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The United Nations and Humanitarian Interventions: An Analysis of the UN's Contribution to State Failure

Güven, Şehnaz

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***The United Nations and Humanitarian Interventions:
An Analysis of the UN's Contribution to State Failure***

Student:

Şehnaz Güven
s1943995

Supervisor:

Müge Kınacıoğlu

Leiden University

Faculty of Social and Behavioural Sciences

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Abbreviations

AMIS	African Union Mission in Sudan
AU	African Union
BRICS	Brazil, Russia, India, China, South Africa
DPA	Darfur Peace Agreement
DPKO	Department of Peacekeeping Operations
EU	European Union
FAR	Rwandan Armed Forces
GoS	Government of Sudan
ICISS	International Commission on Intervention and State Sovereignty
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
JEM	Justice & Equality Movement
NATO	North Atlantic Treaty Organization
R2P	Responsibility to Protect
RPF	Rwandan Patriotic Front
SNM	Somali National Movement
SLA	Sudan Liberation Army
UK	United Kingdom
UN	United Nations
UNAMID	United Nations – African Union Mission in Darfur
UNAMIR	United Nations Assistance Mission for Rwanda
UNAMIS	United Nations Advance Mission in Sudan
UNITAF	Unified Task Force
UNIDIR	United Nations Institute for Disarmament Research
UNOSOM I	United Nations Operation in Somalia I
UNOSOM II	United Nations Operation in Somalia II
UNPROFOR	United Nations Protection Force Mission
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
US	United States
TNC	National Transitional Council of Libya

*“Three passions, simple but overwhelmingly strong, have governed my life:
the longing for love,
the search for knowledge,
and the unbearable pity for the suffering of the mankind.”*

*- Bertrand Russell*¹

¹ Bertrand Russell, *Autobiography*, 1st ed. (repr., London and New York: Routledge, 1967), Prologue.

Chapter I: Introduction

1.1 Introduction

Principle of sovereignty, right to self-determination, the use of force, and the moral responsibility to prevent human rights violations have been the main concepts that led to the rise of controversial discussions in the fields of political science and international law. The controversial relationship between the principle of sovereignty and the right to intervene for humanitarian purposes has seriously challenged the credibility of international organizations and missions. North Atlantic Treaty Organization (NATO)'s intervention in Kosovo in 1999, which was not authorized by the United Nations Security Council (UNSC), has led to critical debates regarding the motives of the Western-based institutions. Consequently, the idea of the Responsibility to Protect (R2P) was developed to reconcile the use of force for humanitarian purposes with the principle of sovereignty. More specifically, R2P as a norm –if endorsed by the international community- was to justify military interventions for humanitarian purposes “when a sovereign state is unwilling to or unable to protect its citizens from an avoidable catastrophe.”² The long-enduring debates on the legality and legitimacy of humanitarian interventions were expected to cease, as the R2P served as a tool for moral justification in time. However, missions which called for the R2P, first in Darfur – Sudan, and then in Libya, have demonstrated that military interventions hosted a mix of motives along with humanitarian purposes. While the United Nations (UN) failed to prevent the genocide in Darfur by not recognizing the incident in a timely manner, the 2011 intervention in Libya is argued to demonstrate the Western ulterior motives.³ Thus, as previously argued by Alex J. Bellamy and Philipp and Hanschmann, UN's humanitarian interventions, and R2P, can serve as the Trojan Horse of recolonization.⁴

The UN's practice in conflict states has also remained far from providing regional stability; rather volatility, still endures and threatens the neighboring African states. Within this context, this thesis will analyze four cases of UNSC approved humanitarian interventions. Therefore, the research question of this thesis is, “*To what extent have the United Nations humanitarian interventions contributed to state failure?*” Building on a postcolonial perspective, this research will explore whether international law is a tool for the Western-based international

² International Commission on Intervention and State Sovereignty, "The Responsibility to Protect", 2001. p. 8.

³ Nicola Pedde, "The Libyan Conflict and Its Controversial Roots," *European View* 16, no. 1 (2017). p. 92.

⁴ Alex J. Bellamy, "Responsibility to Protect or Trojan Horse? The Crisis in Darfur And Humanitarian Intervention After Iraq", *Ethics & International Affairs* 19, no. 2 (2005). p. 32.; Philipp Dann and Felix Hanschmann, "Post-Colonial Theories and Law," *Verfassung In Recht Und Übersee* 45, no. 2 (2012). p.122.

order to pursue their neocolonial interests through interventions with moral justifications. The analysis will examine four failed states in two different groups, the states in which the UN's inaction has contributed to state failure, Sudan and Rwanda, and the states in which the UN humanitarian interventions have contributed to state failure, Somalia and Libya. This research does not seek to answer whether intervention or non-intervention could save the aforementioned states from failing. Instead, its primary focus will be on the decisions that have been taken and discussions that took place on the success or failure of the intervention or the need for one. Therefore, the main argument of this thesis will be twofold:

H1: Not only has the United Nations gravely failed in humanitarian interventions, but it also has contributed to state failure.

H2: Not only has the United Nations chosen inaction in situations that required humanitarian interventions, but also its inaction has contributed to state failure.

1.2 Literature Review

Previous literature on the essence of international law has been successfully summarized into two opposing views by Sundhya Pahuja in her article *Postcoloniality in International Law: the good, dutiful angel of protection of world peace and stability, and a tool created by the West to pursue their neocolonial self-interests*.⁵ Pahuja finds an alternative middle ground for the good and evil dilemma of the essence of international law from a postcolonialist perspective.⁶ She argues that international law is a neocolonial instrument itself because it has been created by the self-constitution of the West by claiming 'universality.'⁷ According to Pahuja, "...this universality, paradoxically, only exists with the exclusion and definition of the Other."⁸ She argues that neocolonialism is still governed by the institutions which were imposed during colonization.⁹ Thus, international law can be regarded as exemplary of such an institution that was created to pursue the West's imperial interests during colonization.¹⁰ Along the same lines, one of the most prominent scholars on the subject, Antony Anghie, has argued that "colonialism is central to the formation of international law and, in particular, sovereignty."¹¹ For Anghie, international law has always been the primary tool of the West to govern and

⁵ Sundhya Pahuja, "The Postcoloniality of International Law," *Harvard International Law Journal* 46, no. 2 (2005): 459-469.

⁶ *Ibid.*, p. 460.

⁷ *Ibid.*, p. 461.

⁸ *Ibid.*

⁹ *Ibid.*, p. 469.

¹⁰ *Ibid.*

¹¹ Antony Anghie, "The Evolution of International Law: Colonial and Postcolonial Realities," *Third World Quarterly* 27, no. 5, (2006). p. 739.

transform the so-called ‘Others.’¹² The use of international law to justify Western interventions has been further developed by the neocolonialist thought, which this thesis will further analyze alongside postcolonialist understanding of the main concepts.

The principle of sovereignty and the use of force have been the central tenets of the debate which revolves around military interventions. Humanitarian interventions have been the main target of postcolonial discussions to international law. Previous literature that criticizes humanitarian interventions, and R2P, mainly focuses on the gap between the right to self-determination and the right to intervene.¹³ In this respect, Roland Paris highlights five structural problems of R2P, such as *the inconsistency problem, the mixed motives problem, and the counterfactual problem*.¹⁴ Paris argues that the characteristics of the R2P make the norm get trapped into its own internal logic, since the third pillar of R2P, the right to intervene, is very likely to backfire.¹⁵ Nevertheless, if the third pillar is abandoned, the norm will be dismissed as hollow.¹⁶ Furthermore, Charles Ziegler challenges the fairness of R2P in terms of proportionality, inconsistency, and double standards.¹⁷ He criticizes the R2P mission in Libya and argues that Western powers used the international norm as a strategy to affect the domestic governance of the country, which resulted in forced regime change.¹⁸ He further supports his argument by how the group of most powerful non-Western states, Brazil, Russia, India, China, and South Africa (BRICS), are highly suspicious of the functions and motives of R2P and humanitarian interventions conducted by the West.¹⁹ Notwithstanding, Donald W. Potter argues that the concept of sovereignty is based on responsibility.²⁰ For Potter, domestic sovereignty is a part of state responsibility –the relationship between the state and its people, and external sovereignty is the relationship between the state and the global community.²¹ Therefore, the right to intervene is embedded in the responsibility to protect, and the characteristics of the failed states inherently make them qualify for R2P.²²

¹² Ibid., p. 749.

¹³ Benjamin Meiches, "The Responsibility to Protect and Luxurious War," *Critical Studies on Security* 1, no. 2 (2013). p. 221.

¹⁴ Roland Paris, "The ‘Responsibility to Protect’ and The Structural Problems of Preventive Humanitarian Intervention," *International Peacekeeping* 21, no. 5. (2014). p. 570.

¹⁵ Ibid., p. 593.

¹⁶ Ibid.

¹⁷ Charles E Ziegler, "Critical Perspectives on The Responsibility to Protect: BRICS and Beyond", *International Relations* 30, no. 3. (2016). p.262.

¹⁸ Ibid., p.263.

¹⁹ Ibid.

²⁰ Donald W Potter, "State Responsibility, Sovereignty, And Failed States" (repr., University of Adelaide, 2004). p. 14.

²¹ Ibid.

²² Ibid.

However, especially after the first-ever R2P mission conducted in 2011 in Libya, the target of the debate in academia became the motives and outcomes of R2P missions. The intervention in Libya should have been the successful model of R2P.²³ Nevertheless, some scholars addressed that the mission in Libya was a disastrous failure, which also led the international community to keep out of Syria.²⁴ The selectivity problem has gained scholarly attention, especially when the first-ever resolution to make a direct reference to R2P and call for the UN to take action in Darfur, Sudan, in 2006 was drafted.²⁵ Resolution 1706, alongside with the existence of the UN-African Union Mission in Darfur (UNAMID), failed to prevent the genocide and the ongoing conflict, which arguably led to the failure of Sudan as a state.²⁶ Michael Ignatieff looks at the definition of the success of humanitarian interventions from a different perspective.²⁷ For Ignatieff, a successful intervention “is no longer whether it defeats an enemy or stops human rights abuse, but whether it sets in train the nation-building process that will prevent the area from becoming a security threat once again.”²⁸ As this thesis will argue and analyze, many cases of humanitarian interventions have failed to achieve this definition of success, and in fact, reinforced the existing governance failures. Ignatieff further argues that one of the essential tenets of effective intervention in conflict zones is ‘the desire to stay neutral.’²⁹ However, humanitarian aid, which requires peacekeepers to secure the aid’s delivery, can have contradictory outcomes and become the focus of combat, as in Somalia.³⁰ Although the UN was founded to maintain international peace and security, it can be argued that the UN’s many failures have contributed to humanitarian catastrophes that one cannot turn a blind eye on. This thesis argues that a significant number of humanitarian interventions authorized by the UNSC, and conducted under the UN’s oversight have contributed to the failure of the intervened states. The analysis will examine the missions where the UN has failed to keep its promise to prevent humanitarian crises because of its Western-based governance, decision-making procedures, and operationalization. The case study analysis of the four chosen states will exemplify that the need for humanitarian intervention derives from the need for

²³ Justin Morris, "Libya and Syria: R2P and the Spectre of The Swinging Pendulum", *International Affairs* 89, no. 5. (2013). p. 1266.

²⁴ Ibid.

²⁵ The United Nations Security Council Resolution 1706, *Reports of the Secretary-General on the Sudan*, S/RES/1706 (31 August 2006), available from <http://unscr.com/en/resolutions/1706>

²⁶ Alex De Waal, "Darfur and The Failure of The Responsibility to Protect," *International Affairs* 83, no. 6 (2007). p. 1054.

²⁷ Michael Ignatieff, "State Failure and Nation-Building," in *Humanitarian Intervention* (repr., Milton Keynes, UK: Lightning Source UK Ltd., 2013), 299-321.

²⁸ Ibid., p. 306.

²⁹ Ibid., p. 316.

³⁰ Michael Ignatieff, "State Failure and Nation-Building," (2013), p. 316.

restoring sovereignty in a country; nevertheless, the UN's previous humanitarian interventions have proven to have outcomes that are controversial this necessity.

Chapter II. Research Methodology

2.1 Conceptualization

In order to provide a precise analysis, the following concepts will be defined according to the context of the research. Later in the theoretical framework, how these concepts are perceived within the postcolonial thought in political science and international law will be discussed.

Following Holzgrefe and Keohane, this study defines *humanitarian intervention* as a threat or, the use of force against a state by another state or actor to prevent or cease grave and systematic violations of fundamental human rights, generally without the consent of the State in whose territory there is a violation of human rights.³¹ One other concept closely linked to humanitarian intervention is R2P. The International Commission on Intervention and State Sovereignty (ICISS) defines the *Responsibility to Protect* in three main pillars: "1. States bear the responsibility to protect their citizens against genocide, war crimes, ethnic cleansing, and crimes against humanity; 2. The international community has the responsibility to help the state in implementing its responsibility to protect; 3. In situations where a state has manifestly failed to protect its population, it is the international community's responsibility to take timely and decisive action."³² Following this definition, this thesis defines R2P as the responsibility that arises when a state is unwilling or incapable of protecting its citizens from the violation of human rights. Since this study shall investigate the UN's interventions in the so-called failed states, how a failed state is conceptualized is also significant. This research will build on the understanding of a *failed state* following Donald W. Potter. A state fails when it is unable or unwilling to carry out the duties of being a state, which includes the protection of its citizens and delivering political goods such as health, security, economic opportunities, education, and good governance.³³ However, more importantly, state failure also includes the process in which the state's capacity is gradually weakening, or weakened, to carry out its duties.³⁴ And thus, this research will analyze whether the capacity of being a state was weakened by the intervention or the inaction of the UN. Finally, the thesis will take a postcolonialist approach

³¹ J. L Holzgrefe and Robert O Keohane, *Humanitarian Intervention* (repr., Milton Keynes UK: Lightning Source UK Ltd., 2013). p.18.

³² International Commission on Intervention and State Sovereignty, "The Responsibility to Protect", 2001. p. 8.

³³ Donald W Potter, "State Responsibility, Sovereignty, And Failed States" (2004). p. 2.

³⁴ Ibid.

to the analysis; therefore, *postcolonialism* should be defined briefly. Philipp Dann and Felix Hanschmann argue that “postcolonial theories provide a means of identifying and scandalizing forms of rule, influence, control, exploitation, exclusion, inequality or violence which obscure colonial structures, all the while enabling their continuing propagation and consolidation.”³⁵ The postcolonial perspective will analyze whether international law and humanitarian interventions are used as a neocolonial tool of the West.

2.2 Theoretical Framework

This section of the thesis will analyze how the aforementioned conceptualizations are perceived in the postcolonial school of thought. According to Philipp and Hanschmann, humanitarian interventions are called into question in postcolonialism “both because of their potential for being instrumentalized in political, economic and military interventions and their facilitation of individualized structural and systematic injustice.³⁶” They further criticized the interventions as the ‘Trojan horse of recolonization.’³⁷ Similarly, postcolonial critiques on R2P mainly focus on the principles of sovereignty, non-intervention, right to self-determination, selectivity, self-interested motives, and the use of force in international law.³⁸ While these concepts have continuously raised questions in the academia and the international community upon the establishment of R2P, the postcolonialists argue that R2P is just an extension of the already established international system that favors the Western neocolonial interests.³⁹ It has also been argued that, through R2P, the West tried to justify the, previously, military interventions with ‘humanitarian,’ moral purposes; however, R2P has gravely failed to fill the gap between the principle of sovereignty and the right to self-determination.⁴⁰ In the light of the postcolonial school of thought, Branwen Jones addresses that “the imperial history of global capitalism has significant effects on the current condition of the structural crises in the neocolonial states, especially in Africa, that transforms to domestic political, economic and social tensions that are reinforced by the global political economy which leads to state failure.”⁴¹ Furthermore, he argues that the notion of ‘failed state’ has become a way to

³⁵ Philipp Dann and Felix Hanschmann, "Post-Colonial Theories and Law," *Verfassung In Recht Und Übersee* 45, no. 2 (2012). p.124.

³⁶ *Ibid.*, p. 216.

³⁷ *Ibid.*

³⁸ Benjamin Meiches, "The Responsibility to Protect and Luxurious War," *Critical Studies on Security* 1, no. 2 (2013). p. 219.

Ibid., p. 220.

⁴⁰ *Ibid.*, 219.

⁴¹ Branwen Gruffydd Jones, "The Global Political Economy of Social Crisis: Towards A Critique of the ‘Failed State’ Ideology," *Review of International Political Economy* 15, no. 2 (2008). p.180.

legitimize military interventions in the postcolonial era.⁴² Other scholars like Jonathan Hill have criticized the notion of the concept itself and argued that such a definition of a state is solely based on “exclusively European values, customs, practices, organization, and structures.”⁴³ It has been long argued that the West has been attributing negative definitions to the Others. Recently, the concept initially recalled as ‘failed state’ has recently been replaced by the name ‘fragile state.’⁴⁴ The concept itself is highly controversial within postcolonialism; yet, this thesis will use the term *failed state* instead, to remind how the intervened states were regarded as failures by the West in the aftermath of decolonization when they became independent; and thus, ‘failed’ in the eyes of their Western colonizers.

2.3 Methodological Approach

This thesis will be based on process tracing analysis, in which the primary resources will be UNSC Resolutions, government reports, legal documents, reports of international organizations. This thesis makes use of previous literature and analysis conducted on the subject of the research as secondary resources, namely: academic articles, books, and reliable reports from international news agencies. Four states were selected based on two qualifications: state failure and UN intervention. The cases will be analyzed in two groups, the first group being the cases in which the UN intervention has contributed to state failure, Somalia, and Libya; and the second group being the cases in which the UN’s inaction has contributed to state failure, Rwanda, and Sudan. In the classification of the selected countries as failed states, the research will make use of the Fragile States Index (previously known as Failed States Index).⁴⁵

Chapter III. Case Study Analysis

3.1 UN humanitarian interventions that have contributed to state failure

This section will analyze two states in which the UN has taken decisions to intervene and invoked Chapter VII of the UN Charter through the UNSC. In the case of Libya, Western powers took quick and effective measures to halt the conflict in the region where they have ulterior motives. However, in the case of Somalia, the outcome of the interventions deemed to be highly ineffective, where the UN and the United States (US) withdrew upon getting defeated

⁴² Ibid., p.182.

⁴³ Jonathan Hill, "Beyond the Other? A Postcolonial Critique of the Failed State Thesis", *African Identities* 3, no. 2 (2005). p. 139.

⁴⁴ Sonja Grimm, Nicolas Lemay-Hébert and Olivier Nay, "'Fragile States': Introducing A Political Concept," *Third World Quarterly* 35, no. 2 (2014). p. 198.

⁴⁵ "Analytics | Fragile States Index," <https://fragilestatesindex.org/analytics/>.

by the armed clans. While both political unrest and humanitarian interventions have contributed to these states' failure, the cases are exemplary of how the motives of the intervening powers and the circumstances in the conflict region can drastically change the rules and outcomes of the intervention.

a. Somalia (1992-1993)

i. Background

Somalia has a highly dispersed clan-based societal and political structure that consists mainly of six clans and numerous sub-clans that exceedingly challenged the establishment of a multiparty democracy after its independence from the colonial powers in 1960.⁴⁶ In 1969, after the assassination of President Abdirashid Ali Sharmarke, the Somali army led by Major General Siad Barre took control and aimed to establish a political structure that is free from the clan-based formation.⁴⁷ Siad's government was repressive towards Somali people, particularly towards the fragmented clans within the state. Consequently, it was drastically challenged by the local clans, such as the Somali National Movement (SNM).⁴⁸ Furthermore, in 1977, Somalia's defeat in the Ogaden War has drastically weakened President Barre's influence in the state. In 1991, further confronted and weakened by the local clans and the outcomes of the defeat, Siad's government collapsed.⁴⁹ At the beginning of the same year, Siad Barre fled from the capital Mogadishu after being overthrown, and the clan-based civil war broke out between General Mohamed Farrah Hassan Aidid and Ali Mahdi Muhammad.⁵⁰ The war has resulted in many casualties as well as the start of mass migration of Somali people to neighboring states, independence of certain autonomous regions like Somaliland, and further regional instability. In 1992, provoked by the conflict, Somalia faced a drought, which was followed up by a severe state-wide famine.⁵¹ By the end of the year, around three hundred thousand people had died because of malnutrition, starvation, and the civil war.⁵² Somalia has been and remains to be one of the highest-ranking failed states as the civil war has been continuing despite foreign missions, whose effectiveness and outcomes are argued to be highly controversial.

⁴⁶ Jeffrey Clark, "Debacle in Somalia: Failure of The Collective Response," in *Enforcing Restraint: Collective Intervention in Internal Conflicts* (repr., Council on Foreign Relations, 1993) p. 207

⁴⁷ Ibid.

⁴⁸ Jeffrey Clark, "Debacle in Somalia: Failure of The Collective Response" (1993). p. 207.

⁴⁹ Amnesty International, "The Hidden US War in Somalia." (2019). p. 15.

⁵⁰ Müge Kınacıoğlu, "United Nations and Unilateral Military Interventions: Admissable Justifications in The United Nations' Responses" (Ph. D., repr., Bilkent University, 2003). p.275.

⁵¹ Amnesty International, "The Hidden US War in Somalia." (2019). p. 15.

⁵² Ibid.

ii. UN practice in Somalia

The UN had hardly worked on Somalia until the former-UN Secretary-General Boutros Boutros-Ghali called for the UNSC to take action.⁵³ During that time, the eyes were on the dissolution of former-Yugoslavia and the involvement of the United Nations Protection Force (UNPROFOR) in the Yugoslav wars.⁵⁴ There was no interest in following up on the conflict in Somalia in the UNSC, specifically from the West. The US's attention was aimed at exerting more influence in the dissolving Yugoslavia, and there was no room to think for Somalia.⁵⁵ In mid-1992, the UNSC belatedly managed to broker a ceasefire in Somalia, through resolutions 733 and 746, which was later ignored by all sides due to lack of oversight.⁵⁶ In the same year, the United Nations Mission in Somalia I (UNOSOM I) was established with UNSC Resolutions 751, "to monitor the brokered ceasefire" and "to provide humanitarian relief."⁵⁷ However, General Mohamed Farrah Aidid did not consent to the deployment of troops until late 1992.⁵⁸ Towards the end of 1992, when the troops were finally deployed, the ceasefire had broken, and the warring factions had splintered into even smaller factions.⁵⁹ Subsequently, more territories were controlled by different clans, and the UN Food and aid distribution failed to reach territories in need.⁶⁰ The UN had cooperated with the Hawadle subclan for safe deployment of required troops in Mogadishu.⁶¹ Hawadle being an extremely unfavorable subclan to Aidid, his skeptic stance towards the UN's neutrality had shattered.⁶² This collaboration has led to his rejection of the deployment of three thousand additional troops.⁶³ UNOSOM I was suspended due to inefficacy in December 1992, and the US suggested to command a Unified Task Force (UNITAF) that was established to "protect humanitarian aid and food supply," which was given "the use of all necessary means" by the UNSC Resolution 794.⁶⁴ The UNSC members and the UNSG had several concerns over the effectiveness of the missions, and the proposal of complete withdrawal came up many times.⁶⁵ Nevertheless,

⁵³ Jeffrey Clark, "Debacle in Somalia" (1992). p.109.

⁵⁴ Ray Murphy, *UN Peacekeeping in Lebanon, Somalia And Kosovo* (repr., Cambridge: Cambridge University Press, 2007). p. 36.

⁵⁵ Ibid. p. 35.

⁵⁶ John R. Bolton, "Wrong Turn in Somalia," *Foreign Affairs* 73, no. 1 (1994). p. 57.

⁵⁷ The United Nations Security Council Resolution 751, *Somalia*, S/RES/751 (24 April 1992)

⁵⁸ John R. Bolton, "Wrong Turn in Somalia" (1994). p. 57.

⁵⁹ United Nations Institute for Disarmament Research, "Managing Arms in Peace Processes: Somalia," Disarmament and Conflict Resolution Project (repr., New York, and Geneva: United Nations, 1995). p. 15.

⁶⁰ Ibid.

⁶¹ John R. Bolton, "Wrong Turn in Somalia" (1994). p. 58.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ The United Nations Security Council Resolution 794, *Somalia*, S/RES/794 (3 December 1992)

⁶⁵ John R. Bolton, "Wrong Turn in Somalia" (1994). p. 58

UNITAF was deployed right after the suspension of UNOSOM I.⁶⁶ In 1993, when the US-led operation had lost a significant number of soldiers in the region, UNITAF was suspended, and one last mission was established by the UNSC through Resolution 814, aiming “to restore peace and stability in Somalia.”⁶⁷

The last mission involved in Somalia was the United Nations Operation in Somalia II (UNOSOM II), which resulted not only in failure but also in defeat. This mission fell so weak that the warring clans and gangs have continuously raided the UN facilities, stole supplies, and attacked the international staff.⁶⁸ Not only was it unable to prevent the civil war, mass killings, and war crimes, which lead to regional instability in Africa, but the mission has exacerbated the situation and the war through such raids. The UN’s aid supplies have become the “currency of warlords,” which helped the civil war to perpetuate.⁶⁹ The warlords have used the currencies to exert more power in the territories they hold, which further jeopardized the credibility of the already non-existing centralized authority and bolstered state failure.⁷⁰ Furthermore, Somalia’s entire economy started to revolve around these currencies, which contributed to the state-wide famine caused by the drought in 1992.⁷¹ It was argued that the UN and the US had provided Somali people with all the necessary aid; however, the lack of control and oversight of the 148 million dollars of aid in such a fragmented state resulted in the landing of the resources in the hands of warring clans and subclans which instead used this resource to perpetuate the war.⁷² In 1995, the UN had suspended UNOSOM II earlier than expected when General Mohamad Farrah Aidid asked the UNSC to halt their mission in the region and withdraw the troops.⁷³

The UN’s practice in Somalia, alongside the US-led UNITAF, failed to carry out essential tasks that were never addressed, such as disarming clans, warlords and factions, and responding to the declaration of independence of Somaliland.⁷⁴ Not being planned thoroughly, and lacking necessary attention, the missions in Somalia failed to fulfill their goals. The early suspension of UNOSOM I at the end of 1991 has gravely contributed to the spread of famine in 1992.⁷⁵

⁶⁶.Ibid.

⁶⁷ The United Nations Security Council Resolution 814, *Somalia*, S/RES/814 (26 March 1993)

⁶⁸ John R. Bolton, "Wrong Turn in Somalia" (1994). p. 57.

⁶⁹ Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention," *Foreign Affairs* 75, no. 2 (1996). p.71.

⁷⁰ Ibid.

⁷¹ Ibid., p. 74.

⁷² Jeffrey Clark, "Debacle in Somalia" (1992). p.118.

⁷³ United Nations Institute for Disarmament Research, "Somalia" (1995). p. 66.

⁷⁴ John R. Bolton, "Wrong Turn in Somalia" (1994). p. 59.

⁷⁵ Ray Murphy, *UN Peacekeeping in Lebanon, Somalia And Kosovo*, (2007). p. 48.

Ray Murphy suggests that a quick and effective response by UNOSOM I could have changed the way history is written in Somalia, and may have created opportunities for negotiation.⁷⁶ Furthermore, UNITAF could have disarmed the clans, and prepare the region for UNOSOM II's mission as promised, with its right to use force given by the UNSC. However, the US left Somalia and sold it as a success story, claiming that there is a secure environment for another UN mission to be established.⁷⁷ Later, when UNOSOM II was formed, the frail situation in Somalia resulted in the defeat of yet another mission. United Nations Institute for Disarmament Research (UNIDIR) documented the reason for suspension of UNOSOM II as "suffering heavy and humiliating casualties on a wide scale." However, the reason for withdrawal is officially addressed in the UN documents as "Somali factions not committing themselves to cooperate with the UN, which made the mission impossible to conduct."⁷⁸

b. Libya (2011)

i. Background

The conflict in Libya stemmed from the rise of the Arab Spring in 2011. In February, Libyans protested against the Gaddafi regime, which had endured for forty-two years. The government started to use force on its citizens to disrupt the demonstrations and organized pro-government protests.⁷⁹ Many high-ranking officials resigned from their positions, protesting the government's use of force.⁸⁰ Towards the end of February, Gaddafi was determined to stay in power and threw the country into a civil war between the Gaddafi supporters and the rebels.⁸¹ The anti-regime groups in Libya established the Transitional National Council (TNC), which became the body of the rebellion against the Gaddafi regime.⁸² However, the situation exacerbated further with NATO's intervention in 2011, which contributed to mass migration to neighboring countries like Egypt and the shortage of food, fuel, and medical supplies.⁸³ The gravity of the conflict in Libya has led the state to failure in no time, despite its moderately

⁷⁶ Ibid.

⁷⁷ Ibid., p.62.

⁷⁸ "The United Nations and Somalia 1992-1996," Blue Book Series Volume VIII (repr., New York: United Nations Department of Public Information, 1996). p. 3.

⁷⁹ Aminath Minna, "Responding to Mass Violation of Human Rights" (2018). p. 19.

⁸⁰ Ibid.

⁸¹ Dia Tumkezee Kedze, "The 2011 Libyan Crisis," ACCORD, 2015. <https://www.accord.org.za/conflict-trends/2011-libyan-crisis/>.

⁸² Ibid., p. 20.

⁸³ Ibid., p. 20.

good economic performance. According to the Fragile States Index, the state's failure has been drastically worsening since 2011.⁸⁴

ii. UN Practice in Libya

The UN response to the human rights violations in Libya has been surprisingly quick. As the protests started, the unrest was already reported to the International Criminal Court (ICC) through UNSC Resolution 1970, stressing that Libyans are not protected by the Gaddafi regime.⁸⁵ Therefore, the right to implement the first pillar of R2P arose. However, when Gaddafi announced defiance, the UNSC invoked Chapter VII of the UN Charter with Resolution 1973, and the no-fly zone was officially declared alongside a heavy arms embargo at the end of February.⁸⁶

In mid-March 2011, several great powers like France, the United Kingdom (UK), and the US recognized the TNC as the sole spokesperson of Libya and openly supported the rebels.⁸⁷ The rapid actions taken by the aforementioned powers have raised suspicions over their actual motives and interests in Libya. After all, Libya's Gulf of Sidra is home to the country's leading oil and gas reserves, which the Western states' economies depend on.⁸⁸ The initial coalition, including nine Western states, has attacked Gaddafi's regime with airstrikes.⁸⁹

Since the rebels were not able to topple Gaddafi's regime with the help of the current alliance, the first coalition has expanded vastly and given the full command to NATO by the end of March.⁹⁰ Many states were arguing that leaving the command to NATO would push the limits of the military intervention.⁹¹ Indeed, the attacks were planned to target Gaddafi and his family; yet, according to many scholars like Kedze, the NATO airstrikes killed many civilians as well.⁹² Indeed, Alan Kuperman's analysis on the subject has highlighted that NATO's intervention has increased the number of casualties "more than tenfold," and left warring militias in a state devastated by conflict.⁹³ Furthermore, according to the UN's statistics, due to NATO's intervention, instead of oil, jihadis and weaponry have become Libya's main export

⁸⁴ "Analytics | Fragile States Index."

⁸⁵ The United Nations Security Council Resolution 1970, *Peace and Security in Africa*, S/RES/1970 (26 February 2011)

⁸⁶ The United Nations Security Council Resolution 1973, *The Situation in Libya*, S/RES/1973 (17 March 2011)

⁸⁷ Aminath Minna, "Responding to Mass Violation of Human Rights" (2018). p. 20.

⁸⁸ *Ibid.*, p. 20.

⁸⁹ "Libya Live Blog - March 19" aljazeera.com, 2011, <https://www.aljazeera.com/blogs/africa/2011/03/15641.html>.

⁹⁰ Aminath Minna, "Responding to Mass Violation of Human Rights" (2018). p. 24.

⁹¹ *Ibid.*

⁹² Dia Tumkezee Kedze, "The 2011 Libyan Crisis," 2015.

⁹³ Noam Chomsky and Andre Vltchek, *On Western Terrorism*, 2nd ed. (repr., London: Pluto Press, 2017). p.vi

– mostly to West Africa, which became the new hub for extremist Islamist terrorism, challenging regional stability.⁹⁴

In August, the rebels backed by NATO had seized a large portion of the state, including one of the biggest oil-rich cities, Zawiyah.⁹⁵ While the war continued, Gaddafi had fled to his hideout in Sirte, where he would later be found and executed on the 20th of October. When the rebels seized power, the TNC has gained international recognition and legitimacy in the UN, but it struggled to form an interim government. The rebel militias had refused to disarm and continued to fight the Gaddafi-loyalists. At the end of October, the head of TNC Mustafa Abdul Jalil had asked NATO to extend its stay and help the newly formed government to disarm the militias and broker an agreement with the Gaddafi-supporters.⁹⁶ His request was denied, and NATO had suspended its mission in Libya, as preliminarily decided, on the 31st of October.⁹⁷ From a postcolonial perspective, the rapid and effective response of the Western states is the result of the highly dependent economy of the neocolonialists on Libya's oil reserves. An ongoing crisis within Libya would drastically affect the powerful Western economies and would result in unwanted economic and political consequences.

Moreover, scholars such as Andrew Murray suggest that Gaddafi's regime did not get along with the Western leaders and was unfavorable towards their self-interests at the time.⁹⁸ Therefore, overthrowing his regime was itself a part of the West's self-interest. Murray compares the Western response to the conflict in Libya to the conflicts in Bahrain and Yemen, and argues that their leaders are much 'friendlier' towards the interests of the West; thus, there is inaction towards the human rights violations of the favorable governments.⁹⁹ Many scholars have also compared the conflicts of Libya and Syria and argued that the intervening power's motivations and the circumstances in the conflict region profoundly influence the Western decision to intervene or stay inactive.¹⁰⁰ Libya was seen as the first case of the implementation of the R2P, and by merely looking at the outcome, regime change, it was declared a successful one. However, R2P was abused by NATO, which used it as a neocolonial tool for regime change in a country where the leader was unfavorable to NATO's member states.¹⁰¹ The abuse

⁹⁴ Ibid.

⁹⁵ Aminath Minna, "Responding to Mass Violation of Human Rights" (2018). p. 25.

⁹⁶ "Libya Asks Nato To Extend Mission", BBC News, 2011, <https://www.bbc.com/news/world-africa-15459473>.

⁹⁷ Ibid.

⁹⁸ Andrew Murray, "Libya: A Conflict of Self-Interest," The Guardian, 2011, <https://www.theguardian.com/commentisfree/2011/mar/22/libya-no-fly-zone-united-nations>.

⁹⁹ Ibid.

¹⁰⁰ Justin Morris, "Libya and Syria: R2P and the Spectre of The Swinging Pendulum" (2013). p. 1267.

¹⁰¹ Aminath Minna, "Responding to Mass Violation of Human Rights" (2018). p. 27.

of the norm indicates an ulterior postcolonial motive of the West in exerting its power and influence in the non-Western world.

3.2 UN inactions that have contributed to state failure

This section will analyze the cases in which the UNSC had not invoked Chapter VII of the UN Charter in time. In Rwanda, lack of operationalization and lack of authority given to the commander of the UN mission resulted in one of the deadliest genocides in modern history. After a decade, history repeated itself in Sudan, Darfur, where the ethnic division and political marginalization led to political and social unrest that marked the start of the genocide in Darfur, which is part of the enduring conflict in Sudan. The UN's practice, in general, was ill-timed and ill-considered both in Rwanda and Darfur, which failed to prevent humanitarian catastrophes that led the states to long-lasting conflict and failure.

a. Rwanda (1994)

i. Background

In 1998, former President of Rwanda, Jean Kambanda, became the first person ever to plead guilty to the crime of genocide at an international court.¹⁰² He was found guilty for planning and conducting the 1994 genocide in Rwanda, which was the systematic, planned, and mass killings of the Tutsi population by the Hutus.¹⁰³ The genocide was the outcome of the Rwandan Civil War, which erupted in the fall of 1990 between the Hutu government-supported Rwandan Armed Forces (FAR) and the rebel Tutsi-led Rwandan Patriotic Front (RPF).¹⁰⁴ The civil war stemmed from Rwanda's pre-colonial times. Since then, the two groups had problems sharing the same territory without suppressing one another.¹⁰⁵ Hutu governments were always toppled by Tutsis and Tutsi governments by the Hutus; this ethnic conflict had led the state to failure before it even became one.¹⁰⁶ In 1962, the Hutus, supported by Belgium, overthrew the Tutsi regime. Consequently, many Tutsis had to flee to neighboring Uganda, where they formed the RPF.¹⁰⁷ The civil war began when the rebel RPF invaded the north-eastern part of Rwanda in the fall of 1990, when the Hutu President Juvenal Habyarimana, who had close relations with France, was in power. When the RAF killed Fred Rwigyema - one of RPF's leaders - with the

¹⁰² Linda Melvern, *Conspiracy to Murder* (repr., London: Verso, 2006). p. 1.

¹⁰³ Linda Melvern, *Conspiracy to Murder* (2006). p. 1.

¹⁰⁴ Müge Kinacıoğlu, "United Nations and Unilateral Military Interventions" (2003). p. 280.

¹⁰⁵ Linda Melvern, *Conspiracy to Murder* (repr., London: Verso, 2006). p. 3.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid., p. 8.

support of the French, the RPF got defeated in less than a month. Later, Paul Kagame, the new leader of RPF, prepared the front for a powerful attack, and in several months, a guerilla war started, which lasted until mid-1992. In August 1993, the two sides of the conflict, namely the RAF and the RPF, signed the Arusha Accords to cease the fight officially.¹⁰⁸ The UN has formed a mission in Rwanda to monitor this ceasefire; nevertheless, this mission failed to prevent one of the gravest atrocities of the past century, also known as the 1994 Rwandan Genocide.

ii. UN Practice in Rwanda

The UN's response to the Rwandan Civil War arrived three years later, in October 1993, when the United Nations Assistance Mission in Rwanda (UNAMIR) was deployed.¹⁰⁹ The goals of the mission were stated as 'to monitor the ceasefire established by the Arusha Accords and to oversight the process of demilitarization of Rwanda' in Resolution 872.¹¹⁰ Nevertheless, at the beginning of April 1994, the UNSC extended the mandate of UNAMIR with Resolution 909, believing that the lack of transitional institutions obstructs the implementation of the Arusha Peace Agreement, which subsequently affects the success of UNAMIR in the region.¹¹¹ Despite the extension of UNAMIR's mandate in Rwanda, the wide-scale genocide erupted with the assassination of the Hutu President Juvenal Habyarimana - and his Burundi counterpart - in a plane crash on 6th of April 1994, for which the RPF accused the extremist Hutu Power of provoking anti-Tutsi behavior in the region through such an attack.¹¹² Militant Hutus seized power in the immediate aftermath of their president's assassination in April 1994 and started to attack both ethnic Tutsis and moderate Hutus.¹¹³ At the end of April, around 200,000 people were massacred by the Hutu militants and extremists. In addition to the number of casualties, around half a million Rwandans had fled.¹¹⁴ UNAMIR was present in the region when all these events occurred. One can argue that the UNSC has shown inaction by not reacting accurately

¹⁰⁸ Müge Kınacıoğlu, "United Nations and Unilateral Military Interventions" (2003). p. 280.

¹⁰⁹ Ibid.

¹¹⁰ The United Nations Security Council Resolution 872, *Rwanda*, S/RES/872 (5 October 1993), available from <http://unscr.com/en/resolutions/872>

¹¹¹ The United Nations Security Council Resolution 909, *Extension of the mandate of the UN Assistance Mission for Rwanda and implementation of the Arusha Peace Agreement*, S/RES/909 (5 April 1994), available from <http://unscr.com/en/resolutions/909>

¹¹² Müge Kınacıoğlu, "United Nations and Unilateral Military Interventions" (2003). p. 280.

¹¹³ Ibid., p. 281.

¹¹⁴ Ibid.

and timely, as their response was merely limited to passing Resolution 912, which condemned the attacks and called for a mediation between the RPF and the Government of Rwanda.¹¹⁵ UNAMIR's impracticality was seen as a result of the genocide in the region, until 2003 when the UNAMIR commander, Roméo Dallaire had written the truth about UNAMIR in his book *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. In his book, Dallaire states that upon his arrival in Rwanda, he had already urged the UN authorities that his staff and equipment were insufficient to conduct the mission.¹¹⁶ He also unveils several signs of a planned attack, such as the French aircraft loaded with weaponry to support the FAR, which landed in Kigali, the capital, in early 1994.¹¹⁷ Even before the French ammunition aid to FAR, in January 1994, a high-level official from a Hutu militia had informed Dallaire that a wide-scale systematic attack on Tutsis had been planned.¹¹⁸ As a result, Dallaire had sent a 'Genocide Fax' to the UN Department of Peacekeeping Operations (DPKO), stating that 'a genocide against Tutsis is being planned,' three months before the genocide began.¹¹⁹ Dallaire had asked the UN to take action to prevent the planned attack through raiding suspected arms caches, but the UN DPKO was very much involved in its mission in former Yugoslavia, that it had rejected the request stating that it 'exceeds UNAMIR's mandate' and commanded Dallaire to inform the Hutu-dominated government of Rwanda about the genocide which was planning itself.¹²⁰ The UNSG Boutros-Ghali has approved the refusal of authority, and once again, the Western-led UN had left an African state to failure and conflict, even when the UN troops and staff were in the region, risking the lives of many, traumatizing all.¹²¹

In April 1994, after the adoption of Resolution 912, the UNSG had called for the UNSC to take further action to cease the massacres in the region.¹²² In May, the UNSC extended the mandate of UNAMIR with 5,500 additional troops and equipment with Resolution 918, establishing UNAMIR II.¹²³ However, the Western powers were unwilling to send their troops to a warring

¹¹⁵ The United Nations Security Council Resolution 912, *Adjustment of the mandate of the UN Assistance Mission for Rwanda due to the current situation in Rwanda and settlement of the Rwandan conflict*, S/RES/912 (21 April 1994), available from <http://unscr.com/en/resolutions/912>

¹¹⁶ Roméo Dallaire, *Shake Hands with The Devil* (repr., Toronto: Random House Canada, 2003).

¹¹⁷ Ibid.

¹¹⁸ "The Rwanda "Genocide Fax": What We Know Now" nsarchive2.gwu.edu, 2014, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB452/>.

¹¹⁹ "The Rwanda "Genocide Fax": What We Know Now." 2014.

¹²⁰ Gregory H. Stanton, "Could the Rwandan Genocide Have Been Prevented?" *Journal of Genocide Research* 6, no. 2 (2004). p. 212.

¹²¹ Gregory H. Stanton, "Could the Rwandan Genocide Have Been Prevented?" (2004). p. 212.

¹²² UN Secretary-General. "Letter from The Secretary-General addressed to the President of the Security Council." UN Doc. S/1994/518. (1994). <https://digitallibrary.un.org/record/713655>.

¹²³ The United Nations Security Council Resolution 918, *The expansion of the mandate of the UN Assistance Mission for Rwanda and imposition of an arms embargo on Rwanda*, S/RES/918 (17 May 1994), available from <http://unscr.com/en/resolutions/918>

state with ongoing genocide; as a result, the troops were not deployed until June.¹²⁴ UNAMIR required additional troops to start its second and extended mission; therefore, following Resolution 918, the UNSC had provoked Chapter VII at the end of June, and the French-led Operation Turquoise was given “the use of all necessary means to achieve humanitarian objectives” with Resolution 929, just like the US-led UNITAF in Somalia. ¹²⁵ Operation Turquoise started within two days of its approval, mainly focused on creating a safe zone called the Turquoise Zone; yet, this zone has later helped the Hutus, who were behind the planning of the genocide, to escape to neighboring states.¹²⁶ Following the operation, Ghanaian and Bangladeshi troops who were outnumbered were sent for UNAMIR II, but they were not well-equipped and well-trained. The genocide, which lasted a hundred days, started in April and ended in July, and has resulted in the mass slaughter of around a million Rwandans. The end of the genocide was marked by RPF’s victory, which declared a ceasefire in July 1994.¹²⁷ Later, the RPF-led government ceased diplomatic relations with France. The ever-lasting ethnic conflict in Rwanda, and the UN’s failure to act timely to prevent the genocide and establish stability, have contributed to the state’s failure.¹²⁸

b. Darfur, Sudan (2003)

i. Background

Darfur is an oil-rich region of Sudan lying on its western border. On the one hand, the region has been vastly inhabited by African farmer tribes, namely Fur, Masalit, and Zaghawa, and on the other hand, by nomadic Arab tribes.¹²⁹ Ethnic divisions and long-lasting economic competition between these two groups were not a novel issue before the conflict erupted in 2003. The Government of Sudan (GoS), located in Khartoum, has long been supporting the nomadic Arabs in the region; and therefore, African Darfurians had long faced oppression and marginalization by both the government forces and the local tribes.¹³⁰ During the term of Sadiq El Mahdi (1986-89), the government-favored Arab militias were armed as counterinsurgency

¹²⁴ Gregory H. Stanton, "Could the Rwandan Genocide Have Been Prevented?" (2004). p. 222.

¹²⁵ Melissa Labonte, *Human Rights and Humanitarian Norms, Strategic Framing, and Intervention*, (2013). p. 120.

¹²⁶ The United Nations Security Council Resolution 929, *Establishment of a temporary multinational operation for humanitarian purposes in Rwanda until the deployment of the expanded UN Assistance Mission for Rwanda*, S/RES/929 (22 June 1994), available from <http://unscr.com/en/resolutions/929>

¹²⁷ Gregory H. Stanton, "Could the Rwandan Genocide Have Been Prevented?" *Journal of Genocide Research* 6, no. 2 (2004). p. 223.

¹²⁸ Ibid.

¹²⁹ Kithure Kindiki, "International Law on Trial: The Darfur Crisis and The Responsibility to Protect Civilians," *International Community Law Review* 9, no. 4 (2007). p. 447.

¹³⁰ Ibid.

groups to defeat the southern-based rebel groups.¹³¹ In 2003, two rebel groups, namely the Sudan Liberation Army (SLA) and the Justice & Equality Movement (JEM), emerged in the south, aiming to challenge the ever-lasting oppression of the GoS. The rebels attacked both the government's armed forces and the police, to which the GoS has responded with force, mainly through its Arab militia, Janjaweed.¹³² The government-supported Janjaweed have started to attack the African Darfurians and destroyed numerous villages, which resulted in a wide-scale genocide, the division of Sudan, and the civil war that has been continuing since then. The genocide in Darfur is considered as the first genocide of the 21st century and has been vastly compared to the Holocaust.¹³³ Despite brokered ceasefires, calls for negotiation, and humanitarian funding from the African Union (AU), the UN, and the European Union (EU), the conflict in Darfur persists to the present day. Sudan has long been considered as a failed state due to its warring divisions, and it still ranks high in the Fragile States Index.¹³⁴ A decade after the Rwandan genocide, the world leaders promised not to fail to prevent such violence again.¹³⁵ Nevertheless, history repeated itself in Darfur, as the late intervention and efforts of the UN and the AU proved unsuccessful and led the whole world to watch the ethnic cleansing of the African Darfurians.¹³⁶ The current estimate of the total number of death is around 500,000 and still rising.¹³⁷

ii. UN Practice in Darfur, Sudan

The violence in Darfur did not get international attention until March 2004, when the UN's humanitarian coordinator in Sudan compared the conflict in Darfur to the genocide in Rwanda, on its tenth anniversary.¹³⁸ After his statement, Darfur became one of the most publicized conflicts in a short time. The conflict has seen the world's most extensive humanitarian funding, Save Darfur Coalition, yet no military action was taken to stop the killings commanded by the GoS.¹³⁹ In 2004, the US, the UK, and Norway organized a negotiation table to cease the violence in Darfur, which resulted in the Ndjamena Humanitarian Ceasefire Agreement.¹⁴⁰ Based on this agreement, which later failed, the AU deployed a small number

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid., p. 446.

¹³⁴ "Analytics | Fragile States Index."

¹³⁵ Alex J. Bellamy, "Responsibility to Protect or Trojan Horse?" (2005). p. 31.

¹³⁶ Kithure Kindiki, "International Law on Trial" (2007). p. 445.

¹³⁷ Ibid., p. 448.

¹³⁸ David Lanz, "African Union–United Nations Hybrid Operation in Darfur (UNAMID)," in *the Oxford Handbook of United Nations Peacekeeping Operations*, (2015). p. 2.

¹³⁹ Ibid., p. 3.

¹⁴⁰ Irina Livia Punga, "UN Peacekeeping and Protection of Civilians in the 21st Century" (Master, repr., Utrecht University, 2011). p. 50.

of troops and observers to monitor the ceasefire; and thus, the African Union Mission in Sudan (AMIS) was formed.¹⁴¹ Following AMIS, the UNSC passed Resolution 1556, calling for the GoS to disarm the Janjaweed militia within 30 days.¹⁴² This call was ignored by the GoS, and the UNSC failed to follow up on its request.¹⁴³ While many actors like the US and the EU have labeled the conflict as genocide, the UNSC has used its prerogative of being able to refer to a case to the ICC for the first time and referred to the situation in Darfur with Resolution 1593.¹⁴⁴ The global outcry over the violence in Darfur called for the newly generated international norm, R2P. In spite of that, the Western coalition seemingly did not opt-in for intervention, one year after the intervention in Iraq; therefore, the Save Darfur Coalition agreed to provide financial funding to AMIS instead.¹⁴⁵ In the fall of 2004, Inter-Sudanese Peace Talks on the Conflict in Darfur marked the start of negotiations to broker a ceasefire between the rebels –SLA, JEM, and the GoS.¹⁴⁶ However, the Darfur Peace Agreement (DPA) was only signed after two years in 2006.¹⁴⁷ The peace agreement was signed between one of SLA’s factions and the GoS; yet, JEM and other factions of SLA opposed the ceasefire.¹⁴⁸ Ironically, according to the International Crisis Group, the DPA led to further fragmentation of the existing factions and obstructed the establishment of peace and stability in the region.¹⁴⁹

In late 2005, despite international funding, AMIS became unsuccessful in protecting civilians.¹⁵⁰ The UN had started to question the effectiveness of AMIS’s mission. This coincided with a large oil reserve being discovered in Northern Darfur by the Sudan Energy Ministry in the same year.¹⁵¹ One could argue that the UN’s swift response after oil-related developments in the region might indicate a questionable neocolonial agenda behind the West’s motives. After AMIS was overwhelmed by the failure to prevent further casualties and provide humanitarian aid, and Darfurian oil became the target of the West in 2006, AU’s mission was planned to transform into an UN-based operation United Nations Advance Mission in Sudan

¹⁴¹ David Lanz, "African Union–United Nations Hybrid Operation in Darfur (UNAMID)" (2015). p. 2.

¹⁴² The United Nations Security Council Resolution 1556, *Reports of the Secretary-General on the Sudan*, S/RES/1556 (30 July 2004).

¹⁴³ Irina Livia Punga, "UN Peacekeeping and Protection of Civilians in the 21st Century" (2011). p.51.

¹⁴⁴ The United Nations Security Council Resolution 1593, *Reports of the Secretary-General on the Sudan*, S/RES/1593 (31 March 2005).

¹⁴⁵ David Lanz, "African Union–United Nations Hybrid Operation in Darfur (UNAMID)" (2015). p.4.

¹⁴⁶ Irina Livia Punga, "UN Peacekeeping and Protection of Civilians in the 21st Century" (2011). p.51.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid., p.52.

¹⁵⁰ David Lanz, "African Union–United Nations Hybrid Operation in Darfur (UNAMID)" (2015). p.4.

¹⁵¹ "Darfur: Forget Genocide, There's Oil," *globalpolicy.org*. 2007.

<https://www.globalpolicy.org/component/content/article/206/39764.html>.

(UNAMIS) with Resolution 1679.¹⁵² Following, the UNSC established and deployed the United Nations African Union Mission in Darfur (UNAMID) in 2007 with Resolution 1769, four years after the start of the conflict in the region.¹⁵³

UNAMID became the first UN-AU hybrid mission, which is currently the most extensive operating peacekeeping mission.¹⁵⁴ UNAMID is one of the most restricted missions due to lack of consent by President Omar al-Bashir, who rejected the initial deployment of the troops and later, rigorously limited the mission's activities.¹⁵⁵ The main goals of UNAMID were set to protect the civilian population and monitor the implementation of the DPA.¹⁵⁶ The formation of UNAMID and the deployment of the peacekeeping troops far ahead of a full-fledged peace agreement could be considered the UN's gravest mistake. One can claim that this is among the main reasons why the operation persists to the present day, hence contributing to the 'failed' status of the state.¹⁵⁷

According to the UN, the mission in Darfur itself has been under attack many times; and suffered from logistical and operational problems.¹⁵⁸ UNAMID's own Sudanese staff were attacked, murdered, and kidnapped, and the GoS's restrictions on access to several areas have crucially affected the scope of UNAMID's capabilities.¹⁵⁹ One can argue that UNAMID had suffered from focusing on protecting civilians due to its broad range of tasks to maintain, such as assisting the implementation of the DPA, which had failed before the mission was even deployed to Darfur.¹⁶⁰ Furthermore, the neutrality of UN's practice has raised questions due to UNAMID's open support for the GoS to achieve the DPA; therefore, losing the trust of the very people the mission aimed to protect.¹⁶¹

Furthermore, critical scholars such as Steven Fake and Kevin Funk highlight the Western neocolonial interests in Darfur.¹⁶² The Western ulterior motives in Sudan, were easily masked by the need of humanitarian intervention and moral responsibility to intervene, and

¹⁵² The United Nations Security Council Resolution 1679, *Reports of the Secretary-General on the Sudan*, S/RES/1679 (16 May 2006).

¹⁵³ The United Nations Security Council Resolution 1769, *Reports of the Secretary-General on the Sudan*, S/RES/1769 (31 July 2007).

¹⁵⁴ Irina Livia Punga, "UN Peacekeeping and Protection of Civilians in the 21st Century" (2011). p. 52.

¹⁵⁵ Ibid.

¹⁵⁶ The United Nations Security Council Resolution 1769. (31 July 2007).

¹⁵⁷ Alex De Waal, "Darfur and The Failure of The Responsibility to Protect" (2007). p. 1046.

¹⁵⁸ Department of Peacekeeping Operations, "Protecting Civilians in The Context of UN Peacekeeping Operations" (repr., New York: United Nations, 2009).

¹⁵⁹ UN Secretary-General, "Report of The Secretary-General on the African Union-United Nations Hybrid Operation in Darfur" (repr., New York, 2011), <https://digitallibrary.un.org/record/713655>.

¹⁶⁰ Irina Livia Punga, "UN Peacekeeping and Protection of Civilians in the 21st Century" (2011). p.54.

¹⁶¹ Irina Livia Punga, "UN Peacekeeping and Protection of Civilians in the 21st Century" (2011). p.55.

¹⁶² Kevin Funk and Steven Fake, *Scramble for Africa* (repr., Montreal, QC: Black Rose Books, 2009). p. 216.

international law was successfully, and once again cruelly, used as a tool to exploit the natural resources of yet another African state. What demonstrates the situation best is the Western decision to intervene four years after the genocide, right after the discovery of oil in Darfur. Alongside the failed DPA, the mission's partiality has contributed to the failure of the state further, which for the sake of oil, has trapped both the Sudanese and the UN in a conflict in Darfur for over a decade.

Chapter IV: Comparison of the Cases

The analysis of the UN interventions carried out in all cases highlighted when and how international law is used by the Western states, and whether this use has contributed to state failure in the intervened states. Within the scope of this analysis, not only was the UN's response ruled by the existence and the scale of importance of Western neocolonial interests in the conflict state, but it has also contributed to the failure of the intervened states.

In Libya, the Western interests in oil ruled the decision to intervene; therefore, when the interests –overthrowing Gaddafi's unfavorable regime and seizing control of the oil in the region- were pursued, the West has withdrawn without providing further assistance. The lack of assistance contributed to state failure in the aftermath of the conflict. Similarly, the response to the genocide in Sudan was ruled by neocolonial interests. Although the immediate reaction to the conflict in Sudan was inaction, the discovery of oil in the region has resulted in the West's intervention, which bolstered state failure. The analysis has found no clear ulterior motives of the West in Somalia within the scope of this thesis. Unfortunately, it cannot be concluded that the case of Somalia was a successful humanitarian intervention. Ironically, lack of ulterior motives resulted in a lack of attention to the plan, conduct, and oversight of the missions in Somalia, which led to a rough defeat and contributed significantly to state failure. Scarred by the defeat in Somalia, the UN opted for inaction during the Rwandan genocide in 1994. Paradoxically, the Western interests in Yugoslavia have overshadowed the missions in Somalia and Rwanda. While all these cases have failed with the significant contribution of the UN's interventions and inactions, they demonstrate the argument that international law is a neocolonial tool for the Western powers to pursue and protect their interests in the region. Although the nature of conflicts differs in each state covered in this thesis, the intervention carried out in all of these cases suffers from similar mistakes, which was analyzed to contribute to state failure. First and foremost, one should zoom into the consent and neutrality aspects of UN interventions.

To revisit the case of Somalia briefly, General Mohamad Farrah Aidid did not consent to the UN's first mission in Somalia until late 1992. Later, when the mission required additional troops, a collaboration was agreed with a subclan, which was not favorable to General Aidid. As analyzed, this collaboration had resulted in General Aidid's rejection of the deployment of additional UN troops at a later stage. Based on this, it can be argued that the UN has failed to stay impartial in Somalia. This led the intervening powers to be portrayed as enemies, which resulted in the West's scarring defeat against the locals in the region. As a result of the interventions, the UN and the US troops fell weak and futile and failed to protect both themselves and the lives of Somalis. This weakness bolstered the influence of the warlords and clans who were successfully raiding the UN aid and supplies and consequently contributed to the state's failure.

The problem of consent arose in Sudan as well, since President Omar al-Bashir has been criticizing the Western intervention and did not consent to the deployment of the troops, to begin with. Again in Sudan, the requirement of neutrality was broken. The UN's alliance with the GoS to achieve the DPA led the very civilians the mission aimed to protect, to lose trust towards the intervening Western powers. Additionally, the belatedly conducted missions were highly unsuccessful in protecting the lives of both Sudanese and their own staff due to prioritized interests like the oil in Darfur. As a result, the conflict bolstered, and the intervention contributed to state failure, which still benefits the West in controlling the oil in the region. One could discuss that the Western powers still seem to be protecting their interests in Darfur, from the thirst of others, like China.

NATO's UNSC approved intervention in Libya could be considered as an illustrative operation in which the West's use of international law as a way of justification to protect their interests has been the clearest. The concepts of consent, impartiality, and protection of civilians were barely taken into consideration. The analysis has shown that the swift response in Libya was directly linked to the Gulf of Sidra, Libya's main oil reserves. The West has quickly sided with the rebels and attacked Gaddafi's unfavorable regime, and NATO's ill-planned airstrikes resulted in many civilian casualties. The UN had been significantly passive towards sending troops and conducting a mission in Libya; therefore, the mandate was given to NATO by the UNSC. A large portion of Libya was seized by the rebels with the support of NATO, again showing partiality in the conflict, to achieve their primary goal of protecting self-interests in the region.

The UN's mission in Rwanda was deployed before the Rwandan genocide, and it was still too late to prevent the mass killings of almost a million Rwandans. The troops sent for UNAMIR

were untrained and lacking equipment, due to great powers not being willing to send troops to a conflict region where the benefits of the intervention did not exceed its costs. However, France has shown quite a bit of interest in Rwanda. The Hutu-supporter French have sent support to the Hutus, and let the masterminds behind the genocide to escape to neighboring African states through Turquoise Zone.¹⁶³ Therefore, it can be argued that Rwanda could only attract French interests in the region, which was to secure the ever-lasting French dependency of Rwanda. In this case, impartiality was nonexistent, the protection of civilians only relatively succeeded, and even though UNAMIR was already consented to be in the region and had known of the planning of the genocide, the mass atrocities were not prevented.

Chapter V: Conclusion & Final Remarks

This thesis has shed light on four cases in which the UN interventions or inactions may have contributed to state failure. All four cases have highlighted several issues of the UN's response and involvement such as problems of consent and impartiality, the establishment of unsuccessful agreements and ceasefires, deployment of untrained and ill-equipped troops, getting defeated by the local factions and failing to prevent the UN's mission and staff alongside civilians in the region. Furthermore, one can argue that some of the other aspects, such as ill-timed action and unwillingness for troop-contribution, were the outcomes of the ulterior motives of the Western states when acting through international law.

The analyses and the comparison of the four most significant failures in the UN's history supported the hypotheses of this research. The UN's humanitarian interventions and its inaction have been instrumental in the intervened states' failure, weakening the political, social, and economic structures that were already ruled by instability. The analyses of all cases demonstrate that humanitarian interventions have been used as a neocolonial tool, a Trojan Horse for recolonization by the Western states through different means to pursue interests like oil. Paradoxically, it also demonstrated that the conflict groups within the intervened states had made use of the UN's aid and supply to perpetuate war, therefore dragging the states further into failure. Beyond interventions, through the authorization of the use of force and the UNSC Resolutions, this research shows that international law itself has been under the mandate of the Western-based institutions and decision-makers. This Trojan Horse type of intervention, which is justified by humanitarian and moral purposes, helps the Western states directly control the regions where they have self-interests such as exploiting natural resources, Sudan;

¹⁶³ Gregory H. Stanton, "Could the Rwandan Genocide Have Been Prevented?" (2004). p. 223.

overthrowing unfavorable leaders, Libya; or protecting the allies from the conflict to secure relationship and dependency, Rwanda.

This thesis aimed to demonstrate the postcolonial relationship between the use of international law by Western-based organizations and the contribution of its outcomes in the failure of the four states in Africa. This research can be further developed by broadening the scope outside of Africa, including more case studies. Even though the analysis has given insight on the ulterior motives of the Western interventions and the use of international law for neocolonial interests; these links are indeed very much embedded within the system of Western-based international law. Additional motives and information can come to light through research with a broader scope.

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