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Efficacy of United Nations Implementation of Responsibility to Protect In Intrastate Conflict – The Case of Libya (2011).

Clophus Monaledi

https://orcid.org/0000-0002-9298-2771

Dissertation is submitted in fulfilment of the requirements for Masters of Social Science degree (MSOCS) in International Relations at the North-West University

Supervisor: Dr. N. Sempijja

Graduation ceremony July 2018

Student number: 23011076

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DECLARATION

I, Clophus Monaledi declare that the work of this dissertation is original. The dissertation has never been published at any Institution of higher learning. Through the secondary the previous literature and the works of other people have been utilised, as a result the references have been provided. It is in this respect that I declare that dissertation is originally mine. It is hereby presented in partial fulfilment of the requirements for the masters in social sciences.

Signed.....

Date.....

Supervisor: Dr. N. Sempijja

Signed.....

Dated.....

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ABSTRACT

Findings from this dissertation suggest that there was a lack of proper legality and consensus in the implementation of R2P norms in Libya's intrastate conflicts of 2011. The ability for R2P norms to be implemented in future is bleak. It has been discovered that R2P had been characterised by another veto power of the western powers' agenda, western rights and national interest as if one size of foreign policy fits all. The regional bodies of African continent affected have no powers and have long lost its sovereignty. R2P with its pillars lacks clarity on the broader scale in terms of who should carry out the UN mandate, who should be protected, and what time-frame is and it is difficult to measure the efficiency of this norm and pillars and resolutions 1970 and 1973. R2P has only contributed to the death of Gaddafi when he was not a threat at all. R2P was supposed to be a tool for protection of both non-combatant and those combatants instead of taking sides. It has become tense debate where NATO, western alliance together with UN took sides. They had armed the rebels, had changed Gaddafi's regime, and disintegrated Libya's functional government into many splinter governments. They had left Libya for divide and rule, destroyed its infrastructures and the objectives had not been properly achieved.

In addition to the efficacy in the implementation of R2P in Libya: (Beardsley, (2017); Blanchard (2016); Kazianis, (2011); Neethling (2012); Philps, (2012); Quinn (2013); Stuenkel (2014)) the efficiency of the United Nations implementation of Responsibility to protect in intrastate conflicts in Libya (2011) was prepared through the background of series of respondent's interviews, extraction and coding through primary and secondary data collection as well as analysis. The research has revealed that the implementation of R2P in Libya 2011 is characterised by a political interplay resulting the inefficiency. For example the national interest of the hegemonic powers were crucial to the intervention and withdraw thereafter. UN has come with 1970 and 1973 resolutions, due to its failure the organization has used these resolution with no objective achieved.

Keywords: 1. Intrastate Conflicts; 2. Responsibility to Protect (R2P); 3. Efficiency

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LIST OF ABBREVIATIONS AND ACRONYMS

AL : Arab League
AU : African Union
AUPS : African Union Peace and Security Council/Peace and Security Council
CA : Constitutive Act
Dirco : Department of International Relations and Corporations:
GCC : Gulf Cooperation Council
GNC : General National Congresses

ICC : International criminal court
ICC : International Criminal Court
ICISS : International Commission on Intervention and State Sovereignty
IKS : Indigenous Knowledge System
LAS : League of Arab States
LNA : Libyan National Army
NATO : North Atlantic Treaty Organisation
NFA : National Forces Alliance
NTC : National Transitional Council
OIC : Organisation of Islamic Conference

OIC : Organisation of Islamic Cooperation

OIC : Organisation of Islamic Cooperation
R2P : Responsibility to Protect
RWP : Responsibility while protecting

SC : Security Council

SWP : Soft-power while protecting

UK : United Kingdom

UNGA : United Nations General Assembly

UNHCR : United Nations High Commissioner for Refugees

UNSC : United Nations Security Council

US : United States

USA : United States of America

CHAPTER ONE: INTRODUCTION

1.0 BACKGROUND TO THE STUDY

1.1 INTRODUCTION

The question of United Nations' (UN) application of three pillars of Responsibility to Protect hereafter referred to as (R2P) in Libya has been focused on its efficiency on R2P's implementation in Libya's intrastate conflicts. Due to a number of non-state actors more attention has been paid to intrastate conflicts. Non-state actors with grievances usually have differences with their state especially if they are discriminated against. In the case of Libya, UN endorsed the North Atlantic Treaty Organization (NATO) through resolution 1970, 26 February and resolution 1973, 17 March to intervene after the mainstream media had repeatedly reported about the crisis taking place in that country. The authority of the UN and its UNSC should respect a global consensus on the legitimate ends of the use of military force (Thakur, 2013).

Hall (2013) alluded that Indian government with officials had been critical and regretted NATO's air strikes on Libya. As a result, related questions around the efficiency of the UN in application of R2P in intrastate conflicts have generated among scholars. The problems of efficiency of the UN, what necessitated a scramble for Libya such as a rapid political partitioning and regime change and a lack of mechanisms around the applicability of R2P in Libya have not disappeared (Norooz, 2015).

1.2 R2P'S IMPLEMENTATION IN INTRASTATE CONFLICTS IN LIBYA

Thakur, (2013) looks how military use in Libya 2011 as a form of intervention has no international consensus. .When one has to look at R2P in Libya's intrastate Conflicts, the only legitimacy criteria there is social-constructivism explanation of the norm. The principles could have guided the decisiveness and timely of the pillar three other than the use of military force instead of primary means of collective peace. NATO's rapid implementation of R2P into the intrastate conflicts of Libya is complex. The problem around the efficiency of R2P's application in intrastate conflicts areas. It is stated by (Hehir, 2013) who indicate that there are

pro-western writers who have applauded the UNSC's authorisation of NATO into Libya' March, 2011 intrastate conflicts.

The authorisation of a regional body that is out of the area is an evidence of the efficiency of the R2P. It is safe to say it was significant that R2P and the resolution 1970-1973 were passed, but the outcome of the R2P's application into Libya is rapidly problematic. Bellamy, (2010) is of the view that most of conflicts happens in Africa for example Intrastate Conflicts. On the other hand (Elbadawi, 2000) ponders on why are there most intrastate conflict happening on African continent. Libya's intrastate conflicts led to the implementation of R2P (Darbouche, 2011) Intrastate conflict is when insurgents rebels against their governments (Fearon, 2004) R2P Evans, (2009).

1.3 RESPONSIBILITY TO PROTECT

For many years now, UN has responded to the call of the protection of civilians from genocides through new norms. The 2005 norm is responsibility to protect (R2P). As result there first instances where the norm of R2P implemented and that was in Libya. This has led to the efficiency measure in terms whether UN failed to achieve the objective of R2P. NATO had used a military force in carrying out UN mandate.

Based on Evans, (2009) writings there is a lack of complete backing of some of the Security Council permanent members such as Russia and China is a symbolic gesture that R2P was not going to be efficient at all. The norm of R2P has an objective to protect the population from atrocities for example if the nation-state and its population are facing genocide, war crimes, ethnic cleansing and crimes against humanity such as the one that happened in Rwanda. However, the problem here is the efficiency of its implementation. And the objective of the study has not dwelled much on the aims of the norm of R2P which was recognised and approved at the UN General Assembly 2005 world summit. Whether political and nationals goals by those members, the question is around how ethical, legal for such political, and military explanation for the intervention in Libya and if it has achieved what it was intended for.

1.4 BACKGROUND TO LIBYA'S INTRASTATE CONFLICTS 2011

Libya's intrastate conflict which happened from 22 February 2011 to 20 October 2011 had been seen as the spillage of Arab spring. Nazemroaya, (2011) is of the view that Gaddafi was a dictator who had reigned over Libya for about 42 years. The rebels were conflicted by the brutal tyranny Gaddafi reign.

Libyan anti-Gaddafi protesters as well as rebel emerged during the escalated intrastate conflicts. Gaddafi's foes formed an alliance states that consisted of NATO and non-NATO regional actors, and US, UK, France, Canada, Italy, as well as Qatar in all those resolution 1971 and 1973. Though the Arab spring is something to blame, but the intrastate conflict in Libya especially in Tripoli and Benghazi was the result of corruption, human rights concerns, as well as greater political freedoms. This had resulted in groups such as Human Rights Watch and other groups to call for an intervention in Libya. Gaddafi responded to Libya's mass protests with military force. This included the use of helicopters, gunships, artillery fire, and snipers. Gaddafi threatened to show no mercy to demonstrators. He even insisted his political partisans attack protesters as well as their supporters and Gaddafi refused to leave Libya. Gaddafi's speech necessitated foreign policy problems for the UK, US, France, Canada, Italy, as well as Qatar. However, Soldiers fought Gaddafi, loyalists, regime. Since then post-Gaddafi Libya has been marred with violence starting from 2011 intrastate conflicts and the implementation of inefficient R2P to this day with no mechanism to use R2P in future.

1.5 PROBLEMS OF R2P AND ITS EFFICIENCY

The efficiency of R2P and its implementation in Libya lack proper legality; the objectives were not adequately achieved; R2p seems to have lost ability to be implemented in any intrastate conflicts at least for now (Jakobi, 2013). Buckley, (2016) states that R2P is a responsibility to protect norm, and innovated by Canada, germinated by Gareth Evans, Mohamed Sahnoun, and Michael Ignatieff, approved by generation assembly responding to Koffi Annan's question of sovereign state's legitimacy in regards to Rwanda and Srebrenica massacre. It was developed to deal with human security through a right to intervene in intrastate conflict areas. The norms were UN's answer to protection of a population from ruthless genocide. Pillar one states, that a nation-state should protect its people. Pillar two points to the obligation of the global community collectively to assist nation-states in protecting the population while pillar three indicates that the international community take timely and decisive steps in the case of the failure of a nation-state to provide such protection to its people. R2P is a new international

security and human rights norm to address the international community's previous failure to prevent and stop genocides, war crimes, ethnic cleansing and crimes against humanity (Stahn, 2007).

1.6 DEFINITION OF INTRASTATE CONFLICT

Hendrix (2010) defines intrastate conflict or civil conflict as a war between a government and a non-state group. An intrastate conflict takes place only within the sovereign territory of the nation-state. An intrastate conflict can become an internationalised intrastate war when the government, or the opposing group, obtains support from other states. This support can be in the form of troops, military intelligence or artillery from one or more foreign nation-states. The war between Gaddafi's regime and UNSC members in NATO member states through R2P. If there was a death toll of at least one thousand within twelve months, then an intrastate conflict can be called a genocide. (Sambanis, 2004).

1.7 INTRASTATE CONFLICTS LIBYA

Darbouche, (2011) notes that the first Libyan intrastate conflict began on Tuesday, 15 February 2011, as protests in Benghazi. This led to clashes with security forces through the state emergency. In the same year, an intrastate conflict, also known as the Libyan Revolution, broke out. The spill-over of an Arab Spring revolution to protests in Benghazi spread to a wider rebellion across the country. UN resolution 1970 came into effect on 26 February and led to a selective freezing of the assets of the leader of Libya, Mummar Gaddafi, as well as his circle of friends but not of the warring rebels, and they were also subject to travel restrictions. Selectively, Gaddafi, as well as his inner circle of friends were referred to the International Criminal Court (ICC) for investigation.

1.8 NATO VIOLATION OF UN'S MANDATE

The rapid arming of the rebels by anti-Gaddafi groups internationally, the NATO airstrikes on Gaddafi's supporters, and the killing of innocent Libyan civilians seen as conflicting with UN's Resolution of 1973 besides the necessary measures. It overturned the attempts for a ceasefire that were put forward by the resolution and welcomed by Gaddafi. As Chomsky, (2011) puts it, NATO powered by France and UK and US violated the resolution as it became the air force of the rebels. Nothing in the resolution justified such illegal actions.

1.9 STATEMENT OF THE PROBLEM

The problems of the efficiency in implementation of R2P in the world is not improving, instead its worsening for example the efficiency of R2P's implementation lack proper ethical and legal implementation of R2P: no criteria in three Pillars and time-frames (Jakobi, 2013) and (Weiss, 2004). The objectives of R2P were not adequately achieved besides of political aggression of NATO-led coalition (Abdessadok, 2017) in regards to Libya before and after. R2p seem to have lost credibility to be implemented again and from being utilised in future (Bellamy, 2012). Many years have passed: the norm still lacks deeper understanding of its efficiency in R2P implementation (Jakobi, 2013).

Efficiency of R2P is based on Responsibility to Rebuild (after) is an integral of R2P but was never implemented, though responsibility to prevent (before) instead it was in favour of responsibility to react (during). These are two of the three stages that R2P has and used in Libya (Smith, 2015). Hegemonic and national interests problems has not helped to implement R2P for basic security and protection for all members of Libyan state and other affected states in which intervention is taking place (Bellamy, 2016). Efficiency evolution norms of sovereignty and R2P (Trobbiani, 2013).

The question of when, how and who should carry out the UN mandate for example whether UN Human Rights Council forum or the UNSC and NATO forum should have carried the mandate. The question of the proximity regional body or out of the area regional body is also important. The concerns in the study are that, first there is a lack of proper legality in R2P; secondly the objectives were not properly achieved; thirdly the ability of R2P norms to implement in future is bleak. If these problems are addressed it would help the researchers, students, scholars, officials, experts, norm germinators to form efficient norms.

Libya is politically partitioned since UN's R2P was applied as result the efficiency of the UN's application of R2P norms in intrastate conflicts is a global concern. The emerging international norm of R2P was devised by the International Commission on Intervention and State Sovereignty (ICISS) and endorsed in the UN a manifestation of post-Westphalia order (Newman, 2013). International organizations such as UN and its sub-regional organizations such as NATO exercise military power that violates the same norms of human security, that UN and NATO are expected to uphold (Kreuder, 2015).

The UN does not have a role towards regime change or replacing nation-states through R2P. The goal of R2P is to support the affected nation-states in the responsibility for protection of the population through this instrument to manage and prevent human atrocities. Pillar three states that if a nation-state has failed to protect its people, then the international community had been take a timely and decisive response to prevent and stop human atrocities. However pillar three violates the sovereignty of the state and it is unclear when it is standing alone without the context of the other two pillars (Brock, 2011).

Libya was the first nation-state that R2P was used and the norm became nonexistence immediately Gaddafi was eliminated. There are no time-frames for each pillar of R2P. The extent of the danger of Gaddafi's words were not evaluated to amount to a genocide. There are no timeframes for resolution 1970 and 1973 and even between them before they can come into effect. R2P undermines the sovereignty of the statehood.

Although UN has provided many solutions to intrastate conflicts, one cannot help but wonder to what extent it has efficiently applied R2P norms through the very member states of NATO. Besides African Union's (AU) keeping peace and security to the states in its region, UN chapters, and NATO's constitution does not indicate anything of protecting population or states out of area. Through UN R2P application in 2011 questions emerge as to whether the post Gaddafi regime in Libya has been capacitated by the UN, to protect its population. If there was efficiency of UN's application of R2P in Libya, then why has the UN endorsed yet again new norms of Responsibility While Protecting (RWP)? There are also arguments that the application of R2P in Libya was to meet national interests of the hegemonic states like USA, France and United Kingdom. The existing literature has not adequately addressed the Libya's current state of affairs with regards to the efficiency of UN's application of R2P in intrastate conflicts in Libya. With these problematic evidence the research seek to discover academically and practically testable clarifications to incompletely answered questions.

There are inconsistencies in the implementation of the norms of R2P UN-authorised by the same members that also in the NATO. It's a challenge for UNSC permanent members to authorise themselves to carry out the same mandate and norms created by the same member states. Through NATO's strong actors with diverse national interests and strong members with bad human rights record becomes the human rights forum against Libya with less severe conflicts. Therefore, to what extent of the efficiency of the R2P norms can be so successful. There has not been any adequate criteria to necessitate implementation of R2P.

R2P could have aided the objective of protection if it was legally under UN's humanitarian law.

1.10. SIGNIFICANCE OF THE STUDY

Theoretical Significance has contributed to the integration social-constructivism views on the study in the data capturing, analysis and recommendations. This is due to the fact that, the theory had not been adequately been integrated in the existing literature in regards to the study. R2P is a norm of social order and constructed by social beings. Practical significance should contribute to society seeking deep understanding of the study in terms of refining, extending, validating and generating literature in the study; provide broad recommendations; a map to the topic. Methodological Significance has added to the study by integrating the primary data compared to majority studies in this area seem to have relied on the secondary data. In Summary the study had been contribute to the body of knowledge. It is expected that the study findings had been fulfil all significances mentioned

The research has contributed to the growing literature on the UN's application of R2P in intrastate conflict zones. It had been provide broad recommendations and a map to the topic. The research is not for general foreign policy making or implementation but for the specified topic. It had been contribute to the store of knowledge on UN's application of R2P in the intrastate conflicts, either academically or practically, to the benefit of humankind. Social-constructivism theory has not be addressed properly in R2P. It had been determine theoretically possible explanations and answer to less responded questions. International communities, nation-states as well as regional organization perennially construct norms to resolve international problems. Therefore, no norms are dead and R2P could still be used as a model for new norms.

1.11. AIM OF THE STUDY

The study has explored the UN's efficiency and the implementation of R2P in intrastate conflicts with specific reference to Libya 2011.

1.12. RESEARCH QUESTIONS

1. What factors necessitated the implementations of R2P in Libya?

2. How efficient was the implementation of UN's R2P norms in resolving intrastate conflict in

Libya?

3. What mechanisms can UN utilise in resolving intrastate conflicts in the future?

1.12.1 OBJECTIVES

1. To analyse factors that necessitated the implementations of R2P in Libya.

2. To analyse the effectiveness of the implementations of UN's R2P norms in resolving

Intrastate conflict in Libya.

3. To recommend mechanisms that UN can utilise in dealing with future intrastate conflicts.

1.13 CHAPTER STRUCTURE

The research is organized into five chapters. As from Chapter one (1) introduction is consist of research problem, aim, objectives, literature review and methodology on efficiency of R2P's implementation and its efficiency. The second chapter of the research reviewed the literature as well theory of the norm of R2P through the efficiency within the UN's legal charters. An analysis of diverse perspectives of the R2P and its efficiency in both primary and secondary sources. The chapter used the social-constructivism to explain the phenomenal under study. The third chapter used different tools and methods systematically to explain how the research was conducted. The tools and methods that were used were research design, area of the study, target population, sample methods, sample size, data analysis, and data capture.

Atlas Ti Version 8 was used for the interviews to be analysed and document analysis in line with the study objectives and qualitative method. Chapter four presented and analysed the primary data with support from secondary data with specific reference to the efficiency of UN's implementation of R2P in Libya, 2011. The fifth and final chapter summarised major issues arose from the findings, conclusion and relevant recommendations.

1.14 CONCLUSION

The chapter one had briefly focused on the background. The background provided the history of the efficiency of UN's application of responsibility to protest in the intrastate conflicts with a specific can on Libya. The chapter has the problem statement, research questions and aims, the objectives of the study. The following chapter had reviewed on the previously published literature relevant to the study.

CHAPTER TWO: LITERATURE REVIEW AND THEORITICAL PERSPECTIVE

2.0. LITERATURE REVIEW

2.1 INTRODUCTION

Relevant literature has been reviewed for the purpose of identifying and closing the gaps by looking at themes such as efficiency of R2P's implementation which lack proper ethical and legal implementation and criteria of the three Pillars. Secondly the objectives of R2P which were not adequately achieved besides of political aggression of NATO-led coalition and the credibility of R2P to utilised in future.

The specific case with reference to Libya was selected to answer the research questions adequately and formulate norms and recommendations suggested as a result of lack of the efficiency of UN's implementation of R2P. Libya was the first nation-state that the R2P was implemented after UN had adopted it. Therefore, the chapter had looked at the efficiency of this norm pertaining to its implantation in Libya.

Neethling (2012) states that the hegemonic powers such as United States (U.S), France and the United Kingdom (UK) launched airstrikes on Libya's air defences and other targets, killing innocent civilians in the process. What is not mentioned here is the efficiency of the implementation of R2P. Quinn (2013) has noted about third parties in intrastate conflict seem to endorse temporary measure. It is agreeable with the authors views, however about who should carry out the mandate has been left out. Beardsley (2017) is of the opinion that the UN should not wait till the conflicts. UN should not wait, that is positive but the author has not adequately mentioned about the national interest of the states. Philps, (2012) R2P is primarily about prevention, whereas humanitarian intervention is only about reaction. The author has extracted from Gareth Evans, one of the people who helped R2P. This answer from Evans shows there is no clarity in R2P in itself. Because what happened in Libya was the reaction not a prevention. Blanchard (2016) recounts the second intrastate conflict in Libya. It is true, Libya is a failed state, but what is mentioned here is that, can the current situation in Libya be a measure of the efficiency of UN's implementation of R2P.

Stuenkel (2014) states that western scholars have produced most of the work that shows prejudice. This study is not about prejudice but to add to the existing literature.

Kazianis, (2011) has pointed out the national interests of the hegemonic western states and its alliances had been prioritised during the implementation of R2P norms in Libya's intrastate conflicts.

The dissertation analyses relevant and previously published works by many other authors. Addressing an audience at the Rwandan genocide memorial in Geneva in 2004, former UN Secretary General Kofi Anna speaking of ethnic cleansing in Darfur, said that 'the international community cannot stand idle' in the face of such widespread human rights violations. If the Genocide Convention of 1948 states that the killing members of the group while causing a physical or mental harm to members of the group and deliberately inflicting on the group conditions of life calculated to bring about its physical destruction through committing and conspiracy then what about arming of the rebels under the same intentions. The conspiracy of the presidents from French, USA and the prime ministers that there is no future of Libya with Muammar still in power (Chinole, 2012).

Arming of the rebels, no-fly-zones and military action intended chiefly to change the regime is not in accordance with R2P. The sovereignty of the western states is much well respected besides the atrocities. They should resort to a soft-power mediation and respect the sovereignty.

The middle-power South Africa supported Resolution 1973 (2011) has publicly raised problems towards the efficiency of the R2P's implementation. The concerns are around regime change, arming of the civilians, harming civilian, disregarding the norm of sovereign state. The external regional military intervention, militarization of the R2P, the hard-power and hegemonic nation-states' national interests with specific reference to the Libyan case, diversity of conflict scenarios and mechanism, range of policy actors and implementers (Landsberg, 2010), (Mabera, 2013) and (Aboagye, 2012).

2.2 INCREASE OF INTRASTATE WARS

Fearon (2004) defines an intrastate conflict as a conflict by insurgents that seeks to overthrow the government they are not satisfied with, over failed bargains. Newman (2004) indicates that there has been an increase in the number of contemporary intrastate conflicts. One of the reasons why conflicts can erupt is due to intercultural differences among multi-ethnic nations in the nation-states. Considering that for over six decades, most of the African nation-states have experienced intrastate conflicts at least once as Elbadawi (2000) puts it.

Therefore, (Sarkees, 2010) looks at types of wars such as intrastate wars, non-state wars, interstate wars and extra-state wars. For the purpose of this research as well as the nature of its research statement: UN's efficiency in application of R2P, the focus had been be around 2011 intrastate conflicts in Libya. Three authors have not further explain the efficiency and what necessitated the R2P in Libya in intrastate conflicts and Arab-spring spillage and arming of the rebels.

Beardsley (2017) is of the opinion that the UN should not wait until violence starts before seeking to manage conflicts. It is agreeable not to wait for intrastate conflicts to happen before they can be managed. Nonetheless, about who should be authorised to carry the UN mandate and R2P or any future norms, an assessment process, negotiation and time-frames for resolutions and its pillars should be emphasized. The practical implementation of R2P in intrastate conflict is indeed a challenge to the world. There is more work that the UN need to do in order to come up with more integrated norms that are efficient to achieve the objectives before, during and after the internal wars such as intrastate conflicts than the western prejudices in all its forms, (Stuenkel, 2014).

UN's implementation of R2P norms was to protect civilians as shown by Kauffmann (2008) who indicates that there are Pillar I, II and III in R2P, for example, the protection responsibilities of the state, international assistance and capacity-building, as well as a timely and decisive response to genocide and systematic human rights violations by the state. The commentaries are positive remarks from the author. This is a premise that nowhere in R2P, resolutions 1970 and 1973 mentions pillar three to mean military intervention and arming of the rebels in order to protect the population.

As Gill (1995) clearly puts it, the UN's Chapter VI, articles 34 and 38, mentions solutions to conflicts by negotiation of a judicial settlement. Chapter VII, articles 39 to 51, deals with threats to peace and security by providing recommendations. Chapter VIII, articles 52-54 state that the UN shall use regional arrangements for use of force and preventing further aggression by such a state under its authority. Chapter VIII does not emphasize who qualify to effect regime change.

The contributor should have further related R2P norms to chapter VI, VII and VIII and discover whether violations were committed during R2P norms application. If NATO in Libya was based on Gaddafi's genocidal words, then effectiveness of UN's application of R2P in Libya shall not remain the thing of the past (Bellamy, 2012; Crush, 2014)

2.3 THE CASE OF LIBYA AND R2P

Libya's case of intervention through R2P's norm seem to have a tone of a concealed agenda of a regime change relatively than of the resolution. On 17 March 2011, the UN adopted Resolution 1973. UN authorized NATO member states to take a timely and decisive measures. However, clause 9 of resolution 1970 is to protect civilians under threat of genocide attack in the Libyan. Military operation in Libya was relatively taken under the UN mandate to protect civilians under the norm R2P.

This has raised questions towards UN's effectiveness in R2P implementation. Resolution 1973 is about protecting Libya's people from their own regime, and not to partitioning the nation-state. ICISS report does not indicate anything about overthrowing of a legitimate nation-state. The concealed agenda was resonated by (Obama, 2011) when they denounced the future Libya with Qaddafi still in power. There is clear a manifest of double standards in R2P application in Libya.

The western multilateralism especially the US arming regimes in Bahrain and Saudi Arabia while ignored the genocide in Syria and Yemen. UN's Convention on Genocide (Resolution 260) still has to substantiate genocide and specify how many people need to be killed for a conflict to be called a genocide, as in the case of Libya (Evans, 2006). R2P's Pillars, as Zifcak (2012) indicates that the lack of proper application of Pillar III of R2P has tarnished the efficiency of UN's provision of solution to international peace and security with specific reference to intrastate conflicts. That is positive contribution by the authors, and additionally new mechanisms of norms could be suggested. It has to be point out clearly if there was any genocide by both Gaddafi and the rebels and what necessitated R2P norms and how efficient it was applied to Libya's intrastate conflicts. And what accountability exist if NATO member states have committed atrocities during the bombarding and supply arms to rebel groups during R2P and resolution application.

2.4 MANIFESTATIONS OF LIBYA'S FUTURE INTRASTATE CONFLICTS

Blanchard (2016) recounts the second intrastate conflict in Libya which includes various disagreements and conflict among the local armed militias and tribes. There is no real presence of statehood and authority over the whole national territory. McQuinn (2013) mentions the inconsistent agendas and clash of loyalties in the Libyan regions.

There are more public whippings, amputation of limbs, and public execution, and display of corpses through Sharia law. There are two governments, with two armies and two police institutions instead of one. There has been a dysfunctional domestic criminal justice system. Killing under Sharia law of people suspected of witchcraft is widespread. Migrants, asylum seekers, and refugees are using Libya as a corridor. With the authors assertions, it makes the topic of how efficient is the UN's application of R2P in intrastate conflicts in Libya even more relevant.

2.5 NATIONAL INTEREST AND HEGEMONIC NATO MEMBER STATES

Kazianis, (2011) has pointed out the national interests of the several hegemonic western states. Neethling (2012) states that the hegemonic powers such as United States (U.S), France and the United Kingdom (UK) launched airstrikes on Libya's air defences and other targets, killing innocent civilians in the process. Twinomugisha (2013) indicates that the African Union (AU) is lawfully mandated by its Constitutive Act to intervene in security and peace-threatening African states. This resonates closely with elements found in the UN's chapter VIII and R2P as a third party in intrastate conflicts (Kersavage, 2014). Most intrastate conflicts happen in Africa, and may escalate to involving a third party (Cilliers, 2013). Murray (2013) ponders on the legitimacy of the US and NATO being authorised in intrastate conflicts. Authors have reported all these premises, nonetheless the comprehensive explanation on the efficiency of UN's application of R2P in intrastate conflicts in the case of Libya remain to be addressed.

2.1.5 INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY (ICISS).

International Commission on Intervention and State Sovereignty (ICISS) was a commission of members in 2001. They worked to propagate the norm of humanitarian intervention and democracy-restoring intervention under the name of R2P. The world order was founded by Gareth Evans and Mohamed Sahnoun responding to Kofi Annan's questions of sovereign's privilege hindering the protection of the population. Canadian Government with human abuse through its own peace troopers in Somalia facilitated the norm of R2P in the presence of the UN General Assembly. International Commission on Intervention, State Sovereignty, (Canada) (2001).

According to the International Commission on Intervention, State Sovereignty, (2001) ICISS was sponsored by the governments of Canada, Switzerland and the UK. The ICISS was also largely funded by: the Carnegie Corporation of New York; the William and Flora Hewlett

Foundation; the John D; Catherine T. MacArthur Foundation; the Rockefeller Foundation; and the Simons Foundation. This is called the International Commission on Intervention, State Sovereignty suggesting the Westphalia treaty of sovereignty is under threat.

2.6 WESTPHALIA 1648

According to Deng, (2010) ideas of sovereign nation-state have evolved subsequently. The contemporary term of a country has derived from the European Treaty of Westphalia of 1648 to R2P with responsibility of nation-states protect their own population. This meant the changing from religion regimes of Roman Empire, Calvinism, and Protestantism Westphalia 1648 treaty. Each country had sovereignty with territory without external meddling of external influences. However, Rowley, (2011) argues that values triggered relations between the European supremacies since the treaty of Westphalia 1648. Russia, China and as well as the former colonial nation-states especially in Africa are of the opinion that the R2P norms and their applications raises the many eyebrow. These R2P norms of humanitarian intervention are justifications for the western powers to gain an access to everything of the national interest.

2.7 THE EFFICIENCY OF R2P NORMS IN SOVEREIGN STATE FROM WEST-PHALIA TREATY

According to Ayoob, (2002) states that since Kofi Annan indicated that the norms of world-wide community should review the privilege of the state independence and its privileges whether are of non-existent in regards to the protection of its population or not. First and foremost, the objectives of R2P is to prevent the massacre, war-crimes, crimes against humankind, and ethnic cleansing in all its three pillars. Slaughter, (2006) argues that the future of global norms are either sovereignty of a nation-state or the Western system of norms.

The diverse western regional institutions consisting of coalition support and equipped with unique international norms have long since been governing both norms of the UN and the traditional norms of the sovereign states and their relationships between administrations and its population out of their operating areas in a manner of a private property.
The West-phalia treaty of the sovereign state is been returned to global order through conditions of espousing the norms of the western diverse institutions.

NWC LIBRARY

2.8 VIOLATION OF UNSC'S RESOLUTIONS 1970 AND 1973 DURING THE IMPLEMENTATION R2P

US, France and Britain rapidly and selectively moved to bilateral actions and military supply to Libyan rebel leaders and mercenaries which saw the French President Sarkozy being lauded as a hero of some sort. UNSC's Resolution 1970 was consistently adopted on 26 February 2011 after being planned by France, Germany, the UK and the US. The same countries in the 1970 and 1973 resolutions explicit reference to R2P, the same countries in military intervention through NATO and same countries with Vetoes powers and permanent seat in UNSC. International Criminal Court for a period of 12 months after a Security Council request to that effect. The resolution was supposed to refer the matter to International Criminal Court (ICC), within the time-frame of twelve (12) months of SC request to that effect. But before that period elapsed the UN Chapter VII Article 41 was rapidly pushed to legal military intervention through resolution 1973 to authorize a no-fly zone by March 2011. There are many atrocities. Besides the French fighter jets of the French Air Force destroyed several pro-Gaddafi vehicles advancing on rebel stronghold Benghazi. No-fly-zone should also apply to the rebels than been an advantage for the rebels and the interveners.

2.9 THE EFFICIENCY OF THE ELEMENTS OF R2P

There are early warning systems of the Responsibility to Prevent element of R2P. When population is in dire need for human protection then the responsibility to react element of R2P; and the responsibility to rebuild after the interventions through R2P norms. There was no efficiency, in the first element of to prevent atrocities through early warning systems. In the second element, at that point it was just the Muammar's utterances and conspiracy with an intention to prevent civil war from happening in Libya. Muammar stated he was going to go alley by alley, street by street to deal with certain elements behaving like cockroaches.

By this he was referring to the NATO sponsored rebels and mercenaries who took an advantage of Arab-spring. The Libya's leader made these assertions as the main actor of the sovereign nation-state. The death toll was only more than two hundred by the time such conspiracy was made.

The third element has not been used, since Libya was left in shambles while foreign oil companies started the operations. Staying in the country for some time after the initial purposes of the intervention have been accomplished must be assessed carefully as it can be interpreted as a foreign occupation.

2.10 THE EFFICIENCY OF POLITICAL NON-BINDING NORMS AND INTERVENTION

The reasons of utilising the political non-binding norms in most sensitive situations like the one in Libya is needs more clarity. There should be legally binding norms that could have dealt with intrastate conflicts under the same international law. There is no compassion in protecting the population with national interest of the hegemonic powers.

All the interventions and atrocities have thus far violated the same norms and extended Libya's civil war and elsewhere more than it should prevent them from happening. When the intervention started the death toll was only in hundreds, before the intervention was over, the death toll was its 30,000 (Kuperman, 2015).

An armaments restrictions were enforced. This was to halt weapons coming into Libya or going out of Libya. Neighbouring nation-states were warned to be on the watch out of any suspicious arm shipment and mercenaries but France violated all these (Williams, 2011). The hopes of the regime change (Obama, 2011) by NATO and coalition member nation-states were prioritised than the already clear objectives of resolution, R2P norms as well as chapter VI and chapter VII of the UN. As a result the efficiency to protect Libyan population was undermined through the use force. This, then gave a clear impression of inefficiency of UN's implementation of R2P in Libya.

2.11 FACTORS THAT NECESSITATED THE APPLICATION OF R2P IN LIBYA

The efficiency of R2P in its implementation in Libya might have been influenced by the unwilling and willing states with the world powers competitions, national interest and hegemonic coalitions inspirations of the USA, UK, France, German, Russia, China and other major organizations who are directly or indirectly having interest to gain.

Aghayev, (2013) stated that in December on the 24th, 1951 Libya with more than 1.5 million in total of population was one of the underdeveloped nation-states. Even from its emancipation and statehood years by the UN the country was still poor. Almost the whole population illiterate. At the time Libya had not had any universities, not even a single university existed. Libya had high schools and fall short of many of them. Libya has been colonised by Italians, Ottomans, England and France. These colonialists governed only the productive lands of the country. The foreign minorities had agreed with the self-proclaimed king Idris al-Senussi to

start oil companies in April, 1951 and the drilling started in 1959. However, the colonialists exploited and exported oil first to their own countries in 1963.

The colonialists and the capitalists ideas of taking the most valuable resources could have angered the majority local Libyans. As result the first coup and development of the country by Gaddafi led plenty to plenty food, clothes, free education, free health services, cars, homes, televisions, water, video-recorders and telephones and economic independence (Blundy, 1987). The first African RASCOM satellite was launched in 2007 through Gaddafi's 300 million dollars donation. This was in order to avoid international monopoly by Intelsat for Telecommunication Company. This foreign company charged 400 million dollars for annual services from African states. This could have resulted US wanting to base their military headquarter, AFRICOM in 2008 in Africa. AFRICOM is an America military bases which African states rejected this kind of threat. Libya Oil companies were controlled by foreigners who made millions and Gaddafi had plans to nationalise these companies. In 2011 around February, USA approved and the French delivered military packages to Libyan oppositions. During this time, the rebels banned the journalists to travel to the locations which has dead bodies of soldiers in Libya uniforms, erased any traces. (Aghayev, 2013).

2.12 NATO'S PROPAGANDA WAR AND OPPOSITION TO GADDAFI

According to Kuperman, (2013) NATO sought to sustain aiding the ruthless Libyan rebels. By this time Gaddafi had repeatedly wanted to end the intrastate conflicts in Libya by offering truce, cease-fire to heed the norm of R2P. This was in line with R2P's objectives of prevention of human atrocities. Seemingly, NATO the one that rejected peaceful protection of the population of Libya. This, then NATO is the biggest hindrance to the prosperous and protection from other areas as they trained the rebels. They passed the shipment of weapons violating the same resolution, norms and UN chapter VI, and Chapter VII. They continued rejecting Gaddafi's offer until he was killed. The intelligence of Gaddafi's whereabouts was passed and Hillary Clinton celebrated the achievement of killing Gaddafi. She said they came, they saw he died. Efficient evident and conspiracy with an intent to kill any leader that seem to be regarded as an enemy to western world (Salt, 2012).

2.13 UNSC AND R2P

Kreuder-Sonnen, (2015) clearly remarks that the end of Cold War blockade, international organisations such as the crossbreed and authoritative UN of western powers still maintains the systems of hard power supranational authority which are constituted by multinational and

organizations structures based on the constructed R2P norms and resolutions through decision-making by five permanent member states. Fundamentally UN Charter was supposed to be tied legal actions other than the use of force. The five permanent associates will always have a veto power. The Security Council adopts resolutions by a popular nine constructive votes out of its permanent and non-permanent 15 associates. The recommendations under Chapter VII when there is threat to peace and security of the people through a legal process. However, its authorisations are not democratic and will remain that way for as long its criteria is not confronted. Ironically, UN has been flexible to organizations such as non-governmental organizations (NGOs).

2.14 CONFLICTS IN AFRICAN STATES

Cilliers, (2013) African nations-states have been facing violence of intrastate conflicts through mass atrocities during this time and age of post-colonial, post-cold war and stubbornness lack of permanent representational of African states in the United Nations Security Council (UNSC).

This is due to contemporary colonialism, disorderly post-colonial boundaries that happened in 1884 in Berlin, German, and deprivation of African permanent and most important voice and role in the Security Council and African fear of independence of economic development from their bosom colonial masters through their self-interest policies and external influences as a new form of slavery, exportation Africa's resources and exploitation African consumer market. Many of these states lack of economic developments, investments, lack of eradication of diseases. As a result African states are fighting each other through political violence whether a country has many political parties or dictator.

Østby, (2009). African intrastate conflicts are over, nonetheless few conflicts such as the one in Libya. States in Africa continues to face instability, intrastate conflicts caused by ethnic cleansing, lack of specialisation as well as the disproportionate on dependence on commodity exports lack of dictator, markets, resources, income, corruption, social services and all this a legacy and prevailing of imperialism and colonialism. Almost all African countries have experienced both minor and major civil wars. The conflicts in Africa has improved. In the part of North Africa, the conflicts have taking place in Egypt, Sudan, Libya, Tunisia, Algeria, Morocco. In the horn of Africa, Somalia, Ethiopia, Djibouti, Eritrea had its days of conflicts while on the Indian Ocean islands, Madagascar, Comoros, Mauritius have had their share of conflicts. The African Great Lakes which has countries such as Rwanda, Burundi, Uganda, Kenya, Tanzania and West African countries such as Benin, Burkina Faso, Cameroon, Côte

d'Ivoire, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, São Tomé and Príncipe, Sierra Leone, Western Sahara had faced the conflicts. Central African region with states like Central African Republic, Republic of Congo, Democratic Republic of Congo, Chad and Southern African nation-states with states such as South Africa, Zimbabwe, Swaziland, Lesotho, Mozambique, Angola, Malawi, Namibia, Zambia.

Western scholars, organizations, media and nation-states had been biased in terms of the war propaganda in the media. One of these countries as narrated by Stefánsson Norway is famous for hosting the Nobel Peace Prize each and every year. This country has boasted the highest standards of living, however it has contributed to the military as it seems to be boasting that it has fought the best war ever in Libya than its counter-parts, hegemonic states (Stefánsson, 2016).

2.15 SUMMARY OF LITERATURE REVIEW AND IDENTIFIED GAPS

Gaps were identified as the need of additional and substantial contribution of literature and primary source in regards to the efficiency of UN's application of R2P in intrastate conflicts in Libya. The authors have been acknowledged in the preliminary literature. The literature is relevant in aspects of the studies. As a result, it should be born in mind that the specific study proposed herewith is of paramount. The literature: Beardsley, (2017); Blanchard (2016); Kazianis, (2011); Neethling (2012); Philps, (2012); Quinn (2013); Stuenkel (2014) support to the study seeking to address the gaps in the efficiency of R2P and its measure such as time-frames, R2P's legality, what necessitated the R2P as well as the mechanisms.

2.16 THEORETICAL PERSPECTIVE

2.17 INTRODUCTION

The study had been underpinned by one theory and that is a Social-constructivism theory. Social-constructivism is a social action through the integration of norms and actors (Christiansen, 1999). Social-constructivism theory has assisted in constructing new norms and the research process. Social beings construct norms and R2P is a social construct by social beings. The theory perspective has been applicable to the study and had been of the assistance to explain the efficiency of the R2P norms and what necessitated the implementation as the actors involved in that process. Baylis (2008) has indicated that social-constructivism places great importance on ideas creating nation-states' sovereignty and identities, state and non-state actors as well as internationalized and institutionalized norms and rules, and global actors such

as R2P in international relations. This is why it is so important to bring this theory into this research to explain some of the phenomena.

According to Wendt (1992) there are three Social-constructivist cultures and these are number one: the shared knowledge. Number two is material resources. Three is practices. The first culture translates to the structure of shared understandings, expectations. Therefore, the main global actors will construct norms such as R2P in which at a later stage super powers extract resources to feed their national interest and government machinery. The third would mean finding action through reactions from those R2P norms and it does not matter how long it takes. Through Social Constructivism theory, there is Power Politics and through power politics there is an Anarchy. In the social-construction there is a social action which is a result of relationship among international hegemonic actors.

Constructivism as a theoretical method has been useful in the probing of the study and substantially a contest in regards to realism and liberalism perspectives. There are basically material factors of nation-states and international organizations, political actors, governments that puts this theory as a leading perspective in that area of ideas, norms in the process of establishing a social reality. In this study, it has assisted in constructing new norms as well as mechanisms that thereafter, materialised. R2P norms with its pillars cannot be static as the theory seem to suggest. Before R2P norms there were other peace and security measures of resolving civil conflicts, they evolved and the new forms of norms were constructed instead for example R2P. In short, in social-constructivism theory explains that nation-states and international organizations, political actors, governments construct norms for survival, rights and interest.

Liberalism as well as realism perspectives has not dwell on materialism that much. Nonetheless, social-constructivism theory substantially suggests that international actors construct social values, material structures, norms, thoughts, identity, multilateralism and economic strategies. They also construct powerful structures, power of authority, supreme institutions, economic, social and political power behaviour. All these materials of anarchy, military, Ideas, norms, beliefs, sovereignty states, and alliances of national states, culture, rules, language, beliefs, logic and actions are part of construct that international actors seem to be engaging in (Dunne, (1995), (Christiansen, 1999).

Kuo, (2014) argues that social-constructed norms should not be regarded as facts. Instead, Westphalia, post-Westphalia, sovereignty of state and R2P as international norms are social elements that are socially related and constructed by the members of high order representing international civilisation. The author emphasises that the non-intervention of sovereign

territory is to be understood as constructed arrangements by the international system across Western powers alliance. However, responses by Western international systems to internal wars may influence peripheral states create self-defensive mechanisms and human construction around their permanent sovereignty by which the result of intrastate conflicts may emanates. Sovereignty ideas is a coincidence for African sovereign states. However, Africa has always sought integration of its indigenous and self-identity in the Western power's Westphalia treaty through political and economic development. Full Westphalia treaty has not been handed yet to any African state that was once colonized.

African states constructed independence norms from Westphalia colonialist but have received Westphalia treaty just yet. Socially-constructed R2P norms and their era has demonstrated that unbroken sovereignty norms from Westphalia treaty were constructed by the Western power of Europe and will always remain western ideas. Sovereignty of any developing state can be deconstructed. That is so, if a said nation-state has weakened itself through some oppression on the population. Conciliation through compensation, incentives, and trade agreements, multilateral and bilateral are not necessary surety for self-identity through sovereignty norms and non-intervention for developing regimes as demonstrated in the case of Libya.

R2P norms and non-intervention are social-constructed by nation-state players with a solo responsivity to prevent, react and rebuild within the legitimate framework of three pillars by primarily by the state and secondarily by the international community to protect the population from wars such as intrastate conflicts.

2.18 CONCLUSION

This chapter had reviewed the previously published works by other authors. During the reviewing the relevant literature to the study had identified the gaps. The chapter had advanced to go further explaining the social-constructivism. This was the theory of the study which had helped explaining the research questions and all the relevant themes in the study. The following chapter is chapter three which has explained on the research methodology.

CHAPTER THREE: RESEARCH METHODOLOGY

3.0 INTRODUCTION

The focus in the study of this chapter was to show the methodology in the research. The research was conducted through the methodology in the study. The methodology was consist of research design, qualitative design, data collection, data analysis method, target population, sample size, sample technic, semi-structures questions, reliability, viability, ethical consideration, limitations.

3.1 RESEARCH METHODOLOGY

Methodology is the systematic and theoretical analysis of the methods which is applied to a field of study. It encompasses the theoretical analysis of the body of methods as well as principles associated with a branch of knowledge. Methodology solve research problem scientifically, systematically and rationally through various steps, and tools (Kothari, 2004).

The study has been conducted using both primary and secondary sources. The primary source includes interviews. Secondary data such as protocols, draft laws, reports, internet and relevant essentially scholarly books, scholarly articles. The research has sourced from the relevant and reliable data resources purposely in line with efficiency of R2P norms and extend of primary source. One of the three (3) prominent people who germinated the phrasing of the responsibility to protect (Evans, 2004) whose works has been reviewed as a primary source. Other UN reports such as the ICISS reports have been valuable to the primary data to the study.

For the purpose of adequately appreciate and explain the efficiency of UN's R2P and its implementation, one case in a specific reference to Libya analysed. Therefore, in this case study, with secondary literature analysis it has supported, enabled comprehensiveness of the study (Hill, 1999).

3.2 RESEARCH DESIGN

The efficiency of the UN's implementation of the R2P in intrastate conflicts in Libya has been adequately analysed, developed and explained by using qualitative research. The research design includes data collection process, the instrument developing process and the sampling

process, (O'Leary, 2017). Creswell (2009) asserts that research design is a plan and procedure of a research that helps in making decisions from wide assumptions to detailed methods of data collection and analysis.

Research design has directed the researcher into in the method of collection, analysing and interpreting explanations. The approach of this study had been be qualitative method because there is nothing to be quantified in the study and qualitative explanatory had been improve research design. Explanatory research of qualitative focuses on why questions for example Semi structured telephonic interviews. Semi-structured are unstructured (probing method) and structured interviews. Qualitative explanatory research design had been further explain the efficiency of UN implementation of R2P in intrastate conflicts in Libya 2011. The study had been be explanatory because the research is intended to explain the phenomena more clearly through in-depth interviews, and engaging focus groups into the case studies, topic, questions, problems and gaps in the study which is a qualitative in nature.

3.3 QUALITATIVE RESEARCH DESIGN METHOD

The selection of this research design method has been the result of the relevance of the research's objective and NATO-UNSC and Libya's works through R2P norms. The research was done using words rather, and not quantifiable. Qualitative research design method has appropriately captured the view of the social world of "why" questions. This was considered because of the real life situations of semi-structured interviews data collection which only demands qualitative research design method. There was no need to manipulate, experiment and test in the study (Morgan, 1980).

The research had applied qualitative methods. Qualitative codes, describe, translate the meanings. Qualitative is non-numeric and includes pictures and words. This allows respondents to use their own words (Greener, (2011).

3.4 STUDY AREA

Libya is located in the north of Africa, and it is very interesting since Libya became the first nation-state among the all UN members to have R2P norms implemented. Perennially, the efficiency of this norm has become questionable as years past.

3.5 TARGET POPULATION

Population is defined as a group from which the researcher wants to generalize his result (Bhattacharjee, 2012). According to O'Leary (2010), population is the total group that the researcher is interested in learning more about. Also, population is a term to describe the total quantity of cases which is the subject of a study that consists of objects, people, and events (Marshall & Rossman, 2011).

The research population of this proposed study had been be drawn telephonically from relevant academics, officials and experts to the study. In order to generalise the whole relevant population the study had been include:

1. One (1) expert working as a chairman of the Board of Trustees of Institute of

   Security Studies (ISS) and the head of African Futures and Innovation Scenarios in South Africa.

2. One (1) South African official in the Department of International Relations and Co-operation (DIRCO).

3. Two (2) officials from Libyan embassy in Lesotho, and French official at its Embassies in Pretoria.

4. Two (2 Academics on Responsibility to protect.

These target of population is where key informants had been be drawn and that is due to the fact that these individuals are well-placed in their organization and knowledgeable to the study to assist in the feasibility of the proposed research.

3.6 SAMPLE SIZE

According to Bhattacharjee (2012), sampling is the process of selecting a subset out of a whole population. As such six (6) participants had been be selected through purpose technique. They had been be drawn from the study population stated above.

Six (6) respondents had been be interviewed. Based on the researcher's selective, subjective, confidence, academic value in the study, the sample size is six. As a non-probabilistic sampling with purposive sampling methods had been be employed in this study. Purposive sampling had been be used to achieve study setting. In all, a total of six (6) key respondents had been be purposively selected and interviewed one on one. The selection is as follows:

One (1) from the Department of International Relations and Co-operations (DIRCO). Two (2) from academics such Wits university. One (1) from Institute of Security Services (ISS) researcher and chairman of the Board of Trustees of Institute of Security Studies. One (1) Libyan embassy official in Lesotho were chosen because the officials are from Libya and they have experiences and raw insight into how effective was R2P norm during the intrastate conflicts. French embassy official in Pretoria.

3.7 SAMPLING TECHNIQUE

This study employed the non-probability sampling technique focusing on the purposive sampling for study participants. A non-probability sampling techniques represent sample technic such as purposive sample selected based on the subjective judgement of the researcher undertaking the study to help in choosing relevant participants who had been provide relevant viewpoints. The officials had shed their insights into how effective was R2P norm during the intrastate conflicts in Libya, what necessitated and the mechanisms on government official's point of view on global security studies. The following are some of those insights: The legality of R2P; what necessitated the R2P, the future mechanisms to utilise R2P norm again, The efficiency of R2P in Libya The legality of R2P; The effects of R2P; the implications of national interests; Permanent members of the UNSC, NATO, UN and hegemonic groups in terms of carrying out these norms; The ethics of R2; NATO's violation of norms.

The criteria for necessitating R2P application in Libya; The political aggression and out of the area regional bodies; The third pillar interpretation; Arming of the rebels, language and propaganda during R2P implementation; What are rules of war; what constitute genocide; the credibility of R2P to be implemented again and utilised in future. What are objectives of R2P and what were they intended for. The successes of R2P.

3.7.1 SAMPLING TECHNIQUE FOR DIPLOMATIC OFFICIAL AT THE LIBYAN EMBASSY IN LESOTHO AND FRENCH EMBASSY OFFICIAL IN PRETORIA.

The embassy diplomatic official at the Libyan, French in Pretoria and Lesotho had shed the light on how effective was R2P norm during the intrastate conflicts; what necessitated R2P in Libya; and the mechanisms of R2P for future use ambassadors point of view on global security studies. The following are some of those insights: The legality of R2P; what necessitated the R2P, the future mechanisms to utilise R2P norm again, The efficiency of R2P in Libya; the implications of national interests; permanent members of the UNSC, NATO, UN and hegemonic groups in terms of carrying out these norms; The ethics of R2; NATO's violation of norms. The criteria for necessitating R2P implementation; the political aggression and out of the area regional bodies; The third pillar interpretation; Arming of the rebels, language and propaganda during R2P implementation; What are rules of war; what constitute genocide; the credibility of R2P to be implemented again and utilised in future. What are objectives of R2P and what were they intended for. The successes of R2P.

3.7.2 SAMPLING TECHNIQUE FOR DIRCO OFFICIAL

The official had shed the insight into how effective was R2P norm during the intrastate conflicts from academic point of view in security studies. The following are some of those insights: The legality of R2P; what necessitated the R2P, the future mechanisms to utilise R2P norm again, The efficiency of R2P in Libya; the implications of national interests; permanent members of the UNSC, NATO, UN and hegemonic groups in terms of carrying out these norms; The ethics of R2; NATO's violation of norms. The criteria for necessitating R2P application; The political aggression and out of the area regional bodies; The third pillar interpretation; Arming of the rebels, language and propaganda during R2P implementation; What are rules of war; what constitute genocide; the credibility of R2P to be implemented again and utilised in future. What are objectives of R2P and what were they intended for. The successes of R2P.

3.7.3 SAMPLING TECHNIQUE FOR ISS EXPERT

The expert had shed the insight into how effective was R2P norm during the intrastate conflicts from academic point of view in security studies. The following are some of those insights: The legality of R2P; what necessitated the R2P, the future mechanisms to utilise R2P norm again, the efficiency of R2P in Libya and hegemonic groups in terms of carrying out these norms; the ethics of R2; NATO's violation of norms. The criteria for necessitating R2P application ; The political aggression and out of the area regional bodies; The third pillar interpretation; Arming

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of the rebels, language and propaganda during R2P implementation; What are rules of war; what constitute genocide; the credibility of R2P to be implemented again and utilised in future. What are objectives of R2P and what were they intended for. The successes of R2P.

The academics had shed the insight into how effective was R2P norm during the intrastate conflicts from academic point of view in security studies. The following are some of those insights: The legality of R2P; The effects of R2P; the implications of national interests; permanent members of the UNSC, NATO, UN and hegemonic groups in terms of carrying out these norms; The ethics of R2; NATO's violation of norms. The criteria for necessitating R2P implementation; the political aggression and out of the area regional bodies; The third pillar interpretation; Arming of the rebels, language and propaganda during R2P implementation; What are rules of war; what constitute genocide; the credibility of R2P to be implemented again and utilised in future. What are objectives of R2P and what were they intended for. The successes of R2P.

3.8 DATA COLLECTION METHODS

The study had employed dual method to source data and these were primary and secondary data collection method. The primary data depended largely on Semi-structured interviews and reliable previously published data which is secondary.

3.9 PRIMARY DATA COLLECTION METHODS

Primary data collection method facilitated by interviewing the relevant respondents to the objectives of the study. The interviews was the result of the combination of series of respondents indicated in the target population. The respondents were as follows: Dirco, ISS, and Diplomatic officials from French and Libyan embassy, academics from Wits University.

3.10 SEMI-STRUCTURED INTERVIEWS

Semi-structured interviews are unstructured (probing method) as well as structured interviews. The all the relevant respondents had been be interviewed by telephone. The notes had been be noted down before analysis. The researcher used semi-structured interviews which were done telephonically with available participants at the time of the intent of submission. The primary source and its qualitative explanation was supported with secondary source

3.11 QUESTIONS

The questions were composed of the research questions each related to the literature reviewed in the study. The type of language used in the questions and its interview delivery are in English. The six (6) open-ended and close-ended questions have been provided in appendix. The questions were all related to the study, and the researcher avoided the unambiguousness, less bias but more availability of the source, more reliable, viable, applicability and validity.

3.12 RESPONSE RATE

The overall sample size interviewed, the response rate was normal (the research had whole total of the sample interviewed). The total sample was six (6) in the research proposal. The response rate of each area is as follows: The area of Libya which was crucial to the study was the embassy official as well as another official of French embassy. Another official from Department of international relations and cooperation. Experts as academics from Wits University, and another expert from ISS.

3.13 SECONDARY DATA COLLECTION METHOD

Secondary data collection method were facilitated by extracting, coding, patterns into themes, building findings, analysis, recommendations and conclusion through constructivism manner only relevant data from the period before 2011 to 2017. This was the combination of desk work in the scholar's computer work stations and the library made available for scholars at the Mafikeng campus of North West University in South Africa. The literature is made of the following: reports, internet sources such as google scholar, published works, and unpublished works and websites data, books, newspapers, repositories such as academic data sites, print and electronic media as well as articles.

3.14 DATA AVAILABILITY FOR LIBYA

There were many sources and already large literature by scholars, experts, and officials. Additional, there are relevant viewpoints that were shed by the academics, experts, and officials by various organizations, institutions. This is evidenced in the list of the references as the supporting data to primary data. Both my interviews and reviewing of the previously published works constituted my data as they give reliable accounts of the efficiency of UN's implementation of R2P in Libya.

3.15 VIABILITY AND RELIABILITY OF THE STUDY

The researcher had made sure that the research was credible as well as trustworthy. There has been a consistency and stability in order to enhance quality and accuracy. In order to make sure there was a truthfulness of scientific findings depended on the availability, viability, valid and reliable. The procedure of interviewing was repeated with the informants until the end of the interview and the research (Brink, 1993).

The viability is that the researcher had used unstructured (probing method) and structured questions during primary data collection. This had been link between the research questions and interview questions. The researcher had been observe the feedback notes before data analysis. Additionally, the research design as outlined in the study proposal had been be observed.

The reliability is that the researcher had been be honest by following the proper research process. The researcher had been use Atlas Ti Version 8 qualitative software to analyse data. Also data had been be transcribed from interviews selected from relevant participants. The researcher was responsible in making sure that the research was free from unethical representation of the data from the participants and avoided their viewpoints.

3.16 DATA ANALYSIS

Data analysis was dual such as Atlas Ti Version 8 and content analysis.

3.17 ATLAS TI VERSION 8

Data was analysed using Atlas Ti version 8. Firstly, data had been be transcribed, then translated, and auto coded in the software. This was to allow categorization of emerging themes. It had permitted a meaningful interpretation of study results. Atlas Ti Version 8 had been be used to analyse primary data. Primary data is usually expensive and time consuming. The sample technic of interview of the primary data was from the original source and was collected first-hand by the researcher as indicated, (Friese, 2014).

ATLAS Ti Version 8 is a computer Aided qualitative Data Analysis Software (CAQDAS) used in qualitative data analysis for coding, interpret and provide an overview of a study because of the complexities of open-ended and unstructured interviews and questionnaires this is helpful to the methodology (Smit, 2002).

3.18 CONTENT ANALYSIS

Content analysis from secondary data has assisted comprehensively to interpret the data collected. From the reviewed literature to providing answers to the research questions, problems, and forming support of literature: reports, internet sources such as google scholar, books, repositories such as academic data sites, print and electronic media as well as articles has been analysed. The researcher made sure that there is a relations to the study before the data could be analysed, it was qualitatively analysed using the Atlas Ti version 8 and qualitatively analysed using content analysis (Maree, 2010).

3.19 LIMITATION OF THE STUDY

The available relevant respondents were adequately done through interviews. It was with repeated calls that at some point those not available were contacted and interviewed. The preferred travel to Libya, France, and other NATO member embassies and Institute of Policy and Strategic Studies (ISS) to further increase excellence of data collection. However, with all viability, reliability, availability the researcher was more equally narrowed to telephonic interviews and previously published data. Apart from the problem of finance as a general limitation, the study had been be advanced particularly from an international relations perspective through telephonic primary data collection and secondary data without losing focus on achieving the specific objectives of the research.

3.20 TERMINOLOGIES

With a rigorous effort, the researcher has made ensure the distinctive social sciences comprehensible terminologies are clear to those without this category of academic disciplines background for advancing their own academic research objectives: social-constructivism, R2P, norms, efficiency, implementation, intrastate conflicts, national interest, nation-state, hegemonic, permanent members, veto, prevention, resolutions, mechanisms, factors, west-phalia treaty, and no-fly-zone.

3.21 ETHICAL CONSIDERATIONS

The researcher had permission from Regulatory Ethics Committee (REC) of NWU as stated in Singapore statement on research integrity (Marušić, 2010). The study has adhered to the codes of conduct and ethical principles of research reliability: Honest, Voluntary, Accountability, fairness, Professional courtesy and Stewardship.

The primary sources and its participants heard on how the interview is going to be conducted and they were also told that it is going to be confidential. The researcher was also observant of the strictly ethical requirement for the complete referencing of his secondary sources of information in this study.

3.22 CHOICE OF THE STUDY

The period of the study is before 2011 to 2017. The choice of this period is a result of a long history entrenched in the period that led to the first UN's 2011 implementation of R2P norms in intrastate conflicts in Libya. And what necessitated the implementation to the period that could enable the researcher to measure the efficiency and future use of R2P's mechanism.

3.21 CONCLUSION

This chapter had been about methodology of this research. The methodology had been of this research was comprised of research design, qualitative design, data collection, data analysis method, target population, sample size, sample technic, semi-structures questions, reliability, viability, ethical consideration, limitations. And the following chapter had looked at the presentation as well as analysis.

CHAPTER FOUR: PRESENTATION AND ANALYSIS

4.0 INTRODUCTION

According to Solberg (2015) Libya had first experienced its independence from its colonials, Italy in 1951. Pro-western King Idris created a constitutional monarchy. Wealth from the new discovery of Oil resources went to western powers while many Libyans remained poor until al-Fateh revolution coup led by Gaddafi in 1969. The new Gaddafi's communistic and capitalistic Third Universal Way ideology was drawn from his Green Book was introduced. His ideologies were about the fundamentals of unswerving democracy by peoples committees Jamahiriya of the State of the masses. Essentially the chapter in this study has focused on the necessitation of R2P in Libya, the measuring of the efficiency of R2P in Libya, the mechanisms that UN can utilise R2P norm in the near future as well as the required objectives of R2P.

This chapter had been focused on the findings on the research questions and their sub-topics as well as the literature that had been reviewed. The findings were presented in relations to the research questions which will appear under different subthemes. The presentation as well as analysis had been achieved through the analysis of the primary source as well as secondary source. The authors' views were indicated at each passing secondary and primary source.

Nuruye, (2013) alludes the beginning of Libya's normal dispersing of protesters through tear gas and batons on peaceful protest turned into intrastate conflicts against Gaddafi's government to NATO's use of force. It all started in Benghazi on the February 15. Certain section of Libyan society felt Gaddafi's regime brutally suppressed its people. It deployed Libyan national military to crush the protesters. When that failed, Gaddafi turned to fear instilling and scare tactics utterances. He announced that there will not be any mercy towards the protesters. He vowed that the regime will cleanse Libya inch by inch, house by house, home by home, alley by alley, person by person, until the Libya is cleansed of dirt and scum (Erameh, 2017).

4.1 NECESSITATION OF R2P IN LIBYA

According to Phillips, (2012) the necessitation of R2P in Libya is a result of an evolution from a nation of sovereign exemption to a state of national and international responsibility. R2P in Libya was necessitated based on all three pillars. The trio pillars have been mentioned as follows: All nation-states have a responsibility to protect their own nations within their borders from mass atrocities, genocide of their people, war crimes, criminalities against humanity as well as ethnic cleansing during intrastate conflicts as stated in Pillar 1 of R2P. Pillar 1 is

followed by Pillar 2 which specifies that the broader global community should reassure and help each nation-states in meeting the responsibilities designated in the first pillar. While the third Pillar's responsibility is to collectively, timely and decisively organize an applicable action and this should be within the global community of the UN and its Charter. This collective action is to protect the population in the intrastate-conflicts countries, if the government has clearly and manifestly failed to protect its citizens from all the crimes mentioned in the first pillar (Morris, 2013). Williams, (2012) disagrees that Gaddafi was any public threats against his own people. He indicates that the threat of mass atrocities by the Gaddafi's utterances were not real. Benghazi mass atrocities were not going to happen very quickly if there were any threats. Gaddafi himself thought by uttering random killings of western-guided rebels like rats could calm the situation of Arab spring down.

Wits university academics (participant D interviewed on 23/11/2017) had stated that Gaddafi was a clearly a dictator during his rule in Libya. The participant is of the view that the leaders become dictators because they always live in fear. That leads to staying in power forever and protect their own interest than the interest of their population. When this happens their population revolts against dictators and they are then toppled through a necessitated form of international norms such as R2P, 2011. That is what happened to Gaddafi in Libya. Psychologist such as Vertigans, (2013) support the fear that dictators but also goes on to say the super power nation-states have the same fear that peripheral states and their dictator have. The participant D had failed to mention that the national interests of the super powers and imperialists from the UNSC comes first and the UNSC has failed to democratise itself. SC and its sponsor, hegemonic and alliances have continued neutralising the sovereignty of the state that they use for their machinery and overlook the course of these intrastate conflicts in Africa. Odeyemi, (2016) is of the opinion that Gaddafi and his family, loyalists had not being afforded the bargains in Resolutions 1970 and 1973 and R2P norms. R2P applied only to the rebels by the international community undemocratically.

UN and Western powers together with rebels have failed to put together Libya to former glory. It took Gaddafi few months from 1969 to put together and develop Libya. Through oil Gaddafi put back revenues into Libya's development. He liberated women gave Libya a highest living standards in Africa. Libya had education that was free, health system that were free as well as free housing that was provided to his people (Mazrui, 2011) and (Gamaty, 2012). Libyans are yearning for Gaddafi nostalgically. Western powers together with Rebels had not protected the first citizen who had done more good than to wreakLibya, comparing to Mugabe era in Zimbabwe. They killed and overstep the job of ICC to bring Gaddafi to book. The rebels with

the help of western powers through NATO authorised by UNSC went door to door, alley by alley and house by house to bombard, destroyed infrastructures, killed combatants and non-combatants that were loyalists to Gaddafi and his family like cockroaches. The resolutions and R2P were only efficient to the rebels and the objectives of the western powers.

Barber, (2011) states that Gaddafi's death was violently perpetrated by the people he reigned over. The author suggest that the change people want to see will not happen in few years. He says for US to be where it is, it took them 80 years. Uprisings are not good idea if the revolutionaries wants the change tomorrow and as suggested by Barber, it often give birth to unforeseeable anarchy, rivalry and as well as the new form of tyranny.

French embassy official in South Africa (participant B interviewed on 06/11/2017) have argued that Gaddafi's gesture of truce was not credible enough. There were still threats as he did not take the responsibility of the first and second pillars seriously. The international community had taking his gesture of truce as buying time. NATO and UN had to take a concrete action Gaddafi immediately. It can be argued that Gaddafi's sign of truce was really dependable. Benghazi rebels in Libya had rejected AU truce plan as a peaceful way of intervention. Gaddafi was highly regarded in championing African unity and single currency.

Global assistance to Libyan population especially by those multilateral hegemonic superpower that had been lobbying for the downfall of the Gaddafi.. Whether the decision of France's involvement in Libya's intervention was wrong or right, assisting the member of NATO and its neighbours such as Libya had become paramount.

Rebels had been violently fighting against the Libyan state then the state was justified to protect itself. Contradiction stories emerged that the state was threatening its own people. Gaddafi's calling of Libyans as cockroaches had brought back fears of Rwandan genocide. It seems, Pillar 2 was skipped as the international community did not come in to help the Libyan's regime. There was no mechanism in place for international community to work with the Libyan state. The whole process of intervention in Libya had lacked a complete UN consensus. Pillar three is not relevantly applied as there are deficiencies in applying pillar 1 and 2.

Libya embassy official (participant A interviewed on 20/11/2017) is of the opinion that the Arab nations assisted Libyan rebels to liberate themselves from the tyrant in order to stop Arab spring spilling over into their states. These Arab states still has human abuse and is lack of democracy than Libya. Arab states supplied weapons to Libyan rebels in support of NATO to

avoid the civil war experience in their own oppressed states. Arab world was helping itself during their involvement in Libya.

It took Gaddafi less than 40 years to develop Libya from the ground of the desert. He had brought water to the dessert population that had been living in the tents for so many years. Therefore based Barber, it will be in the year 3000 for the Libyans to reap the fruits of their revolutionary action against Gaddafi. Why would any revolution groups take it to task that what they fighting for can be ripped at much later years. They will enjoyed after the millennium when they are long dead too like Gaddafi. Parry, (2016) and De Waal, (2013) alludes that the west's use of force to R2P and protect Libyans in Benghazi was a western powers' cover and catastrophic regime change operation. Based on the lamenting of Libyan masses that got themselves involved in the western powers, it was a mistake to support the western propaganda to a continuous extermination of brilliant African leaders. Sudanese intelligence agents were more active inside Libya. Arab world and Sudan sponsored revolutionary had no idea what new Libya may bring. Kuperman, (2013) states that are uncertainties in in Libya today than they were during Gaddafi era. Many Libyans expressed longing and nostalgia for a strong leader like Gaddafi.

There was a hostility between Libya and the members of NATO (high ranking ISS (participant E, interviewed on 27/11/2017). The leader of Libya, Gaddafi had nationalized Libya's foreign owned oil. Gaddafi had made sure that there was immediate closure of the world largest US military base refered as Wheelus Air Base. This was one of the largest US international military service base.

Black, (2000) reveals that Gaddafi was an anti-Zionist as well as an anti-imperialist. He had much awaited that United States of Africa whose every state would have atomic bomb would materialise. He believed that there will be the unity within the Arab world especially towards producing atom bomb which made him being resented by three continents. He supported many African states to liberate themselves as a result Sudan supported the rebels in Libya. On the other hand he had been regarded as a plotter as well an adventurer. There have clashes between US and Libya during 1980s.

High ranking ISS (participant E interviewed on 27/11/2017) stated that the hostility of Westerners, some African states, and Arab communities had a sudden tragic impact on Gaddafi life. Arab springs had led to the protest in Libya and and this action of the rebels and their international partners in UNSC such as US, France had helped to necessitate R2P norms.

GAddafi had in a fews before 2011 protest tried to initiate a reconciliation with the western powers. However, a reconciliation was not in imperialists' national interest.

Baimu, (2003), Amusan, (2013) Grizold, (2015) Bellamy, (2011) and Fruehauf, (2011) argue that there was a clear threat and that threat has necessitated a No-fly-Zone in Libya to stop the genocide before it happened. AU Act restrict war crimes, crime against humanity and genocide. There is gross abuses of human rights by international community as seen in quick reaction as a response to Muammar Gaddafi's threats and if that was appropriate. African mercenaries" supporting Gaddafi's army and migrants are now coming under increasing threat.

Pedersen, (2013) seems to suggest that, King Idris had been a threat internally by his own government and people. Libyan revolution was equal to violence committed by both Gaddafi and the rebels. There was a clear threat from both rebels and Gaddafi. This was enhanced by western powers through the media. No-fly-zone had not being used as responsibility to prevent the genocide in Libya but to aid the movement of the rebels, pass intelligence and weaken the Gaddafi's Regime. Airstrikes by NATO and ground bombings targeted Gaddafi's loyalists. Airstrikes had killed family members of Gaddafi and his loyalists, and killing innocent and civilians as a result. Therefore, to suggest that the Gaddafi was a threat is not appropriate and is an inadequate notion. Gross violations of human rights by the super power leaders and NATO in Libya was very unclear.

Nonetheless, Reike, (2015) has alluded that Gaddafi had said he will go house by house and street by street. Gaddafi referred to the 1989 Chinese annihilation on Tiananmen Square as a warning and effected the first pillar of state's responsibility to protect. What the author does not indicate is that Gaddafi was to organize a mass violence on the protestors to hinder Arab spring by calling them rats. Gaddafi had been warning the rebels not to continue protests or face the consequences. He had done that by saying he was going alley by alley and street by street and exterminate the cockroaches. This was in order to deter the rebels from coursing more disorder. There was no peace in the country, because there was an Arab spring and protests that was organizing itself secretly militarily.

According to wits university academics (participant D interviewed on 23/11/2017) Gaddafi had been a brutal dictator for many years. The international community could no longer trust him but to necessitate the R2P and in order to honour the will of the Libyan population. Gaddafi had a history of killing people and consequently he could not be trusted by the West.

That is certain when the leadership, regime and its resources are not shared with other citizens. When there is only one leader for many years that would be regarded as the dictatorship. That could course pressure. That is the same pressure that five permanent members (P5) has been holding on to. That is the dictatorship if the veto is not circulated accordingly and among states. High level of Libyan embassy had suggested that Gaddafi saw himself as God. Gaddafi called it, government of the masses while there were other leaders being groomed. The participant had overlooked the notion that even if Gaddafi called it governemt of the masses, there must be leaders and new leaders to be groomed. Gaddafi had placed pictures of himself across Libya and emerged everywhere on African continent as their messiah.

The removal of Gadaffi is not in line with R2P. According to Libya's embassy official, participant A (interviewed on 20/11/2017) Libya should have been developed more than Dubai by 2011. The lack of large airports and infrastructures such as big towers like the ones that in Qatar, Dubai and Singapore. Most of the revenues from the best quality oil went to Gaddafi's family and torturing of his own people. Libya is a route to Europe, Africa and Asia and with the best quality oil in the world, but still lacks many things. One man and his family cannot rule Libya forever if the country is not a monarch and that mistake necessitated to Gaddafi's demise through R2P norms and Gaddafi was not God.

According to Rane, (2012) the social and electronic media and their social activities have integrated revolution to change regimes and leaders. For instance Hosni Mubarak in Egypt, Tunisia and its former leader Ben Ali as well as Gaddafi in Libya. The rebels influenced by Arab spring, attracted global attention through the social media which took fake news to the international scene. Uprising in Libya attracted western powers and advantage to regime change and the brutal killing of Muammar. The R2P is seen successful in terms of conclusive rewarding the interveners, western scholars.

Gaddafi was a dictator so he oppressed his people. It can also be argued that the mere fact that he was a dictator, that does not necessitate R2p. Even with dictators using R2P for regime change means a precedent has to be set to remove dictators like Kabila, Museveni. It means UNSC has to remove every dictator across the world. However, Liolos, (2012) argues that many Libyans united in revolt against the oppression and tyrants, Gaddafi. It had been over forty years, that Gaddafi oppressed the population of Libya during his dictatorship and reign. Liolos suggest that Gaddafi government was brutally oppressive.

The high level ISS (participant E interviewed on 27/11/2017) attests that the humanitarian intervention through R2P was a complex one. Gaddafi's involvement in the Lockerbie could have necessitated the intervention in Libya in 2011. Westerners saw Gaddafi ungracious after and before Lockerbie bombing. There were some activities in Chad, Congo and in Mali. The above expert suggest that the western power had wanted to revenge over the Lockerbie incident. The method of revenging on Gaddafi through a back door should be interesting to do more on this on whether it is illegal or not. UN and UNSC should Libya Embassy official in Lesotho (participant A interviewed on 20/11/2017) indicates that the national interest of the western powers was the priority and that had necessitated the intervention. They helped Libyans to fight Gaddafi. Now Libyans are fighting one another. Use of force is linked to the gold, oil and other minerals in Africa. Gaddafi resort to protect his people and regime by crushing the rebels during the Arab springs. Forty two years of Gaddafi in power with no chance given to other abled people caused. Arab spring caused the necessitation of R2P in Libya (participant A interviewed on 20/11/2017). The necessitation of R2P, the measuring of the efficiency of R2P, mechanisms that UN will utilise in the future through R2P as well as its legality has emerged as suspicion than protecting the Libyan population.

There is a lack of evidence in the third pillar responsibility. The objectives of R2P could have been achieved if the responsibility was handled well. There is encroachment of vigorous national interests and national goals of the SC's permanent members. Through the R2P norm, Libya has been fragmented society in Libya resulting many social ills such as contemporary slave. Libyan people has been abandoned to fend for itself. The national interest of the western power has suspended the sovereignty that was never meant to be for those who seek exemptions from crime against humanities. The new dawn for popular sovereignty by the people has been introduced to the world. The dictatorship has necessitated the uprising and those looking for the economic muscles take advantage in the process by hiding behind the norms. These has emerged to be created for certain section of regions especially for the third world. In the name of international community the sovereignty, foreign policies, constitutions, nations, statehood, economic muscles and its main actors are been cross checked by superpowers. (Solberg, 2015).

It has become clear that after six years that the implementation of R2P was not effective. There is a large number of Libyan population yearning Gaddafi regime. The honeymoon of revolutionary has come to an end in Libya. The current situation has shown that the objectives of R2P and of the Libyans were never been met. The implementation of R2P. The possibility that R2P could be used in future again are really gleam.

4.2 MEASURING THE EFFICIENCY OF R2P

In essence, the dissertation has explained the efficiency in the application of the R2P norms during intrastate conflicts in Libya with a specific reference to Libya. In the preceding chapters, the researcher has explored the efficiency of the R2P norm during its implementation in Libya and defined the pillars, UN charter and its resolutions, and NATO. Additionally the explanation on the application of the R2P in the case of Libya was presented.

Essentially the questions in the study were carried out in the first chapter. As a result the purpose of the present chapter is to summarise, conclude as well to recommend on how best to make norms sustainable and to integrate new norms and theories.

The question of efficiency in the application of UN's R2P norms in intrastate conflicts in Libya are of great concern to this day. The UN's authorisation of NATO rapidly into Libya has prompted many debates on whether this was a legitimate and legal. UN continues creating the failed states with norms that are sustainable and cannot be used in future again.

Making the use of force through military mediation has been prioritised without common concession. There is a concern over the national interest and hegemonic powers from being authorised by the same members in UNSC and carrying out the UN mandate by the same NATO members. It has created unethical practice and politicising and revenge of the states that were already at odds with the regime and its leader.

Libya to this day from 2011 is facing many problems beyond the hopes of rebuilding. There are signs of rebellions and partitioning of the country. The measure of the application of R2P's efficiency was based on the Syrian case, and the R2P legality in Libya and the future use of that norm. The use of force in Libya 2011 by NATO has helped to the revolution of R2P norm on its measuring of the efficiency of the of the R2P norm's application in intrastate conflicts. In this study the efficiency of UN's application of R2P in Libya was based on its measure. Therefore, the study has looked at the necessitating the R2P in Libya, mechanisms towards the R2P norms that can be used in future, and some of the key features that categorised on resolutions 1970 and 1973 on the norm of R2P' legality as well as the efficiency of the application (Odeyemi, 2016).

Aljazy, (2013) clearly states that the measuring of the efficiency of R2P in Libya is problematic. By efficiency, it means whether R2P was legal, did they arrive at the R2P

objectives like protecting children and women and both combatant and non-combat civilians. And this also used to measure the efficiency of UN's applications of R2P in Libya during the intrastate conflicts in Libya.

The western powers in NATO, three permanent members and the very three members of UNSC who authorised the Libyans intervention had not clarified rigorous procedures for a no-fly zone in order to measure its efficiency of R2P norms, Resolution 1970 and 1973's application. Furthermore, the UNSC adopted far-reaching measures under Chapter VII, without substantial Credible information about the situation on the ground. To this end the reasonable prospects for success of specific measures emerges from the analysis as an important issue The 1973 Resolution of no-fly zone is a measure of the efficiency of how the lives of combatants and non-combatants were saved or triggered more harm than good to the same population that desired protection. The considerations on the efficiency and on its application of the R2P and the resolutions 1970 and 1973 provides comprehensive significance into the further change of the R2P norm. Essentially, the views from that of the three permanent members such US, France as well as Britain differs from many and general quarters. It is extensively believed that R2P application necessitates balancing of the humanitarian interventions with the demands of state sovereignty rather than suspending it (Odeyemi, (2016).

Chaotic implementation of R2R. The safety and security of the population should ensure by all necessary means. Williams, (2011) attest that there were no establishment of safe areas in places when Libyan population was protected as stated in R2P and its all three pillars. Many Libyans and infrastructures were exposed to shelling, airstrikes, witch-hunting, revenge, revolutionary mob psychology. There were no precautionary measure before, during and after. The efficiency in the implementation of R2P in Libya was the result of complicated and suspicious agenda by the parties involved.

Libya embassy official in Lesotho (participant A interviewed on 20/11/2017) notes that at least these days Libya population can express themselves without Gaddafi's intimidation. This is on the premise that endeavoured to cut all communication such cell phones, television, and the internet, leaving the Libyan people cut off (Marshall, 2014).

Wits university academics (participant C interviewed on 23/11/2017) is of the view that the R2P, Russia believes this norm R2P does even more harm than good to the nation-states affected. Therefore, the effectiveness of R2P remains questionable in the minds of those opposing it. Participant C argues alternatively, if AU had swiftly implemented the No-Fly-

Zone, but they had lacked the resources. AU had tried to negotiate with Gaddafi, the Libyan president who was regarded a dictator. NATO had pursued speed removal when R2P was implemented and Gaddafi was efficiently exterminated.

It clearly seems that the hegemonic powers of NATO always wants nothing less than regime change in African regimes than truce and negotiation (Dirco official, participant F, (interviewed on 13/11/2017). This is in line with their economic interest scramble meanwhile the population still continues to fight each other. The western powers are well aware that the conflict will continue as long they want it to. The same way they come in and the same they will come out. This often become ineffective.

Wits university academics (participant C interviewed on 23/11/2017) has indicated that there was a split among African states for example, Sudan which supported the rebels instead of Gaddafi's regime. On the hand Arab world called for Gaddafi removal, and this made AU voiceless problematically for the AU as a reliable for its nation-states. All these views made the R2P easy to be implemented and efficiently eliminated a man regarded as a tyrant who had no chance or support of winning the war.

Wits university academics (participant C interviewed on 23/11/2017) holds the opinion that the R2P is not legal and it only in the light of it, the civilians should be protected. R2P seeks to deter the crime against humanity, but it is not legal. It was not a Libyan civil war but it was the uprising. There is difference between civil war and uprising against the regime. High ranking ISS (participant E, interviewed on 27/11/2017) is of the opinion that the nation-states within the AU had opposed NATO's use of force on the third pillar. AU could not agree more on the implementation and its military operation and this was a premise that R2P was not effective in Libya.

Another aspect of the measure of the efficiency of R2P is demonstrated on the lack of consensus with Russia and China. After learning what happened to Iraq and its leader Saddam Hussein, Russia, China and other countries had not trusted the western powers to carry out UN mandate in implementation of R2P in an honest manner. US had convinced the world with fake news feed that Saddam Hussein in Iraq had weapon of Master destruction (WMD). The same happened in Libya where, where the western media disseminated error information that Gaddafi was going to kill all his people. Odeyemi, (2016) is of the opinion that Ban Ki-moon told the world, that the Prime Minister of Libya had wanted him to stop the intervention in Libya. Controversially, Ban spoke to the media that he could not believe the Gaddafi's call of

cease-fire. Instead NATO began the bombing of on non-combatants and combatants without save areas for those being protected. Kirtsoglou, (2010) and SOAVE, (2017) stated that over the years government of Gaddafi turned to be provocative in its policies towards western powers. Gaddafi had supported the international terrorism and ant-western groups. However, the demise that Gaddafi had faced in 2011 could have been caused by the bombing of Pan Am airliner over Lockerbie before the end of cold war and the year's interstate wars, and secondly his necessitation of much higher payments demands from western power oil producing companies. Irish Republican Army and the Palestine Liberation Organization Rebel groups are said to have benefited from Gaddafi's generosity. Therefore, to measure the efficiency of Resolutions 1970, 1973 and R2P are not only relevance to the study but also complex. There are complex in a sense that their implementation in Africa lacked an international overwhelmingly support.

The norms were selectively implemented in particular region, continent and country. The resolution and the norms had not achieved any constructive objective. They are complex because the question on who should carry out the UN mandate crucially rise.

Wits University academics (participant C interviewed on 23/11/2017) is of the view that R2P was efficient in toppling and killing of Gaddafi. Unfortunately it was a short term. Therefore, it is inefficient from that perspective than long term. The norm of R2P provides yes or no answer to its efficiency. In the case Syria, the country lacked prospects to be imposed with R2P. It was not going to be effective to achieve the results that Libya had. This is so because Syria has been marred by proxy wars where Russia, Iran and the western powers are using it to fight each other as if it was a world war three.

Wits university academics (participant C interviewed on 23/11/2017) states that the R2P is problematic in interpretation and its implementation. This is the case because the pillars still needs interpretation on their legality. The international community choose which country to implement R2P. This is caused by the prospects of the said country, veto power, P5, regional body consensus, alliances, undying foe states and the national interest. Implementation of R2P cannot happen in Tibet, Ukraine, North Korea, Syria and many other countries. There is a lack of consistence. There is bias in its implementation of R2P.

Western powers seem to have more interest in protection the people in Africa than the states of AU. A state needs to have interests in order achieve its goals. Because of the Westerners national interest they were pursuing, the norm R2P was implemented efficiently when they

came and Gaddafi was out of their way and out of the Libya's way. AU members lack this will of national objective and national interests to act with force.

French embassy official in South Africa (participant B interviewed on 06/11/2017) clearly argues that there is no country in the world that do not persues their own nation-state's interest. Every country has ambition, for France its image on the international arena has to be promoted. France's image matter in terms of its language, culture, peace, stability as well as its special partnerships with global states.

First is the responsibility to prevent mass killings through conflicts and this was otherwise not what happened in Libya. The second is the responsibility to react. And the thirdly is the responsibility to rebuild a lasting peace. The second responsibility was the only one that was used in Libya.

R2P is a broad concept to be interpreted in short term. It is not about forcible measures or military force. The AU had a plan and the efforts of the High Level Committee led by President Jacob Zuma together with the proper application of Resolution 1973 to stop attacks against civilians could have led to a sustainable peace in Libya. But others abused Resolution 1973 to effect regime change with the disastrous consequences that one are seeing today (Dirco official participant F, interviewed on 13/11/2017).

For a hegemonic country such as South Africa, it should have reminded the AU that R2P was made legal by the organisation and the ways it will handle intrastate conflicts. There is inconsistence in the way R2P is interpreted by states of the south in Africa. The super power from places will join if the AU does not act fact with all available early warning systems.

Brock, (2011) states that R2P which was first addressed in 2005 International Commission on Intervention and State Sovereignty (ICISS) in Canada. This was to measure R2P's efficiency before, during and after the protection of the population under attack. The measure of R2P was based on mediation, which means getting the parties at odds to agree on the certain terms before more population is under attack. Early warning system is also the measure of R2P's efficiency, though it happens before the actual mass loss of life in the country. The economic sanctions are part of R2P's measure mechanisms as well as chapter VII of the UN in order to protect civilians from crimes against humanity. However, R2P's legality to protect and problems of the time-frame and how R2P's efficiency can be measured is of a complex (Arbour, 2008).

The fact that according to international community turn to suggest that there was an imminent threat in Libya under the regime of Gaddafi, it justifies the success after exterminating Gaddafi. Libyans are no longer under the leadership of the dictator who had been controversial and his reign was always uncertain of what he might have done to his own people.

This is echoed by Wits University academic (participant D (interviewed on 23/11/2017) that states, leaders that are dictators are eliminated as a measure. When the feel the fear they can be a threat if there are not exterminated. When they have been toppled R2P, this means the efficiency of R2P and measured when the population has been liberated.

4.3 LEGALITY OF THE R2P'S APPLICATION

Garwood-Gowers, (2013) and Zifcak, (2012) argues that R2P norms had good intentions and was critical to the legality when it was endorsed by Security Council. However it became illegal harmful during its application in Libya. In a document and theoretical it is legal in practice it is illegal because it does not change the international law's ban on the use of force. There are no safety measure and assurance of the protection of people before, during and after. It does not qualify to be a short term or long term solution in practice.

R2P is complicated to the extent that the national interest of the hegemonic members implementing it causes conflicts in itself. To conclude that R2P is a legal and emerging principal is compromised by lack of empirical evidence in regards to its application. There is lack of broad and consensus and conformity to the norm. Within the Security Council (SC) itself, certain members disagree with other members who disregards the powers that states have with Africa losing its responsibility to mediate among its member's states (Stahn, 2007).

The legality of R2P implementation has come at the time when international norms are evolving. For example UN had responsibility to protect population of the said country. As the multilateral diplomatic network systems are increasing than unilateral systems. It is clear that also sovereignty is becoming an outdated idea. Sovereignty is a hindrance to efficiency of humanitarian problems in affected states. Absolute borders are not absolute Defence (Annan, 1999).

The nation-states must protect their own people, failing which the international community can assisted before it can intervene decisively. The problem is R2P's implementation, by who, when should this take place and in which manner should the norm be applied. By looking at

the Libya's case, one is informed that member states with super power have an agenda of their own than protecting the masses. R2P still has to become a broad-based norm and be clear on who should act (Welsh, 2010).

Academic at Wits University (participant C interviewed on 23/11/2017) echoes a belief that the application of the norm R2P was unlawful. R2P Under international law is regarded as peace-keeping, humanitarian intervention against massacre, war crimes, ethnic cleansing. The use of force was illegal in Libya as the third pillar became reality than pillar 1 and pillar 2.

Moreover Chesterman, (2011), Mohamed, (2012), Cronogue, (2012) and Welsh, (2010) supports the notion that R2P is an illegal norm under international law and the use of force is humanitarianly costly. It has hypothetically destabilized Libya further into a more turmoil and a failed state. NATO had exceeded the powers granted in 1973 resolution but legitimate because was meant to deter the mass killing of civilians by necessary and decisive means. R2P Under international law is regarded to take place in the sovereignty, peace-keeping, human rights, fortified conflict and massacre, war crimes, ethnic cleansing and crimes against the population. The use of force through R2W was illegal. AU is probably the only organization that has adopted R2P in their constitutive act. However, there is no time-frame on it should implemented.

NATO went straight for pillar three because when the conflict started, the international community had to protect the population. Therefore, there was no capacity to mediation in Libya (Wits University academic (participant C, interviewed on 23/11/2017). The legality of three pillars and their implementation and capacity of those who carried the UN mandate were inefficient. De Waal, (2013) has indicated there was lack of capacity on the AU side though it appealed the idea of UN peacekeepers in Libyan people. AU should have taking the interests of the Libya at heart in order to prevent further loss of life (Silander, (2013).

Gaddafi was already deterring and crushing the rebels in Libya. He also uttered his program of going alley by alley to kill cockroaches. As a result 3rd pillar of R2P was used as the primary pillar (high ranking ISS (participant E, interviewed on 27/11/2017). Clearly there is no time-frame among these R2P pillars on how long would to move from the first pillar to the second pillar and from there to the third pillar. There is already confusion and contradiction especial towards the factions in R2P. Regional or individual state are supporting the first pillar, and some are supporting the second pillar and mostly the western support the third pillar.

The ability to effectively achieve an agreement on responsibility to protect is problematic. This is due to the lack of implementation of responsibility to prevent and responsibility to rebuild and the lack the first and the second pillar of R2P.

Many questions are raised on why agree to destroy the regime, destroy infrastructures and destroy institutions if one is only going to secure energy infrastructure and rebuild bank infrastructure but not rebuild other infrastructures. International community tend to agree and disagree at the same time on a forced choice between saving two sets of population in Libya (Pattison, 2011). While Dunne, (2011) argues that Security Council uses the language of agreed language while dismissing other permanent members that have disagreed. This argument is also supported by (Dembinski, 2011).

4.4 MEETING REQUIRED OBJECTIVES OF R2P

R2P had not met the required objectives in Libya. The objectives were to prevent atrocities and protect population of Libya. Zifcak, (2012), Iyi, (2012) and Welsh, (2011) are of the views that Libyan troops on the ground could have accomplished NATO's objectives of protection of Libyan population. Libyan situation only required the minimum force than the military use of force. Gaddafi's residence was not to be attacked as it the residence the military. If Gaddafi was given the support, he would have achieved the level of objectives of R2P. The rebels were obviously on the offensive than protecting the population of Libya.

The Legitimacy was achieved through hegemonic states in NATO that had resources to do so. Nonetheless, the legality has not contributed much to the achievement of the objectives that were intended. The objective of R2P was meant to address the security to the population that is affected by ethnic cleansing, genocide and crime against humanities.

Wits University academics, (participant C interviewed on 23/11/2017) seems to support the notion that, R2P had achieved only certain objectives. This was achieved by collapsing Gaddafi's regime and killing him. The objectives were achieved in a very short term. The responsibility to prevent was supposed to be used. So it seems that the responsibility to react was used and achieved. While the responsibility to rebuild has not been implemented. Lacher, (2011) has pointed out to Libya infrastructure that has remained in ruins in Libya in post-Gaddafi era. Libyan general infrastructures were attacked more often than not while the security of energy infrastructure and oil supply was well guarded has raised the eye brow for academics.

NATO objectives of helping neighbour Libya which is 2,186 km from Turkey is a member of NATO. NATO as a regional organizational makes sure that there is a freedom as well as firm security all those that are members to it and this only by political will and military mechanisms. Therefore, France and the whole organization was in Libya look out for its members (French embassy official in South Africa, participant B interviewed on 06/11/2017)

France was not out of the area instead it was assisting its member, Turkey to help neighbours, Libya to prevent atrocities such as Genocide. It is the same thing as AU would help its member and its neighbour from genocide. What was AU could have done is the same thing that NATO had done in Libya. Therefore, NATO was not out of the area in Libya. According to the official at French embassy official in South Africa (participant B, interviewed on 06/11/2017).

French embassy official (participant B interviewed on 06/11/2017) that Genocide convention 1948 is the criteria for the France action in Libya. Gaddafi had announced that he will go alley by alley and thwart the insurgents, therefore NATO had to act quickly to the third pillar of the R2P in order to prevent the genocide from happening. What happened in Rwanda should never be repeated

Pingeot, (2014) adds greatly on whether the powerful nations should have legitimacy through the UNSC achieve the objectives of R2P. Pingeot sees only a contemporary militarism. He is of the view that violence over violence has never achieved humanitarian goals. Westerners turn to attach the legitimacy of they are doing well morally while they are pursuing their own agenda.

Powerful states have habit of evading and scrambling nations behind the name of humanitarian interventions. They would do this through their military forces and that of the alliance. It is not in the quest of sovereignty suspension but of the territory grabbing in a geo-strategic and national interest and other natural resources. They would actually emphasise peace, justice, democracy and security and population will fight each other for the same positions.

4.5 MECHANISMS TO FUTURE APPLICATION OF R2P

According to Dembinski, (2011) the mechanisms that UN can utilise R2P norm in the near future seem to be frustrated partly based on national interests by the members involved.

And this has hindered the efficiency in the application of R2P due to the hidden agendas pursued by the western powers. As a result the future of the R2P and UN-NATO as an honest broker in the intrastate conflicts is hopeless at least for now.

R2P lack efficiency of both idea, practical as well as the reliable method of implementation. There are some twist and lack of assessment mechanisms. There is only legitimacy of use of force among the powerful national-states. There are lack of right intention criteria, choices in the application of R2P (Hehir, 2012). (Dembinski, 2011), (Badescu, 2010).

Dirco official (participant F, interviewed on 13/11/2017) the most important Mechanisms is the AU. Chapter VII provides an important avenue for the regional cooperation because there is much that the AU can contribute. The AU can offer leadership in resolving conflicts. Substantively the UN and AU can use a broad spectrum of tools, including mediation, special envoys, and development assistance.

The AU has no resources to support and enhance its will during mediation. However, R2P can be improved and use it in the future. There are always conflicts that are going to take place especially in Africa. Since the end of cold war, there is contemporary problems in the world and one of them is intrastate conflicts in Africa.

Peace mechanisms have proved to be ineffective in the case of Libya, hence the third pillar of R2P. The intrastate conflicts in Libya could not be resolved by UN's peaceful means. Therefore, the future application of R2P may prevail if there is more genocides in the world. Dembinski, (2011) differs on the Future application of R2P based on the future fears of double criteria the application of R2P. There are secreted plans pursued by hegemonic alliances with national interest. It is very difficult to find a sincere peace broker. That is why UN adopted R2P norms because they could not find peaceful ways to resolve intrastate conflict. Stuenkel, (2014) seems to suggest that BRICS and its members may give life to the future of the norm R2P's pillar I and II and how to apply it.

Wits University academics (participant D interviewed on 23/11/2017) holds the views that the westerners holds more of the liberal values. Therefore, in order to bring order to the states that have a dictator the westerners will set a priority along the silver line of their national interest. Interpretation and the necessitating R2P is largely seen as part of helping the population to liberate themselves and easing the economic tensions between the hegemonic states and the states to be liberated.

Chandler, (2004) clearly state these Western liberal values around R2P and its implementation in Libya in terms of humanitarian intervention. Western powers appear to pursue the agenda of cooperative international security established in the 1945's UN Charter. Though these values have taking place where it correspond with European, American and the parity of Russia and China and most ambiguous Arab world. This is in with the response to the contemporary intrastate conflicts and the legitimacy of traditional sovereignty for example the Kosovo and Rwanda genocide.

Wits university academics (participant C interviewed on 23/11/2017) states that the UN has conflicted itself in regards to unsuccessful of R2P norm to again adopting yet another norm RWP from initiated by Brazil. If Gaddafi was still in power, things were not going get worse. There was no need for US and France intervention and there was no need for R2P norm in Libya. The power sharing was going to be relevant among the protester leaders, groups and Gaddafi regime...

Over the years it has appeared that the western values in the new international norms such as R2P are violating third world nation-states. This happens when these values are frequently imposed on the foes in the third world where mainly their interest are situated. Western powers will never impose harsh terms on the alliances who have committed the same atrocities. The western values are the mixed bag of western interest and dictatorship within UNSC apparatus. African Union and its continent such as Africa is not unrepresented in the UNSC's permanent seat and veto power. Africa has the largest freely available natural mineral deposits, but it often faces both intrastate conflicts. Indiscriminately and undemocratic UNSC has created contradictory western liberal values environment where divide and rule prevail. It begs the question whether liberal values are imposed on weak regions with a barrel of gun in a form of a military force can be effectively applauded and become the right authority and the right Intention if there is national interest. While the non-military African values of peaceful negotiation are discriminated. Clearly UNSC and NATO members are seen as coursing problems than a problem solver. There is a game that is played between those friendlier dictators and foe dictators.

Libyan embassy official in Lesotho (participant A interviewed on 20/11/2017) indicates that many dictators assumes this position of a lottery winner who would not allow anyone to take control of any fraction in the country. This creates instability, injustice and corruption and builds internal pressure as well international pressure necessitated to take place.

Some of the views seem to suggest that the case of Libya seem not to correspond to what necessitated R2P in Libya. There was just the change in balance of power over Arab world and North Africa. Gaddafi made sure that the oil money was going to Libyans bank account instead of ending up into Multinational corporations and capitalists accounts. Then if that is the case every Libya was a lottery winner.

The arguments in the research are supported by Talani, (2014) who understands that during the dictator era electricity was free to all Libyans. The bank loans had no interest by because the banks were owned by Libyans meaning, state-owned. There was unemployment fund for all those graduates that could not find employment. Land for farming, a house, farm machines, variety of seeds as well as livestock provided to all those wanting to go into farming

Scholl, (2012) gives accounts of World wonders of the world's largest irrigation project and great Man-Made River project was initiated by Gaddafi and contracted to western firms after driving US military bases out of Libya. This infuriated the west who organised sanctions against Gaddafi causing rebels to organise themselves for upcoming uprising through Arab spring. Western propaganda saw the project as chemical weapons or military bunkers and Gaddafi was regarded as a terrorist or a mad man for doing the impossible Africa and his own people until he lost his life from NATO's airstrikes and sodomised by NATO-supported rebels. This was the end of human right in Libya where Libyan's cars are subsidised with petrol and bread costing almost nothing.

According to Brown, (2011) it is the first time a revolutionary rebel's targeted Libyan central bank in the midst of war. Libyan bank was nationalised and revenues of oil went straight into Local Libyan pockets. Unlike many African resources revenues goes straight into MNC and superpowers' pockets outside their continents. In the past Libyans were afforded with a free treatment. Before Gaddafi was eliminated there were subsidies, government jobs, loans, health care, housing, land grants, and free tertiary education in Libya. This was through distribution policies, though like any other country Libya also experienced government preferential treatment to Gaddafi's inner circle because of lack of proper institutions (Mitchell, 1979).

Libya during Gaddafi provided the best treatment in the world. Education in Libya was free, Libyans received apartments, a mother and newlyweds Libyans would receive money to start up new life as well as receiving nationalised banks and oil proceeds straight into their accounts. During Libyans during Gaddafi the medical services, education, medicines were free and one can be funded if there is a need to travel overseas for medical attention. All these with no

external debt. Libya had largest gold bullion reserves in the world and $150 billion which was either frozen grabbed by westerners. From this vast wealth of other natural resources Libya thrived. US dollar and Euro currency was about to be eradicated from usage in Africa by a single African currency made from gold proposed and underway by Gaddafi. Gaddafi had nationalised the Italian properties as well as Jewish companies and properties (Gottesman, 1985).

Gaddafi seems to have been right all along when he said the west wants Libya's oil and gold. In order to promote peaceful reform Gaddafi had stopped Libya's nuclear and chemical weapons plans, and succumbed his arsenals and WMD to the US Clinton and his dream to the compensations for Lockerbie victims (Barber, 2011).

The veto power is the main problem in implementation of any norm and it is not going to change. Being one of the P5 of the UNSC, a particular member can veto any suggested humanitarian intervention and R2P processes. Unfortunately, three of its members for example France, US, and Britain are in majority comparing with the other two with different national interest than any African state's Agenda.

Lee, (2013) support this by suggesting if the R2P norm can be effective enough then states like China which also has the veto power can join the R2P implementation and its operation. Africa does not have a representation in P5 when most of the stirred and staggering amount of civil wars happens there. The effectiveness of the R2P can be compromised because every resolution will be imposing not integrated cooperatively and vetoed by AU's members.

The necessitation of R2P and its pillars in Libya had been the consequence of Arab springs to the protest then to the utterances of Gaddafi. However, the changing norm of sovereignty on the international arena and its immunity has become the main model around R2P implementation in Libya. It has become the responsibility of both national and international community. Clearly, the measuring of the efficiency of R2P in the case of Libya 2011 has been the main focused throughout the study.

They were no establishment of safe locations for innocents Libyans. They were no precautionary measures throughout the intervention in Libya. This has raised eyebrows on the efficiency of UN implementation of R2P in Libya during the intrastate conflicts. The mechanisms that UN will again use the norm of R2P and its legality have been exhausted by the self-interested western super power alliance and regional organizations. In short term the

objectives of R2P were not achieved. What was really achieved in a long term was regime and Gaddafi deposition which helped the Western power to establish a new central banks and oil prices and privatisation while the fragmentation Libya has created nostalgia and lamentation over the revolution. Both NATO and rebels have been on the offensive of Libyan people than protecting them.

4.6 CONCLUSION

Chapter had dealt with presentation as well as analysis of the primary data. The data had been collected through interviews. There were respondents that had very unique responds as a result the author has varying degrees of opinions. He had to look at three elements in the analysis that was the primary data and secondary data supported and some instances argued. The following chapter has summary, conclusion and recommendations.

CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 INTRODUCTION

The summary of the findings presented below are based on the aim and objectives of the research as bordered in Chapter One: The efficiencies in the UN's implementation of the R2P in intrastate conflicts in Libya 2011, the necessitation of the R2P norms in intrastate conflicts of Libya, the efficiency of the R2P implementation through its pillars, the mechanisms towards the future use of R2P norms in intrastate conflicts and it includes the legality and time-frame of the R2P norms as well as the social-constructivism theory which has helped to explain the presentation of data and discussion in Chapter four.

5.1 NECESSITATED IMPLEMENTATION OF R2P IN LIBYA

With regard to what necessitated the implementation of R2P in Libya it was found in the study that UN-NATO's intervention through the use of force, based on what Gaddafi's conspired to do to his people provided limited possibility for intervention in Libya in 2011 in terms of the pillars and rules of war. NATO, rebels and Gaddafi were the main threat to the Libyans. Gaddafi had ruled Libya for four decades and his fundamentals ideologies were unswerving.

It has been discovered that Gaddafi had been a brutal dictator for forty two years. Therefore, the pressure had been building up for many years pertaining to his longest reign. Gaddafi's role in the Lockerbie bombing and revenge necessitated the intervention in Libya in 2011 and R2P. Crushing of the rebels and protesters during the Arab springs and were not well handled. At the time the protestors had demands and were asking to speak to the government to see their demands were met. The government refused to buy in and compromise the stable regime at the time.

As important additional finings the violence that was caused by Gaddafi of Libya was observed as the leader fighting the insurgency who wants to overthrow the legitimate president of Libya with a help of UNSC and NATO and Arab members. It has been noted that the international community has responded to violence by Gaddafi with the international violence instead of bring peace and prosperity to the affected nation-states. The norm of R2P had been less elaborated in practical terms and had not been tested like all other new norms and mechanisms recommended in this this study.

The development of R2P provided only the theoretical part of it without taking considerations to of the values of those regional bodies and their states.

5.2 NECESSITATING R2P

It has been noted that Gaddafi resorted to crushing of the rebels during the Arab springs and protects. Libyan population can express themselves without Gaddafi's pressure. However, it has been observed that freedom of speech has been afforded in exchange of very valuable economic interest of the western power that Gaddafi had protected. This brings readers to the ignorant of the west of Gaddafi's gesture of truce and the west labelled it buying time strategy and Gaddafi cannot be trusted. It has been learned that during war fighters cannot be trusted especially when they are many powerful country fighting one small weak country.

It has been noted that through ICISS good intentions to protect civilians through R2P were certain But instead of the protection of the population they turned out into undernourished efficiency. The actions of NATO had not encapsulated the principles of the UN. Though provocative reactions were generally envisaged what necessitated the R2P was unjustly.

Thus, inserting another lifeline into the humanitarian intervention initiating and a fresh round of commission on new model of peace and security could be of great importance. It was also observed that NATO necessitated R2P after being authorised by UNSC to carry out the UN mandate. Now it understood that the same members that authorised NATO are the same members that in NATO and UNSC. Correspondingly, it was observed that the resolution 1970 was used for sanctions which made many Libyans suffer to this day and age. While on the other hand, resolution 1973 was something to do with no-fly-zone. There was the participation of Gaddafi's foes in a form of alliance aiming to see Gaddafi gone for good. The researcher is also of the view that NATO had not done any good to Libya but destruction and chaos has continued to manifest to this day.

Additionally, it has been observed that Gaddafi's utterances of wanting to go house by house, alley by alley, street by street had necessitated NATO-UN implementation of R2P in Libya. However, these threats were deter the rebels' effort to take Libya further into an irreversible turmoil. Gaddafi was believed he would consolidate a mass violence on the protestors. The Arab and the western powers had not trusted Gaddafi, though he had tried to mend the relationship with US, France, Britain and other states.

Gaddafi had a history of torturing his own people and enriching of his family. Many Libya had seen that it was one man and his family ruling. It is not clear if Gaddafi wanted to be regarded as God. People in Libya became very tired with type of government that only existed in Libya as a result saw it as an oppression. Independent institutions such as human rights organizations and nongovernmental establishments never existed in the nation-state.

In addition it has also been learned Libya became the first nation-state in the world to be necessitated with R2P norms and the third pillar of the norm. It has come to knowledge of the researcher that every humanitarian intervention by western powers is always driven by national interests. In the process of the implementation of the western commits the same crime against humanity through temporary measures, then they label these UN norms such as R2P as a success model for them not necessary for the population they are trying to protect

Libyan rebels were desperate to liberate themselves from the dictator when the chance of Arab spring trickled into Libya. The human abuse and the lack of modern government necessitated the R2P and the revolution in Libya. Gaddafi had made many enemies across the Arab and western world as well as Africa such as Sudan when he supported the rebels. The internal psycho-political mob could have necessitated the revolution and R2P norm. Restricting of the political parties and trade unions could also have necessitated international response of R2P.

There had been hostility between Libya and the members of NATO and Gaddafi was an anti-Zionist as well as an anti-imperialist. Gaddafi's closure of the world largest US military base, nationalisation of the banks, oil and gold reserve. His radical ideologies were threats to western powers. When the Arab uprising was revealed, the western had not want to lose the chance. And national interest exacerbated it all.

Gaddafi was really public threats against his own people but it was that section of society. Gaddafi's utterances were not real but they were intended to halt the uprising in Libya and the foreign and hegemonic powers grabbed the chance at the weaknesses and the masses uprising in Libya. The Libyan population saw only one man ruling for over forty two years, necessitating well organised rebels as well as the enemies all over the world saw the same chance.

5.3 MEASURING THE EFFICIENCY OF UN'S IMPLEMENTATION OF R2P

The measuring of the efficiency of UN implementation of R2P had failed to establish a safe areas to ensure the protection of broader Libyans. Measuring of the R2P is clearly about meting the objectives of the norms. The revolution objectives were to see a new government. The objectives of NATO based on R2P were to protect the civilians widely. The efficiency of the norm is measured in terms of stopping the dictator from killing his own people. However, there were no precautionary measure before, during and after.

R2P's legality to protect and problems of the time-frame and how R2P's efficiency can be measured is of a complex. Aljazy, (2013), Thakur, (2013), Longo, (2015), Serrano, (2011), and Hamann, (2012 clearly indicates that measuring the efficiency of R2P begins with sovereignty. The sovereignty is not an exemption of a dictatorship but huge R2P with all pillars. However to complete the measure of R2P's efficiency then comes the political will to implement these norms measures. Then comes the outcome of these R2P norms which also to prevent, react and rebuild. The legality of these R2P, failing to achieve any objectives and efficiency are the problematic. Throughout the studies it has been shown that there is more international actors like those in NATO are more interested in the status of attachment of R2P success without measuring its efficiency. The revolution in Libya had been achieved on the ground through intelligence inside Gaddafi's circle. The international agreement on R2P implementation in Libya is unsubstantiated so the efficiency is measured. The measures of the efficiency of R2P application is based on well balanced consensus of SC. There should be a verdict from International criminal court (ICC). Prevention of genocide and mass atrocities and the protection of the population and taking sides based on Gaddafi random utterances cannot be regarded as success but it can a good measure of R2P's efficiency for the reasons that efficiency is based on global, broader and inclusive agreement than popularizedby leading R2P actors and pro-western scholars.

Military necessity and efficiency and future use of R2P through publicists should be seen as efficiency. The legality and legitimacy means to ensure the measure of efficiency in R2P. There was no time-frame for the R2P when it got to the third pillar. Though the negotiating should have taking place. Pursuing the speed removal of Gaddafi had not sufficient enough. The west and the mob driven rebels had continued asking for international community to assist it with toppling Gaddafi. The international saw that the R2P norm was going to legitimacy and legal base for the humanitarian intervention.

R2P cannot be implemented in Tibet, Ukraine, North Korea, Syria and many other countries, then R2P is not consistence and it is full of bias in its application. There is no country in the world that do not have their own nation interest and their objectives. The objectives of the super powers complicates the measuring of the efficiency of R2P.

The measuring of the efficiency in the implementation of R2P is first looking at its legality. There are the responsibility to prevent the mass killings through conflicts and that had not happened in Libya. The second is the responsibility to react. And the thirdly is the responsibility to rebuild a lasting peace through trust between parties. The second responsibility was the only one that was used in Libya.

One should measure the efficiency of R2P through rules off war. The measure of the efficiency of R2P is that population of Libyans is no longer under the headship of the Gaddafi. It had cut all the uncertainties of international communities and foes of Libya. Elimination of Gaddafi is a measure to R2P efficiency. The efficiency of R2P should be measured when the population has been liberated.

The research has found that the efficiency and its measure is based on an illegal and harmful effects that it has done to Libyan people post-Gaddafi. It does not qualify to be a short term or long term solution in practice. The research has found that the efficiency of R2P is complicated as the national interest of the hegemonic members becomes a priority. Through the measuring of the R2P the research has found that there are there are problems when it comes on who, when should the implementation should take place. Under the international law the peace-keeping, humanitarian intervention against massacre, war crimes, ethnic cleansing does not fit well.

Through the measure of the use of force the humanitarian is costly and who pays for it and what is to be gained those investing billions of dollars in the application of R2P. By measuring the efficiency the research found that R2P has supposedly destabilized Libya further into a more disorder and created a failed nation-state.

There is a lack of efficiency in R2P when the use of force was used to arm and assist the rebels. Pillar two indicates to help the state to protect the population. There is no pillar in R2P that says be the army of the rebel, change of the regime, exterminate the leader. Third pillar just indicate the timely and decisive but it is clear that NATO and the UNSC should recognise the rebels as a party without the legal elections. Pillars of R2P does not indicate that the western

power should help in privatising the banks, and establish western oil companies, it does not say the gold existed in Libya can now be transferred to unknown locations. It also does not say destroy the regime, destroy infrastructures and destroy institutions or secure energy infrastructure and rebuild bank infrastructure.

NWU LIBRARY

Additionally, NATO exceeded the authority UN had granted through 1973 resolution then one should not begin talking about R2P as a model. R2P was created to avoid mass atrocities that really happened in Rwanda. There was no such magnitude in Libya where the mediation was possible. There was no mass killing of civilians, massacre, war crimes, ethnic cleansing and crimes against the population. Instead R2P became the legitimacy for western powers authorised by the same permanent three from permanent five of SC and carried out by the same P3. It is hard to measure the efficiency of R2P's legality, legitimacy. However, there is an efficiency in the revolution by Libyans through the help of western powers and Arab world.

5.4 MEETING REQUIRED OBJECTIVES OF R2P

The study has found out that the main objectives of R2P had not been achieved instead there are more ethnic cleansing, genocide, slave trade and crime against humanities than ever before. Whether short and long terms the objectives failed to be achieved. The responsibility to prevent was never achieved. The responsibility to react was used to assist illegal rebels. Responsibility to rebuild objectives were never achieved so neither the three pillars. Libyan infrastructure has remained as wrecks. Now Libya has more governments than any state. Violence over violence has never achieved humanitarian goals, as a result it cannot be regarded as a success. Western powers have attached R2P to Libya's revolution that was achieved by their own determination otherwise with a help.

5.5 MECHANISMS TO FUTURE APPLICATION OF R2P

The research has found that the western powers can go to any country they can psychologically bully a sovereign state by using any legality they can find in UN in the name of humanitarian intervention. R2P may be used as the mechanisms that UN can use in the future. The research has found out that the regional bodies should be empowered to solve their own members' states problems than out of the area regional bodies. R2P should be improved and used in the future. Peaceful mechanisms have to be improved instead of R2P norms which are taking too long to be understood after so many years. The intrastate conflicts shall not come to an end as the revolutions and uprising will always prevail. Therefore, the mechanisms are necessary than R2P.

The researcher noted that western liberal values are usually imposed on nation-states excessively. The veto power and permanent seat representational can be the UN's mechanism to curb genocides. Intrastate conflicts are caused by states which willed power against other states and the partnership with rebels when it suits the western powers.

The research has found that the west still wait till the intrastate conflicts has occurred then they implement the norms that are still costing money, change regimes, resources, infrastructures and the lives of many people. There was Arab springs that was spilling around the North Africa, NATO could have used the responsibility to prevent these unforeseen atrocities.

R2P norms is primarily about prevention of the atrocities through protection of the vulnerable population. Though R2P is seen as practicality of humanitarian intervention, the research has found that it is about reaction. Therefore, there is a thin line between these two terms as what occurred in Libya was clearly a reaction not a prevention.

Arming of the rebels, no-fly-zones and military action intended chiefly to change the regime is not in accordance with R2P, it is rather beyond the UN mandate. As Gill (1995) puts it, the study found out that the Chapter VI of the UN mentions the solutions to conflicts to be through mediation and legal settlement. Moving further to chapter VII of the UN charter, it states that threats to peace and security can be resolved by offering recommendations. On the other hand chapter VIII alludes that UN shall use regional measures for use of force and preventing further aggression by such nation-state.

The research has found that International Commission on Intervention and State Sovereignty (ICISS) that popularised the R2P norm of humanitarian intervention was made possible by the funding of the governments of Canada, Switzerland, UK, Carnegie Corporation of New York, William and Flora Hewlett Foundation, John D, Catherine T. MacArthur Foundation, Rockefeller Foundation; as well as the Simons Foundation. It has been noted that Kofi annan had mentioned the reviewing of sovereign privilege in regards to protection of its population One key finding is that most often the western powers holds of the liberal values towards R2P norms. And it has found out that UNSC and NATO members are seen as causing problems than solving intrastate conflicts.

The study has found that dictators assumes this position of a lottery winner as a result they create instability, injustice and corruption and they want to rule for life. The study has found

out that Gaddafi had provided free electricity, free education as well as the bank loans which had no interest on them. The Libyan oil money went straight to Libyans' bank account and the banks were nationalised. The oil was nationalised and Libya had ten times gold bars than Britain. There was a Land for farming, a free house, and free farm machines for farm use.

The research has also found out that Gaddafi had done a lot for his people. There was the world's largest irrigation project which was also called great Man-Made River project. During the Gaddafi, Libyans received apartments, newlyweds Libyans would receive money to start new a life. Gaddafi as a leader provided free medical care o travel overseas for medical attention. All these with no external debt. The research has found that there were no institutions of independent human rights organizations as well nongovernmental establishments of any kind during Gaddafi era. The political parties were restricted in Libya.

5.6 LEGALITY OF R2P

The study has also found that the application of the R2P norm was illegal. The norm was supposed to deter human atrocities. The use of force through R2P was also illegal because it does not appear on the three pillars, nor on the Chapter VI, VII and VIII of the charter. Use of force and the arming of the rebels does not appear on 1970 or 1973 Resolutions.

The study has found out that Blanchard (2016) relates the second intrastate conflict in Libya as the measure of the efficiency of R2P norms in Libya 2011. It has been observed that Gaddafi had been a ruthless dictator in Libya for forty two years. Gaddafi had a history of killing people and the Western power could not trust him. And Gaddafi was involvement in the Lockerbie.

5.7 CONCLUSION

Essentially, the measure in this dissertation which has explained the measuring of the efficiencies in the UN's implementation of the R2P in intrastate conflicts in Libya 2011 was not limited to the legality and time-frame of the R2P norms. It includes the pillars of the norms especially pillar three, the necessitation of the norms, the mechanisms of the future use of R2P. It is with this lack of corserisus in the implementation of R2P norms intrastate conflicts in Libya that they have been characterised by the western powers national agenda as if one size fit all that kind of scenery. R2P norms in its previous implementation in Libyan, it has become another veto power, and permanent seat of UNSC where the neighbours and the regional bodies of the country affected have no powers if they are not supporting and complimenting the kind of western rights and national interest. Basically R2P is a norm with its pillars was supposed

to protect the population of the nation-state affected. But it lacks clarity on the broader scale, who should carry the UN mandate, who should be protected, and what time-frame is and it is difficult to measure the efficiency of this norm and pillars and resolutions 1970 and 1973

The Ubuntu policy that guide the universal values in resolving conflicts have not been transformed into international norms enough to accommodate every state and every person whether military non-combatant or combatant in the rainbow nation of Nelson Mandela. The research has clarified the evolving R2P norm on how it was applied. As discussed above, there some key features that categorised on resolutions 1970 and 1973 on the norm of R2P. The arguments that borders on the efficiency of the application of these resolutions presented that the R2P norm has been struggling as an international norm. Those who debate this evolvement however attests that R2P has not died have only contributed to the death of Gaddafi when R2P was supposed to be a tool for protection of both non-combatant and those combatants instead of taking sides.

The efficiency in the application R2P in Libya 2011 by the referral agent, such as NATO-UN authorisation of regional body at the international level has been questionable. NATO has been involved in the humanitarian intervention through the norms of R2P in Libya's 2011 intrastate conflicts. This becomes tense debate when NATO takes sides, arms the rebels, regimes change, destroying infrastructure.

5.8 RECOMMENDATIONS

Based on the findings of the study, the following recommendations are made:

There is a need for new international norms such as Soft-Power While Protecting (SWP) in dealing with intra-state conflicts. This norm should assist in terms of the people's values, traditions, prevention, rebuilding, developing, applying and sustaining norms according to a country, region, sub-region because of their long standing traditions and applications of culture uniform to the country, region, sub-region and local populations. It harmonises a universal human intelligence of conflict resolution. It provides skills, innovations, intelligence, economics, education, practices, politics, language and perceptions of the people. It provides inclusive voices for all nation-states across the globe, the wealth, peripheral, and middle power.

Intra-state conflicts are rooted in Africa therefore the SWP norm of international intervention will assist Africa which is the biggest recipient of peacekeeping, R2P and humanitarian

intervention in the world. Talbott, (2002) seem to suggest that NATO has been a firm supporter of hard power, this means an alliance requires NATO to apply Soft-power. NATO's soft power is not sufficiently integrated in humanitarian intervention.

New International norms such SWP and its mechanisms, such Batho-Pele or Putting People First (PPF), Ubuntu or Humanity Values (HV), Indigenous Knowledge systems (IKS), Building a Better World (BABW) may enhance South Africa as an international norms entrepreneurial state, and should abandon an image of ambiguities and identity through global issues. Many states in Africa and among the members of the AU should not cast doubts on South Africa's intentions towards international states. South Africa, together with other hegemonic states, can build stronger security norms to protect the population from ethnic cleansing, genocides, crimes against humanity.

There is a need for new mechanisms in international SWP norms that are sustainable since intrastate conflicts are deep-rooted on the continent of Africa. The international norm, SWP of intervention, will assist Africa which is the biggest beneficiary of peacekeeping, R2P and humanitarian intervention the world has ever seen. There are four new recommended mechanisms and these are as follows: Batho Pele or Putting People First (PPF), Ubuntu or Humanity Values (HV), Indigenous Knowledge Systems (IKS), and Building a Better World (BABW). The new recommended norms and mechanisms in dealing with intra-state conflicts are entrenched in soft-power norms of international intervention With the above new norms and mechanisms, the measure of the efficiency of these recommended norms should now be clear and endorsed by the UN as a tool to equally protect combatants as well as non-combatants and bring the culprits to the ICC.

Through social-constructivism the world is in dire need of philosophy, norms, rules, laws, principles and theories of diplomacy, economy, politics and conflicts management which do not fail nations, nation-state, sub-regional, regional, continental, and international common human nature. The place to begin in developing such norms are the viewpoints of traditional cultures that already exist.

There is a need for a new mechanism in these new international SWP norms. This mechanism is Indigenous Knowledge systems (IKS), one of the mechanisms of SWP norms. IKS have the values that the international community can use to respond to the question asked by Kofi Annan without dismantling the sovereignty of state norms. Instead this will enhance the protection of the population and the infrastructure, and build more institutions instead of destroying them.

This mechanism will help in dealing with intra-state conflicts rooted in soft-power norms of international intervention. Ntuli, (2002) the integration of Knowledge Systems (IKS) is how the international communities construct the values of the local to solve the intrastate conflicts through local knowledge. The super western powers with during this hegemonic phase the African have for hundreds of the years recognised the imperialism and the colonisers complete system of values such as R2P norms. However, for existence in basic food security, basic well-being systems such as appalling diseases, housing as well as natural conflict resolution, resource management, , governance, environment systems, unemployment.

There is a need for a new mechanism in this new international SWP norm. This mechanism is Building a Better World (BABW). Beresford, (2015) indicates that the South Africa's mechanism of reliable international justice system applies to the whole world and undoubtedly in other African contexts when the UN building a better world before, during and after the intrastate conflict. South Africa needs this mechanism to solve external problems and Building a Better World (BABW), which is asocial-constructivism theory, involves international actors constructing norms. BABW should help to rebuild the nation-state affected, after the war has ended.

Another new recommended mechanism in dealing with intra-state conflicts through SP norms of international intervention is Ubuntu policy or humanity policy. Mabera, (2013) is of the view that the world transformation on the norms and mechanisms in in intrastate conflicts the most crucial thing is socio-economic development in the affected nation-state and promoting transformation in the UNSC of Ubuntu or humanity should take a centre role. The mechanism of Ubuntu policy or humanity policy is already in use South African foreign policy. It can be used to transform the R2P norm into a new model such SWP. South Africa should submit this to the UN as a considerable recommendation in dealing with intrastate conflict in the region and elsewhere in the world.

Batho Pele (BP), Putting People First (PPF) should be the mechanism to replace the use of force during intrastate conflicts in the situation of civil wars. Union, (2012) is of the view that in any intrastate conflicts, people should come first and South Africans refer to it as Batho-Pele. The mechanism can help to protect the population. This mechanism is vital when it comes to decisiveness during the operation of humanitarian interventions when intrastate conflicts are happening. The third parties should not supply arms to any fighting armies. Africa is the biggest recipients of peacekeeping, R2P and humanitarian intervention so it should have a voice in the decisive and timely reaction of these norms.

There is a need for UN, and its regional bodies and their nation-states such as AU to get involved in developing new norms and models such as an application of SWP. Nation-states may apply SWP as the intervention mechanism in their regions. They should take speedy leadership of their states instead of waiting for the out-of-area regional bodies with strong national interest to apply western-based international norms in the case of humanitarian interventions.

All hegemonic countries and regional hegemonic nations-states such as Nigeria, South Africa, Kenya, and Egypt should build the capacity around SWP norms with Ubuntu values. South Africa, already one of the middle power nation-states, should play a role like it has been playing in major international events.

Genocide, crimes against humanity, or ethnic cleansing may necessitate the SWP norms. It is easy to measure the efficiency of SWP on a global scale. The principles of mechanisms for international norms can be used over and over again without being biased or taking sides, without killing many people in the process. The new international norms and their mechanisms can help South Africa, SADC, AU and all other countries to participate in key international decisions without asking for a permanent seat or Veto power in UNSC. This could change the UNSC's world of yesterday and halt the dictatorships of leaders, western powers, multinational corporations, hegemonic states, and international organisations.

Ubuntu is a universal value and is used across the board through developing, applying and sustaining norms according to a country, region, or sub-region because of their long-standing traditions and applications of culture uniform to country, region, sub-region and local populations. It harmonises a universal human intelligence of conflict resolution. It provides skills, innovations, intelligence, economics, education, practices, politics, language and perceptions of the people; it gives the voice for all nation-states across the globe. It is different from R2P's western ideologies of individualistic, national interest and the hegemonic West against an already volatile Africa. The West, NATO and UNSC are doing the job of ICC, Human Rights Commission, UN and peace keepers without consent.

IKS are significant in developing, applying and sustaining norms according to a country, region, sub-region because of their long standing traditions and applications of culture uniform to country, region, sub-region and local populations. These consist of common skills, innovations, intelligence, economics, education, practices, politics, language and perceptions

of the people. These are traditionally stored and adapted for millions of years and implemented to improve the life-system. African continents, nation-states, nations, sub-regional, regional organization and families have survived through efficient conflict resolution, employment, health, food security, shelter, natural resource management and governance by the development and implementations of norms common to local populations. These are available, reasonable, social-sensitive, sustainable to be utilised before, during, after. These norms can be used again in intrastate conflicts or in any type of conflict.

There is a need for the UN to approach such SWP norms and its mechanisms. SWP norms and their mechanisms should be endorsed by the UN implementation process with some level of efficiency, sensitive and negotiations with continental, regional organizations, sub-regional, nation-states, and people's values and traditions. This is important in order to allow stability, fairness and democracy with respect to sovereignty of the state and its continent without bias of national interest, coalition and hegemony, failing which the new Protestantism ideologies against the coalitions of hegemonic power may be the solution.

There is a need for more and more integration of social-constructivism in international relations when explaining the phenomena of the areas of the study by scholars, officials, experts. The theory of social-constructivism can be best to explain the phenomena of the SWP and its mechanism in the study.

There is a need to address the UNSC's rotational expansion of the permanent seats with veto power. This would create a voice for the masses in the continents that do not have representatives. The UNSC, NATO, UN, alliances and hegemonic members participating in the intervention should apply transparent declaration of the national interest and objectives and they should be assessed.

Lastly, there should be criteria, legal SWP, assessment and a time-frame. And there should a veto for who should carry out the mandate voted on by the whole General Assembly. It is compulsory on the part of the UNSC leadership to respect the will of the states in the region. Application of unbiased norms such as SWP needs to see their days of operation. Intrastate conflicts are perennial and a global concern. Therefore permanent solutions of SWP norms need to replace the existing R2P. There should be efficiency to enhance consistency for effective implementation. In particular, there is a need to urgently review the SWP. There is a need to address national interests, permanent members of the UNSC, NATO, UN, alliances and hegemonic groups in terms of the norms and their implementation.

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7.0 APPENDIX A (PARTICIPANTS TABLE)

Participant A interviewed on 20/11/2017)	Libyan embassy official in Lesotho	Based on the ethical consideration the participant is identified as a Libyan ambassador in Lesotho
Participant B interviewed on 06/11/2017	French Embassy official in South Africa	Based on the North West University's ethical consideration the participant Has asked anonymous.
Participant C interviewed on 23/11/2017	Wits University academics	Based on the North West University's ethical consideration and policies the participant has asked not to be identified.
Participant D interviewed on 13/11/2017	Wits University academics	Based on the North West University's ethical consideration and policies the participant has asked not to be identified.
Participant E interviewed on 13/11/2017	High level expert Institute of Security studies in South Africa	Based on the North West University's ethical consideration and policies the participant has asked not to be identified.
Participant F interviewed on 01/11/2017	North West University Academics	Based on the North West University's ethical consideration and policies the participant has asked not to be identified.
Participant F interviewed on 30/11/2017	North West University Academics	Based on the North West University's ethical consideration and policies the participant has asked not to be identified.

7.1 APPENDIX B (INTERVIEW GUIDE)

INTERVIEW (QUESTIONS) GUIDE

Thank you for approving to participate in this Research. This is predominantly a research that seeks to explain the measure of the R2P's efficiency in Libya followed by what necessitated the application of R2P in Libya, the mechanisms of R2P's future use, R2P's legality in humanitarian intervention.

This interview guide is intended to capture relevant information in terms of the particular regard of the topic of the study: **The efficiency of UN's implementation of R2P in intrastate conflicts with a specific reference to Libya 2011.** This study is conducted in terms of the fulfilment of requirements for the award of the degree of the Masters in international relations Studies, North-West University (Mafikeng Campus), North-West Province, South Africa. Hence, any information provided in this regard shall be kept confidential.

BELOW ARE THE QUESTIONS:

1. What are the factors that necessitated the implementations of R2P in Libya?

2. How efficient was the implementation of responsibility to protect (R2P) norms in resolving intrastate conflict in Libya?

3. What mechanisms can UN utilise in resolving intrastate conflicts in future?

4. What are the criteria and legality of R2P in terms of the three pillars?

5. Why did NATO refuse Gaddafi's offer of truce in terms of the hegemonic powers of its members?

6. Have the objectives of R2P adequately achieved based on Libya before 2011, leading up to the regime change up to 2017?

7.2 APPENDIX C (A LETTER OF APPROVAL)

Appendices B (Approval to conduct interviews at Libyan Embassy in Libya)

A letter of approval from Libya Embassy

State of Libya
Ministry of Foreign Affairs and
International Cooperation
Embassy of the State of Libya - Maseru
Kingdom of Lesotho

دولة ليبيا
وزارة الخارجية و التعاون الدولي
سفارة دولة ليبيا – ماسيرو
مملكة ليسوتو

Ref. No: .....
Date: .....

الرقم الإشاري: .....
التاريخ: .....

RESEARCH APPROVAL LETTER

Date	**17/November/2017**
Validity of Research Approval	**20/November/2017**
Name of Researcher	**Mr. Clophus Monaledi**
Address of Research	**Libya**
Telephone Number	**(+266) 22320148**
Fax Number	**(+266) 22327750**
Email address	**Emb.lib.Lesotho@gmail.com**
Research topic	**The efficiency of UN'S implementation of R2P in Intrastate Conflicts in Libya 2011**
Number of Participants	**One (1) Charge D'Affaires of the State of Libya in Lesotho**
District	**Maseru, Lesotho**

Re: Approval in Respect of Request to Conduct a Research

Hereby I approve above-mentioned researcher to proceed with the research in respect of the study indicated above. The onus rests with the researcher to negotiate with the Charge D'Affaires of the Embassy State of Libya in Lesotho about the efficiency of UN'S implementation of R2P in Intrastate Conflicts in Libya 2011.

Signature

.....

Date

22.11.2017

H.E Ambassador Dr. Abdulhafed M.M Jaber

Charge D'Affaires

Tel: (+266) 2232 0148 - Fax: (+266) 2232 [illegible]
P.O. Box 452, Maseru 100, Lesotho
Email: Libya_Emb_Ls@foreign.gov.ly
URL: www.foreign.gov.ly

(+266) 2232 7750 - فاكس: (+266) 2232 [illegible]
ص.ب: 452، ماسيرو 100، ليسوتو
البريد الإلكتروني: Libya_Emb_Ls@foreign.gov.ly
الموقع الإلكتروني: www.foreign.gov.ly

7.3 APPENDIX D (POLITICAL MAP OF LIBYA) (SOLBERG-HENRIET, 2015).

7.4 APPENDIX E (RESOLUTION 1973)

United Nations S/RES/1973 (2011)

Security Council

Distr.: General
17 March 2011

Resolution 1973 (2011)

Adopted by the Security Council at its 6498th meeting, on 17 March 2011

The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

Deploring the failure of the Libyan authorities to comply with resolution 1970 (2011),

Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

Reiterating the responsibility of the Libyan authorities to protect the Libyan population and *reaffirming* that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions,

Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and *urging* these authorities to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006),

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Recalling paragraph 26 of resolution 1970 (2011) in which the Council expressed its readiness to consider taking additional appropriate measures, as necessary, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya,

Expressing its determination to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel,

Recalling the condemnation by the League of Arab States, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that have been and are being committed in the Libyan Arab Jamahiriya,

11-26839 (E)

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Taking note of the final communiqué of the Organisation of the Islamic Conference of 8 March 2011, and the communiqué of the Peace and Security Council of the African Union of 10 March 2011 which established an ad hoc High Level Committee on Libya,

Taking note also of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of a no-fly zone on Libyan military aviation, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in the Libyan Arab Jamahiriya,

Taking note further of the Secretary-General's call on 16 March 2011 for an immediate cease-fire,

Recalling its decision to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court, and *stressing* that those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account,

Reiterating its concern at the plight of refugees and foreign workers forced to flee the violence in the Libyan Arab Jamahiriya, *welcoming* the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and *calling on* the international community to support those efforts,

Deploring the continuing use of mercenaries by the Libyan authorities,

Considering that the establishment of a ban on all flights in the airspace of the Libyan Arab Jamahiriya constitutes an important element for the protection of civilians as well as the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Libya,

Expressing concern also for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Welcoming the appointment by the Secretary General of his Special Envoy to Libya, Mr. Abdel-Elah Mohamed Al-Khatib and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Demands* the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;

2. *Stresses* the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and *notes* the decisions of the Secretary-General to send his Special Envoy to Libya and of the Peace and Security Council of the African Union to send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution;

3. *Demands* that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;

Protection of civilians

4. *Authorizes* Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and *requests* the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council;

5. *Recognizes* the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and bearing in mind Chapter VIII of the Charter of the United Nations, requests the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4;

No Fly Zone

6. *Decides* to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;

7. *Decides further* that the ban imposed by paragraph 6 shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorised by paragraphs 4 or 8, nor other flights which are deemed necessary by States acting under the authorisation conferred in paragraph 8 to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph 8;

8. *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, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above,

9. *Calls upon* all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary over-flight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above;

10. *Requests* the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement

paragraphs 4, 6, 7 and 8 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

11. *Decides* that the Member States concerned shall inform the Secretary-General and the Secretary-General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations;

12. *Requests* the Secretary-General to inform the Council immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 8 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information on any violations of the flight ban imposed by paragraph 6 above;

Enforcement of the arms embargo

13. *Decides that* paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph : "Calls upon all Member States, in particular States of the region, acting nationally or through regional organisations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, *calls upon* all flag States of such vessels and aircraft to cooperate with such inspections and authorises Member States to use all measures commensurate to the specific circumstances to carry out such inspections";

14. *Requests* Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and the Secretary-General and *further requests* the States concerned to inform the Secretary-General and the Committee established pursuant to paragraph 24 of resolution 1970 (2011) ("the Committee") immediately of measures taken in the exercise of the authority conferred by paragraph 13 above;

15. *Requires* any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

16. *Deplores* the continuing flows of mercenaries into the Libyan Arab Jamahiriya and *calls upon* all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya;

Ban on flights

17. *Decides* that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing;

18. *Decides that* all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 and 10 of resolution 1970 (2011) as modified by this resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing;

Asset freeze

19. *Decides* that the asset freeze imposed by paragraph 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and *decides further* that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;

20. *Affirms* its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

21. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Libyan Arab Jamahiriya or subject to its jurisdiction, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, if the States have information that provides reasonable grounds to believe that such business could contribute to violence and use of force against civilians;

Designations

22. *Decides* that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and *decides* further that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011);

23. *Decides* that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970

(2011), particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so;

Panel of Experts

24. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee to carry out the following tasks:

(a) Assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and this resolution;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

(c) Make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures;

(d) Provide to the Council an interim report on its work no later than 90 days after the Panel's appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

25. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

26. *Decides* that the mandate of the Committee as set out in paragraph 24 of resolution 1970 (2011) shall also apply to the measures decided in this resolution;

27. *Decides* that all States, including the Libyan Arab Jamahiriya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Libyan authorities, or of any person or body in the Libyan Arab Jamahiriya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 1970 (2011), this resolution and related resolutions;

28. *Reaffirms* its intention to keep the actions of the Libyan authorities under continuous review and underlines its readiness to review at any time the measures imposed by this resolution and resolution 1970 (2011), including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with this resolution and resolution 1970 (2011);

29. *Decides* to remain actively seized of the matter.

Libya: UNSCR proposed designations

Number	*Name*	*Justification*	*Identifiers*
Annex I: Travel Ban			
1	QUREN SALIH QUREN AL QADHAFI	Libyan Ambassador to Chad. Has left Chad for Sabha. Involved directly in recruiting and coordinating mercenaries for the regime.	
2	Colonel AMID HUSAIN AL KUNI	Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.	

Number	*Name*	*Justification*	*Identifiers*
Annex II: Asset Freeze			
1	Dorda, Abu Zayd Umar	Position: Director, External Security Organisation	
2	Jabir, Major General Abu Bakr Yunis	Position: Defence Minister	**Title**: Major General **DOB**: --/--/1952. **POB**: Jalo, Libya
3	Matuq, Matuq Mohammed	Position: Secretary for Utilities	**DOB**: --/--/1956. **POB**: Khoms
4	Qadhafi, Mohammed Muammar	Son of Muammar Qadhafi. Closeness of association with regime	**DOB**: --/--/1970. **POB**: Tripoli, Libya
5	Qadhafi, Saadi	Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations	**DOB**: 25/05/1973. **POB**: Tripoli, Libya
6	Qadhafi, Saif al-Arab	Son of Muammar Qadhafi. Closeness of association with regime	**DOB**: --/--/1982. **POB**: Tripoli, Libya
7	Al-Senussi, Colonel Abdullah	Position: Director Military Intelligence	**Title**: Colonel **DOB**: --/--/1949. **POB**: Sudan
Entities			
1	Central Bank of Libya	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	

Number	Name	Description	Comments
2	Libyan Investment Authority	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	a.k.a. Libyan Arab Foreign Investment Company (LAFICO) Address: 1 Fateh Tower Office, No 99 22nd Floor, Borgaida Street, Tripoli, Libya, 1103
3	Libyan Foreign Bank	Under control of Muammar Qadhafi and his family and a potential source of funding for his regime.	
4	Libyan Africa Investment Portfolio	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	Address: Jamahariya Street, LAP Building, PO Box 91330, Tripoli, Libya
5	Libyan National Oil Corporation	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	Address: Bashir Saadawi Street, Tripoli, Tarabulus, Libya

7.5 APPENDIX F (RESOLUTION 1973)

United Nations S/RES/1970 (2011)*

Security Council

Distr.: General
26 February 2011

Resolution 1970 (2011)

Adopted by the Security Council at its 6491st meeting, on 26 February 2011

The Security Council,

Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians,

Deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government,

Welcoming the condemnation by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that are being committed in the Libyan Arab Jamahiriya,

Taking note of the letter to the President of the Security Council from the Permanent Representative of the Libyan Arab Jamahiriya dated 26 February 2011,

Welcoming the Human Rights Council resolution A/HRC/RES/S-15/1 of 25 February 2011, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, to establish the facts and circumstances of such violations and of the crimes perpetrated, and where possible identify those responsible,

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

Expressing concern at the plight of refugees forced to flee the violence in the Libyan Arab Jamahiriya,

Expressing concern also at the reports of shortages of medical supplies to treat the wounded,

* Second reissue for technical reasons (10 March 2011).

11-24558* (E)

Please recycle

Recalling the Libyan authorities' responsibility to protect its population,

Underlining the need to respect the freedoms of peaceful assembly and of expression, including freedom of the media,

Stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians,

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Expressing concern for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Demands* an immediate end to the violence and calls for steps to fulfil the legitimate demands of the population;

2. *Urges* the Libyan authorities to:

(a) Act with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors;

(b) Ensure the safety of all foreign nationals and their assets and facilitate the departure of those wishing to leave the country;

(c) Ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country; and

(d) Immediately lift restrictions on all forms of media;

3. *Requests* all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country;

ICC referral

4. *Decides* to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court;

5. *Decides* that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;

6. *Decides* that nationals, current or former officials or personnel from a State outside the Libyan Arab Jamahiriya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the

Libyan Arab Jamahiriya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State;

7. *Invites* the Prosecutor to address the Security Council within two months of the adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

8. *Recognizes* that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

Arms embargo

9. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established pursuant to paragraph 24 below;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only; or

(c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

10. *Decides* that the Libyan Arab Jamahiriya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from the Libyan Arab Jamahiriya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Libyan Arab Jamahiriya;

11. *Calls upon* all States, in particular States neighbouring the Libyan Arab Jamahiriya, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Libyan Arab Jamahiriya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 or 10 of this resolution for the purpose of ensuring strict implementation of those provisions;

12. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of this resolution,

seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of this resolution and decides further that all Member States shall cooperate in such efforts;

13. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 11 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

14. *Encourages* Member States to take steps to strongly discourage their nationals from travelling to the Libyan Arab Jamahiriya to participate in activities on behalf of the Libyan authorities that could reasonably contribute to the violation of human rights;

Travel ban

15. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in Annex I of this resolution or designated by the Committee established pursuant to paragraph 24 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

16. *Decides* that the measures imposed by paragraph 15 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region; or

(d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in the Libyan Arab Jamahiriya and the States subsequently notifies the Committee within forty-eight hours after making such a determination;

Asset freeze

17. *Decides* that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in annex II of this resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all

Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex II of this resolution or individuals designated by the Committee;

18. *Expresses* its intention to ensure that assets frozen pursuant to paragraph 17 shall at a later stage be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

19. *Decides* that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee;

20. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

21. *Decides* that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

Designation criteria

22. *Decides* that the measures contained in paragraphs 15 and 17 shall apply to the individuals and entities designated by the Committee, pursuant to paragraph 24 (b) and (c), respectively:

(a) Involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities; or

(b) Acting for or on behalf of or at the direction of individuals or entities identified in subparagraph (a).

23. *Strongly encourages* Member States to submit to the Committee names of individuals who meet the criteria set out in paragraph 22 above;

New Sanctions Committee

24. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake to following tasks:

(a) To monitor implementation of the measures imposed in paragraphs 9, 10, 15, and 17;

(b) To designate those individuals subject to the measures imposed by paragraphs 15 and to consider requests for exemptions in accordance with paragraph 16 above;

(c) To designate those individuals subject to the measures imposed by paragraph 17 above and to consider requests for exemptions in accordance with paragraphs 19 and 20 above;

(d) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(e) To report within thirty days to the Security Council on its work for the first report and thereafter to report as deemed necessary by the Committee;

(f) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(g) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;

(h) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

25. *Calls upon* all Member States to report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above;

Humanitarian assistance

26. *Calls upon* all Member States, working together and acting in cooperation with the Secretary General, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya, and requests the States concerned to keep the Security Council regularly informed on the progress of actions undertaken pursuant to this paragraph, and expresses its readiness to consider taking additional appropriate measures, as necessary, to achieve this;

Commitment to review

27. *Affirms* that it shall keep the Libyan authorities' actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of the Libyan authorities' compliance with relevant provisions of this resolution;

28. *Decides* to remain actively seized of the matter.

Annex I

Travel ban

1. Al-Baghdadi, Dr Abdulqader Mohammed

   Passport number: B010574. Date of birth: 01/07/1950.

   Head of the Liaison Office of the Revolutionary Committees. Revolutionary Committees involved in violence against demonstrators.

2. Dibri, Abdulqader Yusef

   Date of birth: 1946. Place of birth: Houn, Libya.

   Head of Muammar Qadhafi's personal security. Responsibility for regime security. History of directing violence against dissidents.

3. Dorda, Abu Zayd Umar

   Director, External Security Organisation. Regime loyalist. Head of external intelligence agency.

4. Jabir, Major General Abu Bakr Yunis

   Date of birth: 1952. Place of birth: Jalo, Libya.

   Defence Minister. Overall responsibility for actions of armed forces.

5. Matuq, Matuq Mohammed

   Date of birth: 1956. Place of birth: Khoms.

   Secretary for Utilities. Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and violence.

6. Qadhaf Al-dam, Sayyid Mohammed

   Date of birth: 1948. Place of birth: Sirte, Libya.

   Cousin of Muammar Qadbafi. In the 1980s, Sayyid was involved in the dissident assassination campaign and allegedly responsible for several deaths in Europe. He is also thought to have been involved in arms procurement.

7. Qadhafi, Aisha Muammar

   Date of birth: 1978. Place of birth: Tripoli, Libya.

   Daughter of Muammar Qadhafi. Closeness of association with regime.

8. Qadhafi, Hannibal Muammar

   Passport number: B/002210. Date of birth: 20/09/1975. Place of birth: Tripoli, Libya. Son of Muammar Qadhafi. Closeness of association with regime.

9. Qadhafi, Khamis Muammar

   Date of birth: 1978. Place of birth: Tripoli, Libya.

   Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.

10. Qadhafi, Mohammed Muammar

Date of birth: 1970. Place of birth: Tripoli, Libya.

Son of Muammar Qadhafi. Closeness of association with regime.

11. Qadhafi, Muammar Mohammed Abu Minyar

Date of birth: 1942. Place of birth: Sirte, Libya.

Leader of the Revolution, Supreme Commander of Armed Forces. Responsibility for ordering repression of demonstrations, human rights abuses.

12. Qadhafi, Mutassim

Date of birth: 1976. Place of birth: Tripoli, Libya.

National Security Adviser. Son of Muammar Qadhafi. Closeness of association with regime.

13. Qadhafi, Saadi

Passport number: 014797. Date of birth: 25/05/1973. Place of birth: Tripoli, Libya.

Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.

14. Qadhafi, Saif al-Arab

Date of birth: 1982. Place of birth: Tripoli, Libya.

Son of Muammar Qadhafi. Closeness of association with regime.

15. Qadhafi, Saif al-Islam

Passport number: B014995. Date of birth: 25/06/1972. Place of birth: Tripoli, Libya.

Director, Qadhafi Foundation. Son of Muammar Qadhafi. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.

16. Al-Senussi, Colonel Abdullah

Date of birth: 1949. Place of birth: Sudan.

Director Military Intelligence. Military Intelligence involvement in suppression of demonstrations. Past history includes suspicion of involvement in Abu Selim prison massacre. Convicted in absentia for bombing of UTA flight. Brother-in-law of Muammar Qadhafi.

Annex II

Asset freeze

1. Qadhafi, Aisha Muammar

   Date of birth: 1978. Place of birth: Tripoli, Libya.

   Daughter of Muammar Qadhafi. Closeness of association with regime.

2. Qadhafi, Hannibal Muammar

   Passport number: B/002210. Date of birth: 20/09/1975. Place of birth: Tripoli, Libya. Son of Muammar Qadhafi. Closeness of association with regime.

3. Qadhafi, Khamis Muammar

   Date of birth: 1978. Place of birth: Tripoli, Libya.

   Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.

4. Qadhafi, Muammar Mohammed Abu Minyar

   Date of birth: 1942. Place of birth: Sirte, Libya.

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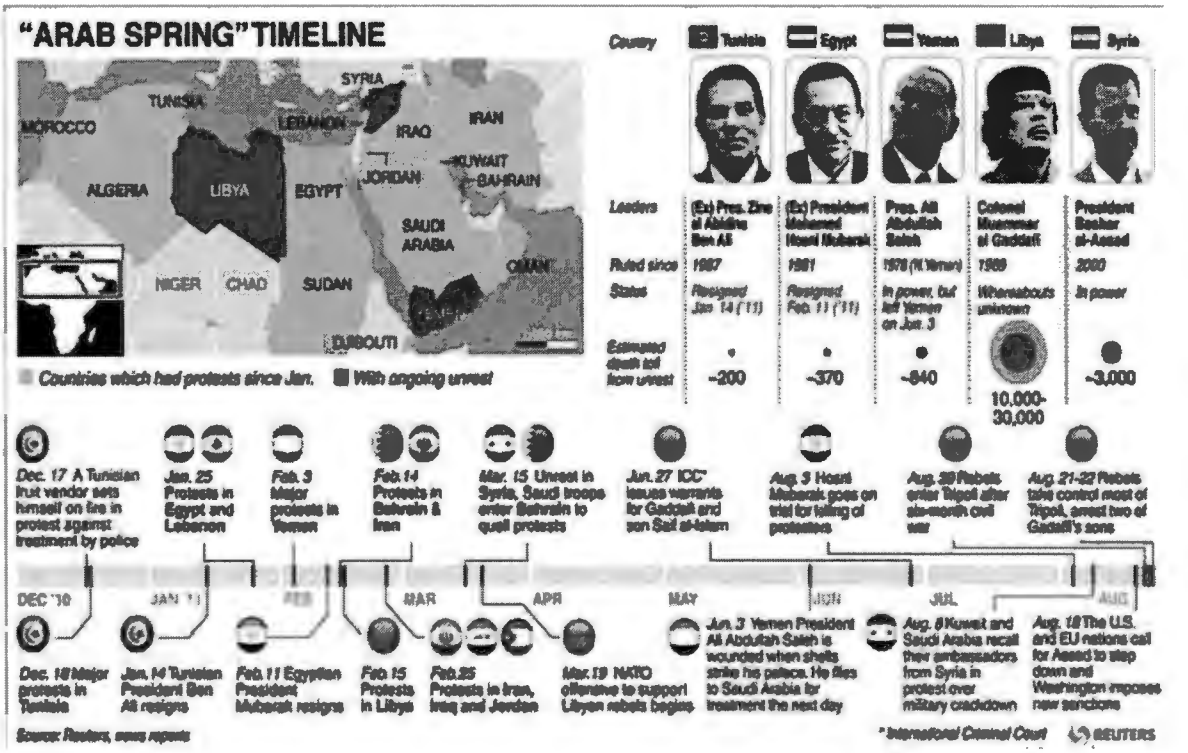
6. Qadhafi, Saif al-Islam

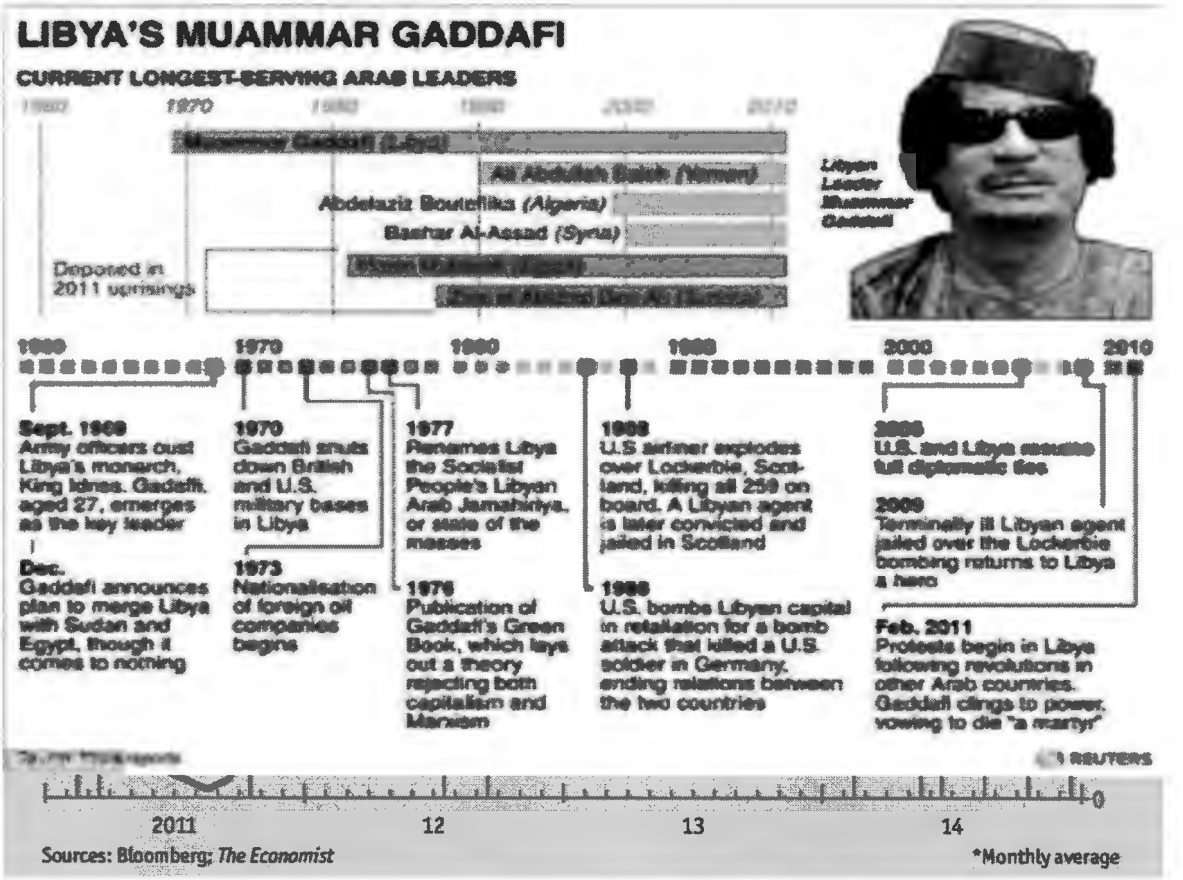
   Passport number: B014995. Date of birth: 25/06/1972. Place of birth: Tripoli, Libya.

   Director, Qadhafi Foundation. Son of Muammar Qadhafi. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.

7.6 APPENDIX G (R2P TIME LINE)

7.7 APPENDIX H (ARAB SPRING TIME LINE)



7.8 APPENDIX I (LIBYA: RECENT HISTORY)

7.9 APPENDIX J (LIBYA'S MUAMMAR GADDAFI)