNSC Resolution 1973 provided the legal basis for the intervention of member states in the Libyan crisis with the sole aim of protecting civilians, enabling humanitarian support to reach those in need and cessation of all hostilities. The resolution called upon all member states and organisations to implement a range of programs aimed at discouraging raging conflict in the country. It called for the protection of civilians, No fly zone, enforcement of the arms embargo, ban on flights, asset freeze and designations (restricting identified persons from traveling out of Libya) (UNSC, 2011).

The first resolution (UNSC 1970) did not deter the Libyan regime from its alleged atrocities. Widely published deteriorating situation in Libya drew international attention. The power of social media to inform the international community of the actual events as they unfolded, almost in real time, made it possible for revolutionaries to galvanise international sympathy and support. The harsh response of the regime was exposed and it could not control as it did with the media previously. As in any dictatorial country, freedom of speech was limited and prohibited any form of criticism of the government (Bell and Witter, 2011). Those who stepped out of line usually faced the wrath of the regime mercilessly. The uprising made it all possible and social media facilitated the broadcasting of events for both domestic and international support.

7.2 Passing of the UNSC Resolutions 1973

The two resolutions passed by the UNSC were designed to restrict the heavy handedness of the Libyan government on revolutionaries, to protect immigrants, enable humanitarian aid to reach those in need. UNSC was evidently satisfied that gross human rights violations had occurred in Libya and many lives were at risk. It was also convinced that civilians were targeted by the regime as indicated in the first two paragraphs of the UNSC Resolution 1970. A position that was reinforced by the condemnation of the regime for its violent reaction to the uprising, by Arab League,

the AU and the Secretary General of the Organization of the Islamic Conference (UNSC,2011).

LAS together with UK, US, France and Italy were interested in effecting restrictive measures for the officials of the Libyan regime targeting senior officials and those considered to be in close proximity to the regime and Colonel Gaddafi. While Russia and China were cautious of approving/voting for the second resolution without any amendments, AU was not coherent in its approach and could not echo the voice of the AUPSC and reflect its own principles. With Brazil, Russia and China abstaining in the second elections, it was left up to African countries to decide the fate of the Libyan people. Convinced that prevention of ground forces would be enough to stop any ulterior motives that the west may have had, South Africa ignored concerns of its BRICS (Brazil, Russia, India, China and South Africa) partners and voted “yes” for the resolution (Snyman, 2011).

While there was a worldwide condemnation of the alleged escalating violence unleashed against civilians, participants held a different view. They could not confirm reports of the alleged violence against civilians as reported by UNSC and the media. At the time of the passing of the resolution, clashes were limited to the eastern part of the country in and around Benghazi and to some degree pockets of clashes in Tripoli and Misrata. Security forces were responding to the use of force equivalent of military capability. Notably, immigrants were tortured and killed by revolutionaries based largely on their skin colour and country of origin, fuelling xenophobic accusations on the part of revolutionaries (Adebajo, 2011). The resolution seemed to have taken sides before they could verify the actual activities. It was undeniable that there were violent clashes with both sides heavily armed on the affected areas, with Benghazi suffering the most of the destruction.

The usual response of the regime, intolerant of opposition was to silence dissent forcefully. In the case of Libya violent clashes between the revolutionaries and government/security forces was widely publicized and often, exaggerated. Social media unlike formal media houses did not have any ethical principles to adhere to and there are no mechanisms to hold those with misleading information to account, even more so in a violent environment as it was the case in Libya. There are no

internationally acceptable norms or ethics for the general public to observe, leading to the proliferation of sometimes false and misleading information. The onus is on the receiver of such information to scrutinise it. There are however, times wherein established broadcasters with clear ethical codes to follow, do publish grossly misleading information (propaganda) as major media outlets did during the Libyan crisis reinforcing the need for international players such as AU, LAS, UN and NATO to take a stand in the situation (Foss, 2012).

The resolution was taken on the 26th March 2011. A day earlier, Human Rights Council (HRC) had taken its own resolution (A/HRC/RES/S-15/1) on the 25th March 2011 (Angell-Hansen, 2011). It took a decision to set up an international commission of inquiry that would investigate alleged violations of international human rights law and to find out if such crimes and violations did occur and if so, identify perpetrators for further prosecution. HRC took a much more neutral role compared to UNSC enforcing the notion that UNSC was quick to take a decision based on limited facts and misinformation provided by the media. There was, however, an ever-existing real risk that the regime would go all out to suppress the uprising; an opinion reinforced by the threatening speech made by Colonel Gaddafi himself.

7.3 The nature of the implementation of UNSC Resolution 1973

Fundamental element of the passing of the second resolution was the principle of R2P given the scale of the Libyan crisis reported by the media. While that was in progress, across the Mediterranean Sea, in Syria a similar bloody conflict did not attract as much media attention. Given the magnitude of human rights abuses including loss of life and destruction of property, UNSC was impelled to act with speed. Libya became the first country wherein R2P principle was invoked against the will of a functional government, because it was deemed to have failed to protect its own citizens. Assessment of UNSC Res. 1973 depends largely on how one views the conduct of the implementing agencies under the auspices of NATO. That extends to R2P that depended on the outcomes of the operation by the implementing countries or organisations. While initially, the task was taken upon by western powers. However, NATO in accordance with article 52 of the UN Charter, quickly took over the operation up until Colonel

Gaddafi was killed on the 20th October 2011 by revolutionaries through the military intelligence (including aerial surveillance) assistance by NATO forces.

International Commission on Intervention and State Sovereignty demands that at least six principles be met to justify intervention even more so if it is an armed intervention in violation of territorial integrity of a country. These six considerations must include just cause, right intention, last resort, proportional means, reasonable prospects and proper authority. UNSC can be argued to have authority to pass UNSC 1973 under UN Chapter VII. It can further be argued that there was right cause, the intention was right and there was a reasonable prospect for it to succeed and situation would improve. It is very difficult to justify the use of force as it was as proportional means, that it was the last resort when AU was pursuing diplomatic solution with the regime to end the conflict peacefully. UN Charter promotes regional before an international intervention, NATO in Africa nor Middle East can hardly be classified as a regional body, which puts their involvement into question and by extension their authority to intervene.

It was reasonable to intervene in Libya, what became a challenge, and unclear was the intentions of the implementing parties (NATO and its western counterparts, including some of the Middle East countries). The timeline from the passing of both resolutions to the involvement of NATO to implement the last resort consideration, was too short to enable all other avenues to be fully explored and results assessed adequately, including AU's peaceful intervention. There seemed to be an urgent need to use the last resort at all costs, even when there was an alternative voice calling for a negotiated peaceful settlement proposed by AU, a UN recognised and affiliated regional (continental) body.

An aggressive approach carried out by member states (western powers) to use the last resort, armed force took AU members by surprise. The resolution demanded that the Secretary General of the UN be kept abreast of the developments at all times. That would have enabled a quick corrective measure should there be a need of it if the resolution was implemented arbitrarily and to the detriment of its intended targets. There is, however, no evidence that NATO notified or kept the Secretary General of the UN and Secretary General of LAS abreast on the situation in Libya during their

intervention. It is difficult to think that NATO would have provided an accurate report of their activities in Libya, understanding that some of its members were violating the enabling resolution (Winer, 2019).

The resolution demanded an immediate end to all forms of hostilities, violence and abuses especially against civilians. It stressed the need for a dialogue that would eventually lead to peaceful and sustainable political reforms. In response, the Libyan government announced an immediate ceasefire and a stop on all military operations in the country through its Foreign Minister, Moussa Kaim. He noted that, "Libya has now got knowledge of the resolution, and in accordance with article 25 of the UN charter and given that Libya is a member of the UN Security Council, Libya is committed to accept the UN Security Council resolution," (Harris,2011:8). However, revolutionaries did not stop their activities. The use of military force in a short space of time (less than 48 hours) after the passing of the resolution, did not give UN Secretary General enough time to send his special envoy to Libya. AUPSC was also deprived of a chance to send its own High-Level Committee to Libya.

The arms embargo that was designed to facilitate the cease-fire was not successful in stopping revolutionaries in their attacks. They became much more armed than at the beginning of the uprising, while NATO forces were attacking the Libyan strategic military bases. That worked to the advantage of the revolutionaries. There is compelling evidence that NATO forces even informed revolutionaries of the convoy that took away Gaddafi out of Sirte (his hometown), where he had ran to hide away from them. They immobilised it therefore preventing Gaddafi from escaping and leaving the country. The fall of Colonel Gaddafi seemed to have excited Hilary Clinton (then Foreign Secretary of the US) evidenced by her jubilant claim that, "we came, and we conquered," shortly after the announcement of Gaddafi's death. Her former Policy and Planning Director, Ms. Slaughter was equally insensible to the atrocities committed by the revolutionaries on the civilians that supported the regime when she noted, "we did not try to protect civilians on Gaddafi's side," (Green, 2019).

The use of excessive force can hardly be used to justify the loss of life and destruction that was carried out mainly by NATO forces. In the report issued by NATO on the 02nd November 2011, it became clear that the amount of weaponry used far exceeded what was required to keep peace and protect civilians in Libya. It was reported that approximately 8,000 troops, over 260 air assets (including fighter aircrafts, surveillance and reconnaissance aircraft, air-to-air refuellers, unmanned aerial vehicles and attack helicopters), 21 naval assets (inclusive of supply ships, frigates, destroyers, submarines, amphibious assault ships and aircraft carriers) were deployed. Notably, over 26, 500 sorties (raids) were conducted resulting into the destruction of well over 5,900 military targets and undisclosed number of civilian targets and other government buildings that included Libyan Public Broadcaster (Phinney, 2014, Susannah O'Sullivan, 2018).

Operation Odyssey Dawn and Operation Unified Protector, initiated by NATO and Arab League as an intervention measure into the Libya crisis, with the aim of protecting civilians, enforcing no fly zone, enforcement of the arms embargo, ban on flights and asset freeze in line with UNSC Res.1973. The overarching mandate was R2P all civilians and yet evidence of the outcomes did not support that analysis (Green, 2019). The then US Secretary of Defence, Robert Gates and Admiral Mullen conceded that there was no evidence that Colonel Gaddafi had targeted nor intentionally fired on his own people from the air or used any form of chemical weapons against his people. This view was further supported by former US Secretary of State Hillary Clinton in her objection for a ceasefire when she said she believes that Gaddafi needed to depart from power and that Libyan people needed a transition. This puts into question the motives of NATO forces on whether their goal was indeed R2P or a regime change (Green, 2019).

Ms. Slaughter (former Policy Planning Director of Hillary Clinton), made it clear that NATO did not even attempt protecting civilians who were known to have supported Gaddafi. Statement from US high ranking personnel, contradicts the intentions and the spirit of UNSC Res. 1973 and the principle of R2P and points more to regime change and a crime of aggression than R2P. A point emphasised by the targeting and killing of Gaddafi envoy that constituted negligent threat to civilian security (Rijke, 2014).

7.4 Libya after NATO intervention

The need to intervene in Libya was unquestionable and in fact necessary to prevent the impending human crisis, the debate has strongly been on the approach and the means used to reach the desired outcomes. The death of Colonel Gaddafi, signalled a new start not only for Libyans but also for many politicians in the West. Former German Minister Guido Westerwelle noted, "We stand by the new Libya on its path to a better, peaceful and democratic future," (Knipp, 2021).

There exists a different view on the long-term effects of the intervention which is less hopeful for peace and stability not only in Libya but in the region. The intervention was not entirely successful in bringing long-term stability and democracy to Libya as it has been witnessed in the years after 2012. Some instability was a result of Libyans themselves, the militias and terrorists' groups that have found a safe haven in the country, but most importantly, the better part of the instability originated from international role players such as Turkey and Russia (proxy-war in Libya). NATO forces contributed to situation but was not solely responsible for instability in the country, some of the blame can be traced back to policies and crimes during the Gaddafi era (Forte, 2013). What had become a norm during his reign, treating people of colour with disdain continued unabated during and post the conflict creating ethnic tensions. The continued mistrust among Libyans were as a direct consequence of Gaddafi's ethnic policies (Knipp, 2021).

Ethnic groups in the south of Libya were hardly recognised during the Gaddafi era and had hoped for a better treatment post the conflict, evidence pointed to a complete opposite of their aspirations. The conflict internally displaced between 600 000 to 700 000 civilians while some took the dangerous route to Europe trying to escape the torturous situation, they found themselves in (Forte, 2013).

Some of the refugees were caught by Libyan coastguards and militias were put into camps. Their situation in the camps was inhumane with some of the refugees tortured, killed and others disappearing altogether, on suspicion that they supported the regime or merely because they had a darker skin. There were wide reports of such actions and NATO was aware of such atrocities but there was nothing done to rescue them

(Carment, 2012). Matthew Green (2019), argues that, “Although NATO may have had the initial goal of protecting civilians, there is a substantial amount of evidence that suggests that the intervention was focused on regime change. This is very apparent from some of the military actions that NATO authorised and executed.”

The attack on the town of Sirte, Gaddafi's hometown, was completely unjustifiable because there was no direct threat to civilians. The population of Sirte may have supported Gaddafi regime but there was no evidence that they would pose any threat to other people in Libya, and yet NATO forces authorised and executed airstrikes that killed many civilians in Sirte. A belief that supports the views of Ms. Slaughter and Mrs. Clinton on their perception of NATO's participation in Libya. The attack on the convoy transporting Gaddafi out of the country was yet another example of NATO forces exceeding their mandate. The convoy posed no threat to civilian population when it fell target to airstrikes, further emphasising the evil intentions NATO forces were accused of, regime change (Green, 2019).

7.5 Regional stability

Libya shares its borders with Chad, Niger, Mali, Algeria, Sudan, Tunisia and Egypt. These countries have recorded negative index on political stability and absence of violence or terrorism index in North Africa after the Arab Spring uprising (Saleh, 2021). The conflict in Libya made it impossible to control borders with its neighbouring countries. The Toubou, Taureg, Awlad Suleyman and Warfalla ethnic groups were found along the border of Libya with Chad, Niger, Mali, and Algeria. Weak border control made it easy for them to cross borders almost at any given point unchecked. Poor relations between the Libyan regime and its neighbours worked against the regime as arms were smuggled through those borders with ease into Libya (Chivvis and Martini, 2014).

Chad was particularly active in assisting revolutionaries as a form of revenge after the Libyan regime had supported coup d'état a failed attempt on the Chadian regime. The fall of the Libyan regime left large number of arms in the hands of civilians and other militias. Arms were readily available after the revolution, some of it from the stockpiles that the Libyan government had scattered across the country. Abandoned and

unguarded it became easy for the local people to gain access to military rated arms and later sell them in the black market. Mercenaries across the region smuggled arms in and out of Libya and used them whenever they wanted to. Islamic extremists made Libya their launching pad to attack neighbouring countries (Cole and Mcquinn, 2015).

7.5.1 Smuggling of arms and illicit goods

Smuggling of illicit cigarettes and other illicit goods were a privilege only shared by those reportedly close to the former Libyan leader, Muammar Gaddafi. The beginning of the revolution made it impossible for government forces to effectively patrol and to deter cross-border illicit trade of goods including the smuggling of arms. This was made much easier by the underdeveloped infrastructure and poorly run border control. The sharp rise in the illicit trafficking of goods gave rise to truck attacks, leading to temporal closure of borders between Libya and Tunisia. Harassment occurred on both sides of the border (Ras Jdeir) (Armstrong and Gurung, 2011).

Libyan arms have found their way through to Egypt, and Gaza Strip increasing concerns that they could be used against authorities in future. Chad, Niger and Sudan have also recorded the similar concerns, noting an increase in the militarised activities along their borders with Libya. The latter countries have also witnessed a sharp increase in the number of human-trafficking incidents. Some of the human trafficking incidents were directly linked to individuals trying to get to Europe through Libya and possibly use Italy as their point of entry. Toubou ethnic men were generally accused of facilitating the illicit trading of goods including drugs. Northern Niger has been a major centre of such activities with authorities being involved or turning a blind eye to it (Bakrania, 2014).

7.5.2 Regional terrorism

Uncontrolled and unaccountable arms in the hands of Islamic extremists, armed militias and terrorist groups have had a significant impact on the political stability of the region. An incident that involved militia groups fighting over 22 containers with arms inclusive of different types of explosives in the police compound highlighted the deteriorating situation in Libya. Fatalities in the incident included Non-Governmental Organisation worker who visited the site the following, killed by one of the explosives

from one of the containers that exploded during the fighting, raising the figure of the dead to eleven (Ammour, 2012, Keller and Rothchild, 1996).

This was not an isolated incident involving the looting of arms by initially revolutionaries and later by the extremists and other militias later on. Various Libyan arsenals were raided increasing the number of uncontrolled arms in the country. Consequently, there has notably an increased level of threat terror attacks in Mali, Burkina Faso, and Niger. Some of the weapons have been transported as far as northern Nigeria. They were used against civilians in various kidnappings and brutal murders and quite often to fight against the Nigerian army (Kone, 2020).

Institute for Security Studies (NGO), established a link between increasing levels of organised crime, violent extremism and local conflicts in the Sahel region using weapons from the military barracks previously pillaged (Chivvis and Martini, 2014). Notably, the origin of many weapons used in the Mali crisis in 2012, could be traced to the fall of Muammar Gaddafi of Libya. After the fall of the Libyan regime, terror groups such as al-Qaeda in the Islamic Magreb, Movement for Unity and Jihad in West Africa became better armed and daring in their acts of terrorism (Kone, 2020).

7.6. Conclusion

UN Charter (Chapter VII) has provision for member states to suppress and bring to end violence, cease-fire and all forms of abuses on civilians while respecting territorial integrity and the sovereignty of states concerned. Deteriorating situation in Libya and the passing of the second resolution on made way for all parties involved to act in resolving the crisis with the emphasis of protecting civilian interests and returning the situation to a peaceful settlement. Interestingly African states voted for the UNSC Resolution 1973 with all controversial paragraph eight authorising military intervention notwithstanding prohibition of ground forces or occupational forces (Wedgwood and Dorn, 2015).

Air strikes on stationary military vehicles and aircrafts including strategic areas such as public broadcaster and other non-military structures constituted an overstepped their mandate. Protection of civilians under the R2P principle, with Libya being the first country wherein foreign forces had to be used to implement it under the umbrella of UNSC. There was not enough evidence that civilians were any safer during the NATO raids in the country, nor did they feel any safer. Enforcement of arms embargo, significant contributor to the conflict, which was largely ignored on the part of revolutionaries acquiring military grade weapons from Western countries and some from Middle East almost unimpeded (Abass, 2014).

Freezing of assets for all those directly or indirectly linked to the Libyan regime, it was quite clear that beyond the borders of the country, Libyan implicated officials were going to find it hard to survive if their hopes revolved around assets in foreign soil. Quite a number of countries were eager to freeze their assets, however, there was no indication on the duration of the freeze, and they would not be able to travel as a direct result of paragraph 22 and 23 of the UNSC Resolution 1973 (Pommier, 2011). This was also made worse by the ban on Libyan flights flying over any foreign territory. The implementation of no-fly zone had many positive effects including slowing down the attacks on revolutionaries and civilians by Libyan forces. It must be noted though that the overstep led to a regime change rather than R2P.

The oversupply of arms to the revolutionaries and militias with no form of accountability contributed to the post-revolution instability not only in the country but also to the region. The rise in the terrorist incidents can be attributed to lawlessness in the country, making it difficult for intelligence services and law enforcement agencies to pick such activities in time. As a direct result of porous borders, illicit goods and arms smuggling have also contributed to the instability of the region further increasing incidents of regional terrorism with Libya being a launching pad. Extremists found it much easier to operate from Libya as their haven than they did in other functional states.

The next chapter provides a summary of the major findings of the study. Based on the findings, the significance of the study is established and recommendations for policy and scholarly considerations are advanced.

CHAPTER 8

General conclusion(s)

8.1 Summary of the findings

The study used Libyan crisis during the uprising to examine incompatibilities of NATO and the AU agenda with specific reference to a period between 2011 and 2012. The study used Afrocentric approach to explore events, speeches and official documents made by international bodies including NATO and AU. The uprising was not limited to Libya, but it affected almost 19 Arab countries of which 8 of them were African countries. The Libyan situation was chosen because of its severity and the participation of western powers, while a similar situation was ongoing with similar human rights violations and civilian deaths were unfolding virtually in obscurity unnoticed by the media. Out of four African governments that were toppled, Libya saw most of violence and the involvement of international players within a short space of time including AU, UNSC, NATO and LAS as major role players.

8.1.1. Libya after AU and NATO intervention

The outmost important goal of the research was driven by the outcomes of the intervention of the two organisations in Libya during the Arab Spring Uprising, with the aim of giving it an Afrocentric perspective. Evidently, there was a need for an urgent intervention in Libya by international players, and the two organisations did intervene albeit in a vastly different approach. The aftermath of notably the military intervention of NATO and diplomatic approach of AU, the country has been awash with unaccountable weapons mostly military grade inclusive of assault rifle, semi-automatic rifles, Rocket Propelled Grenades, Anti-aircraft surface to air missiles, anti-tanks, grenades, and numerous other home-made weapons (Birnbaum, 2011). The level of victimisation of civilians based on ethnic orientation had drastically increased post the intervention. Illicit trafficking of goods inclusive of drugs, human and arms through Libyan borders, has sharply increased post the intervention. The country has been used as a launch base for terrorist activities as a direct result of weak governance structures to enforce the law.

8.1.2. The interpretation of UNSC Resolution 1973

Different role players interpreted the same resolution differently with vastly varying extremes. Russia, China and Brazil were sceptical of approving the resolution as it was fearing that it would be vulnerable to abuse to achieve a different outcome that was not intended by the UNSC. AU had different aspirations. It hoped that the use of arms would be the last resort in resolving the predicament. There were other avenues that were hardly explored and were not given enough chance and space to arrive at an all-inclusive arrangement (Harris, 2011). AU was hoping for diplomatic approach to end the crisis peacefully with lasting effects. That the African continent would be given a chance to resolve its own challenges. This approach was hardly shared by US, France, Italy and UK. They were eager to take up arms and resolve the crisis militarily even if it meant they would be limited to air strikes to paralyse Libyan forces. The above analysis partly affirms the study's conviction that international organisations such as the UNSC, NATO and AU are less independent from their dominant member states.

8.1.3. African Union Peace and Security Council in the Libyan uprising

The principle of, "African solutions to African problems," is not just an Afrocentric emphasis of what Africans ought to do. But also means of avoiding ill-advised solutions that generally leave the continent worse off. The first task of the AUPSC was to establish an *Ad Hoc* Committee that will have enough influence on role players, especially on the then Libyan leader and to the revolutionaries. AUPSC as a nerve centre of AU in peace and security concerns had an opportunity for early start to intervene in the Libyan crisis, peacefully. While the AUPSC maintained that Africans should be given an opportunity to diplomatically find a lasting solution in the crisis drafted a roadmap seeking to achieve peaceful resolution of the crisis (Aning, 2012).

AU through AUPSC was the only organisation that had a tangible plan (roadmap) to achieving a peaceful lasting solution. While there was no explicit mention of the removal of the Libyan leader, the roadmap spoke of transitional government implicitly meant the end of the road for Gaddafi as the leader of Libya. However, those plans were severely impeded when the AU representative voted for a resolution that authorised the use of air strikes to enforce no fly zone with devastating effects on lives of Libyans it was supposed to protect. Further attempts were sought and when granted

passage to travel to Libya the Libyan government was willing to participate in the discussion to resolve the crisis peacefully. Revolutionaries on the other side were not ready to discuss any plan that had Muammar Gaddafi as the leader of Libyan government, even if it was for a limited period, during the transition, which was contained in the roadmap.

8.1.4. Implementation of UNSC Resolution 1973

The resolution was passed with a vote of 10 out of 15 votes. It was passed as it was and it was voted by Africans among other countries. Five countries (Brazil, China, Germany, India and Russia) abstained to show their dissatisfaction with wording of the resolution. The resolution had several means to enforce R2P in Libya before it could engage the use of military force. Implementation of sanctions including protection of civilians, flight ban, enforcement of the arms embargo, asset freeze, panel of experts were secondary and were largely ignored in favour of the implementation of no-fly zone. The latter option authorised the use of force to stop Libyan forces advancing towards areas where revolutionaries were known to be. There was a serious transgression in the implementation of the no-fly zone, when NATO forces undertook air strikes on non-military facilities in Libya and providing intelligence services to the revolutionaries aiding them to topple the regime. What was achieved was effectively a regime change replacing it with NTC. Prevailing evidence points strongly on the pre-existing tensions between the Western powers and Gaddafi as a motive for his removal. The actions of NATO forces are consistent with the US foreign policy in the Middle East.

8.2. Significance of the Study

This study seeks to contribute to the academic literature by offering an African perspective using an Afrocentric theory to explain the events that took place in Libya. The fortitude of the study is to use the Libyan crisis as a case study to paint a qualitatively rich picture of whether it is in favour of African political stability to seek assistance from the western bloc. The experience of the African countries since the Structural Adjustment Program had been unpleasant and condemned most of them to economic slavery. While there has been a growing awareness of the impact and

complications of it, there has been an indirect approach by westerners to achieve the same goal. The study convinces its audience on both short- and long-term benefits and disadvantages of foreign intervention in African challenges, proving that there is no free “lunch” (Mkandawire, 1999).

It demonstrates that there is a need for a much more aggressive approach by AU and its structures rather than relying on foreign aid including financial, military and at times humanitarian aid comes at a cost. The study reviewed the lack of coherent and united voice from the members of the AU and from within its very own structures to achieve its set goals. It exposes the inconsistencies of the westerner’s approach to similar challenges, proven by similarities between the Libyan crisis and that of Syria during the same period of Arab Spring Uprising. Lastly, the study brings light to the unbalanced and opportunistic nature of the NATO intervention to effect regime change where the interests of its dominant member states are at stake.

8.3. Implications for theory and practice

International politics has for the most part been viewed and presented through the Eurocentric perspective. This study offers a different approach, presenting the Libyan crisis through an Afrocentric approach, telling a story of an African through an African perspective, rather than a predator narrating how its prey should behave differently in future.

Through the lens of Afrocentric theory, it becomes much clearer to analyse events and processes whether on a global scale or continentally much more accurately, especially when one has to connect the dots on the implications and effects of such events on African continent. It highlights the need for more practical approach on how the continent should manage its own affairs and rely less on foreign aid.

8.4. Limitations for the study

The study was conducted at the height of a global pandemic (Covid-19) which took many lives with it, brought the world to its knees, restricted movement, and in South Africa brought Lockdowns which further restricted human interactions. All these unforeseen circumstances meant that normal research practices that involved human interactions had to be revisited and adapted to the prevailing circumstances. This inconsequential challenge was overcome by the use of technological advances that included emailing questionnaires to participants, telephonic interviews inclusive of video calls, and limited physical interviews as a prerequisite for a case study (Brown, Cozby and Worden, 1999). Kothari (2004) notes that cases studies are unique from each other and that makes it rarely comparable and so are the outcomes. Each case tells its own history in its own words, logical concepts and units of scientific classification have to be read into it or out of it (Kothari, 2004).

Diplomats and civil servants in the embassies of Libya, US, UK, Italy, France and employees at the Department of International Relations and Cooperation of South Africa were unable to participate in the study because of sworn secrecy involved in their line of duty (diplomacy). The researcher could only manage to get three Diplomats for the study. One of the is a retired French Diplomat and the two South African Diplomats agreed to participate in the study under strict conditions of anonymity and that they would not provide direct answers and avoided some questions. This hurdle was overcome by the involvement of academics with immense knowledge and experience on African politics, peace and security to offer in-depth data and insight into the Libyan crisis.

8.5. Recommendations

The intervention of the westerners in Africa has left the continent largely worse off than any better. Sprouting from the findings of the study, recommendations are made accordingly. Independence of Africa as a continent need to be prioritised and AU to be the first institution of choice should there be a need to intervene in a peace-threatening situation in Africa. This puts Afrocentric theory application at the centre of resolving African challenges by Africans for Africans giving credence to the principle,

“African solutions to African problems”. The study recommends that AU at large should be completely independent in peace-making and peace-keeping missions so that it can limit foreign intervention that could adversely affect its operations and therefore jeopardise its intended outcomes. All African countries including those in the Northern Africa should give AU priority and work towards improving African unity first. Economic development of regions should start with infrastructural development within countries of the continent so that an economically viable and independent Africa can rely less on foreign assistance that come with crippling conditions thereafter. Economically viable Africa would make it possible for individual states to contribute consistently and adequately resources needed to carry out AU operations.

8.5.1. AU, NATO and UNSC post the intervention

Libyan crisis presented a unique situation for all parties involved. The fall of the regime left a telling legacy that should be used as a learning curve to prevent similar situations in future. The presence of uncontrolled and accountable arms at the hands of civilians, militias and terrorist groups are a threat to any future peaceful endeavours. It is recommended that AU, NATO and UN devise means of preventing additional arms to reach civilians and other groups. That those arms at the hands of civilians should be recalled and destroyed. Interim regime should, with the help of international organisations, discourage terrorists establishing themselves within Libya.

The interim regime should quickly get back to its feet and establish reputable law enforcement structures including improving its judicial system making it impartial. Borders with politically unstable countries like Sudan, Egypt, Tunisia, Mali and Chad should be strengthened and infrastructure controlling the flow of people improved to prevent the illicit trade in arms and other illegal goods that could further jeopardise peace-making efforts and undermine the new government.

8.5.2. Interpretation of UNSC Resolution 1973

Flowing from the study findings, the interpretation of UNSC Resolution 1973 varied across the board depending on the interests of the interpreting body. There should be a consistent, detailed and fully explained procedure of how such resolutions should be implemented in order to eliminate any ambiguity that could lead to mischievous

interpretation and therefore disastrous implementation of future resolutions. In case of passing resolutions, AU should speak with one voice with its subsidiary structures in order to avoid contradicting itself in future. Defectors on the established position/s of the AU should also be liable for continental sanctions to discourage it in future. Legal experts should be engaged to give clearer view and implications of voting in a certain way.

8.5.3. African Union Peace and Security Council in the Libyan uprising

The lukewarm approach of the AU through its AUPSC in Libya is indicative of a softer approach that inadvertently invited foreign actors with different approach. The Union together with its sub-structures, should take an active role and do so as early as possible so that they always remain in control of the situation. That would help them guide whoever is invited on how to assist in their terms.

8.5.4. Implementation of UNSC Resolution 1973

While AU had its own diplomatic approach on the implementation of the resolution, NATO had a different approach, using military strength to enforce (selectively) the resolution. While the implementation was ongoing, there was no mechanism to assess whether the results were in line with the intended outcomes. It is strongly recommended that both the AU and UNSC should continuously monitor and assess implementation and immediately stop operations that have deviated from the norm. Peaceful engagements with reasonable timeframes should be given priority before military force is engaged.

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APPENDIX A: Research introduction to participants

Ashu, G. Senior Lecturer, Walter Sisulu University, 12 July 2021.

Zounmenou, D. African Security Analysis Programme (Institute for Security Studies),
12 August 2021,

Fikeni, S. Commissioner of Public Service Commission, 18 August 2021,

Elmezughi, K. Libyan, (Nelson Mandela Academic Hospital), 10 August 2021.

Kodua-Agyekum, C. Lecturer (retired), Walter Sisulu University, 14 August 2021.

Qashani, S. Lecturer, Walter Sisulu University, 23 October 2021.

Wadjinny, M. French Embassy in South Africa and Lesotho, Political Counsellor, 13
April 2021.

Atrash, A. Libyan, (Nelson Mandela Academic Hospital), 03 May 2021.

Gasem-Agha, NAM. Libyan (Nelson Mandela Academic Hospital), 08 August 2021.

Salem, B. Libyan (Nelson Mandela Academic Hospital), 17 August 2021.

Fetouri, M. Journalist (Libya), 09 March 2021.

Tiya, Z. Senior Counsel, Tiya Patta Attorneys, 19 September 2021.

Aljouadi, A. Libyan, Mthatha, 10 May 2021,

Aljoundi, E. Libyan, Mthatha, 14 May 2021

Khalem, K. Libyan, Mthatha, 06 April 2021

Mbata, Z.* South African Diplomat, DIRCO, 22 August 2021.

Pargeter, A. North Africa and Middle East Expert, 09 March 2021.

Green, M*. South Africa Diplomat, DIRCO, 13 February 2021.

Alshmandi, A. MAM, Physician (Libyan), Nelson Mandela Academic Hospital, 13 November 2021.

Moumin, O. General Surgeon (Libyan), Nelson Mandela Academic Hospital, 23 July 2021.

Salem, OM. Physician (Libyan), Nelson Mandela Academic Hospital, 14 August 2021.

Bobaker, SA. Anaesthetist (Libyan), Nelson Mandela Academic Hospital, 26 September 2021.

NB: * after the name of the participant indicate the use of a pseudo name to protect the identity of participants in line with section 8.4 of this study on ethical considerations.

APPENDIX B: Research introduction to participants

UNIVERSITY OF LIMPOPO

INTRODUCTION

My name is Hlumelo Mgudlwa and I am undertaking a research in the specialized area of *“An examination of the incompatibilities of NATO and the African Union Agenda (s) in the Libyan Conflict between 2010 to 2011.”* in fulfillment of the requirements for the degree of Doctor of Philosophy Political Studies. This research is for pure academic purposes. All participants will participate on a voluntary basis. There will be no payment or any incentive to be offered in return for participating.

STRUCTURE

- a. The questionnaire requires your generic personal details such as nationality and gender but **DOES NOT REQUIRE** any personal details such as your name or identity number or any information that could directly or indirectly link you to this research.
- b. The questionnaire comprises both open and close-ended questions. In some cases you will be expected to choose an answer from the answer box and place your cross (X) and in other instances you must provide your written opinion/suggestions/comments.
- c. Kindly fill in the block with an X where applicable:

APPENDIX C: Participant consent form

Title of the Project:

An examination of the incompatibilities of NATO and the African Union Agenda (s) in the Libyan Conflict between 2010 and 2011.

Mgudlwa Hlumelo, University of Limpopo, 083 519 1038

A brief of the project:

The study is part of my Doctor of Philosophy in International Politics. The participants will take part in approximately an hour on their knowledge of the above subject/title. Participants will receive no reimbursement for participation in this study.

Consent:

I hereby consent to participate in the above research project. I understand that my participation is voluntary and that I may change my mind and refuse to participate or withdraw at any time without penalty. I may refuse to answer any questions or I may directly quote in the text of the final report and subsequent publications, but my name will not be associated with text.

I hereby agree to participate in the above research:

_____	_____	_____
Participant	Print name	Date
_____	_____	_____
Researcher	Print name	Date
_____	_____	_____
Witness	Print name	Date

APPENDIX D: Permission to collect data



University of Limpopo
Department of Research Administration and Development
Private Bag X1106, Sovenga, 0727, South Africa
Tel: (015) 268 3935, Fax: (015) 268 2306, Email:makoetja.ramusi@ul.ac.za

TURFLOOP RESEARCH ETHICS COMMITTEE
ETHICS CLEARANCE CERTIFICATE

MEETING: 10 December 2020

PROJECT NUMBER: TREC/406/2020: PG

PROJECT:

Title: An examination of the incompatibilities of North Atlantic Treaty organisation and the African Union Agenda(s) in the Libyan Conflict between 2010 and 2011

Researcher: H Mgudlwa
Supervisor: Prof KB Shai
Co-Supervisor/s: Dr TS Nyawasha
School: Social Sciences
Degree: PhD in Political Science

PROF P MASOKO

CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: REC-0310111-031

Note:

- i) This Ethics Clearance Certificate will be valid for one (1) year, as from the abovementioned date. Application for annual renewal (or annual review) need to be received by TREC one month before lapse of this period.
- ii) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee, together with the Application for Amendment form.
- iii) PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.

Finding solutions for Africa

APPENDIX E: Letter to participants

Private Bag X5152

Nelson Mandela Academic Hospital

Mthatha

5099

Dear Respondent

I, Hlumelo Mgudlwa, I am a student at the University of Limpopo registered for PhD Political Studies. I am conducting a research project under the topic: An examination of the incompatibilities of NATO and the African Union Agenda (s) in the Libyan Conflict between 2010 and 2011.

This is an opportunity for you to be part of the study of examining the events that took place in Libya and their effects post Arab Spring in relation to the two international bodies (AU and NATO).

Yours faithful

H. Mgudlwa.

0835191038

ukhososo@gmail.com

APPENDIX F: Questionnaire

UNIVERSITY OF LIMPOPO

INTRODUCTION

My name is Hlumelo Mgudlwa and I am undertaking a research in the specialized area of *“An examination of the incompatibilities of NATO and the African Union Agenda (s) in the Libyan Conflict between 2010 to 2011.”* in fulfillment of the requirements for the degree of Doctor of Philosophy Political Studies. This research is for pure academic purposes. All participants will participate on a voluntary basis. There will be no payment or any incentive to be offered in return for participating.

STRUCTURE

- d. The questionnaire requires your generic personal details such as nationality and gender but **DOES NOT REQUIRE** any personal details such as your name or identity number or any information that could directly or indirectly link you to this research.
- e. The questionnaire comprises both open and close-ended questions. In some cases you will be expected to choose an answer from the answer box and place your cross (X) and in other instances you must provide your written opinion/suggestions/comments.
- f. Kindly fill in the block with an X where applicable:

Section A: Demographic profile

1. Gender

Male

Female

2. Age of the nationality of the participant

Nationality

Libyan

If not please specify

3. What is your nationality?

African

European

American

Other (please specify).

SECTION B: LIBYAS' HISTORIC BACKGROUND.

1. In your opinion, how was the leadership/rule of Colonel Gaddafi's rule before the uprising?

2. How were the living conditions in Libya before the uprising?

3. What was good/bad about Colonel Gaddafi's rule in Libya?

4. Was there democracy in Libya during Colonel Gaddafi's rule in Libya?

SECTION C: LIBYA DURING SPRING UPRISING.

1. What is it that sparked the uprising in Libya resulting to the end of Colonel Gaddafi's rule?

2. Was the uprising preventable and if so how could that have been achieved?

3. Were there any human rights violations during the uprising and if so, what were the most commonly experienced by the civilians?

4. Were civilians at any stage of the uprising targeted by government forces?

5. To the best of your knowledge, were there any chemical weapons used against civilians?

SECTION D: INTERVENTION OF NATO FORCES.

1. In your opinion, do you think NATO actions/intervention compatible with the ideals of AU in resolving situation in Libya?

2. Were civilians any safer during the NATO intervention?

3. Were NATO forces neutral in the preservation of peace and stability in Libya?

4. Was UNSC Resolution 1973 accurately and adequately implemented to the benefit of Libyans?

SECTION E: INVOLVEMENT OF AU IN THE SITUATION.

1. Was the AU involved in resolving the Libyan impasse and if so, how effective was it?

2. If it was not effective, what do you think were the limiting factors?

3. What do you think should have been the role of AU in the Libyan situation?

4. Were the ideals of AU fulfilled by the involvement of NATO forces in resolving the crisis?

SECTION F: LIBYA POST SPRING UPRISING.

1. Do you think living conditions have improved post Colonel Gaddafi's rule, if so what has changed?

2. Is there any conflict in the country and if so who is involved and how are they involved?

3. What do you think are the challenges facing Libya today and how do you think they can be resolved?

4. What do think should have been done differently?

5. Which government do you think is legitimate to rule Libya presently and what support do you think they need to bring back stability in the country?

THANK YOU FOR YOUR COOPERATION!!!