
ANALYZING HUMANITARIAN INTERVENTION FROM AN AFRICAN POINT OF VIEW

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The article analyzes the concept of humanitarian intervention from the African perspectives, owing to the none existed of agreed definition or codification of this concept in international law, it has continued to generate considerable interest among scholars and public servants. With a large share of global conflicts, Africa finds itself at the centre of this controversy surrounding the concept of humanitarian intervention. The author tries to present and analyze the reasons behind Africa's tendency to exhibit extreme skepticism to any notion of intervention of external forces in the continent even when beautifully dressed with the word "humanitarian".

Key words: Africa, peacekeeping, humanitarian intervention, peace and security, West African Region, ECOWAS, African Union, United Nations.

Humanitarian intervention as a concept has generated and in years to come will continue to generate a lot of controversy. With a sizable chunk of intrastate and interstate conflict, Africa unfortunately finds itself at the centre of this controversy, according Dr. Jeremy Levitt, a distinguished researcher and scholar at the Northern Illinois University College of Law: "Millions of Africans, especially women and children, have been killed by deadly conflicts in Angola (650,000), the Democratic Republic of Congo (3 million), Sudan (2.5 million), Rwanda (1million), Burundi (300,000), Liberia (250,000), Sierra Leone (75,000), and Uganda (40,000)" [5. P. 50]. The situation in Libya is progressively deteriorating and when it finally ends, the cost in human life could equally be running in their thousands. There have been over 9 million refugees and internally displaced people from conflicts in Africa. Hundreds and thousands of people have been slaughtered from a number of conflicts and civil wars [2]. It is therefore not surprising that any issue relating to humanitarian intervention which is understood to mean a military action carried out by another state or group of states with the primary aim or declared aim of protecting the unprotected citizens of the country in which the intervention is taking place and without any prior permission from the receiving state.

In the African context, the debate about humanitarian intervention has expanded beyond what might be called 'humanitarian' objectives to include the possibility of intervention to address a range of important political and other objectives, including whether intervention should also be considered where effective state authority has completely collapsed, where spill-over effects threaten regional stability, or where democratization or democratic processes are threatened.

The concept of humanitarian intervention is however, far from being generally accepted in Africa, the ad hoc and sometimes seemingly arbitrary nature of the interventions that have taken place in the past has given many governments and commentators cause for concern, in as much as it is acceptable that there is the need to intervene

in situations of extreme human sufferings, the result of a poorly oriented, vaguely planned action could be even more dangerous than the wrongs which such an action intended to prevent.

Intervention has a long and often very sordid history in Africa; therefore, and understandably too, analysis of humanitarian intervention takes into consideration the historical experiences of African states which fell into colonization from those who ostensibly came with the “humanitarian” message of bringing “civilization” and development to the “uncivilized” nations of Africa, the result was many years of colonization and slave trade. It is worthy of note that Africa’s suspicion about humanitarian intervention also boils down to the general weakness of the continents nation states, with a fair exception of a few. Generally speaking Africa parades a bevy of geopolitically weak states which can hardly maintain their independent and sovereignty purely on military and political power, therefore, adherence to set down international rules and regulations are seen as a guarantor of their security and sovereignty. Hence, any ideas or concepts that are viewed to contravene the non intervention principle of international relations are randomly viewed as a threat by many countries in Africa. It is for this reason that most of the African countries vehemently opposed North Atlantic Treaty Organization’s (NATO’s) intervention in Kosovo, validity of the arguments presented notwithstanding, because if NATO can ignore the general rules, others could follow suit, setting a very dangerous precedent.

In the case of Libya, even though there is no love lost between the Libyan leader Muammar Gaddafi (who calls himself the king of kings of Africa) and many of the African leaders because of his larger than God attitude, the attack championed by western nations still generated a lot of negative reactions from African intelligentsia and political class alike. Those African members of the UN security council who voted in favour of the “No Fly Zone resolution 1973” are faced with difficulties in rationalizing their actions to the African public, majority of the commentators believed that African countries should have demonstratively voted against the resolution even though such vote could not have stopped the intervention, as Africa is still without a veto power in the UN security council. In condemning the attacks, Julius Malema, the leader of the influential youth league of the governing African National Congress (ANC) in South Africa was quoted as saying: "South Africa voted in favour of imperialists, and we cannot smile about that. The ANC of Nelson Mandela would never have voted for the killing of fellow Africans imposed by our former masters... How can they vote for the interests of the UN and the United States of America, a country which clearly wants control over oil reserves?" [3].

In international law and studies, Africa is viewed as a pariah — a basket case, not a marketplace. Most policymakers, international lawyers, and legal academics outside of the continent consider African states to be objects rather than subjects of international law. This fact explains why a significant portion of the wide body of literature on the law of the use of force and, more specifically, peacekeeping and intervention is heavily biased and flawed [4. P. 796]. That could explain the speed with which international criminal court issues arrest warrant of African leaders from Sudan to Libya, while western leaders championing wars which have resulted in enormous human suffering are hardly mentioned in discussions.

Another issue that features prominently in the African discussion of humanitarian intervention is the thorny question of double standard. What are the criteria that western nations use as the threshold for intervention? Many Africans view the lack consistency with suspicion, in 1994, the UN looked the other way, while atrocities of unimaginable proportion unfolded in Rwanda, when compared with the speed with which the decision to intervene in the Libyan crisis was taken, those fears and suspicions becomes even more valid, the reason being that while Libya could boast of a sizable natural resources in form of oil and gas, same could not be said of Rwanda. It becomes necessary to think that the reasons for humanitarian intervention in most cases cannot really be said to be humanitarian, this issue of double standard has naturally continued to cause some wary of any external assertions of benevolence or humanitarian protection in Africa.

Historically, Africa ranks high among the most conservative subscribers to the international law principles of state sovereignty, non-intervention, and territorial integrity, African states and regional organizations today have adopted, operationalized and acted under norm-creating mechanisms that are chiseling away traditional prohibitions on the use of force enshrined in the UN Charter.

African States and its organizations have attempted to create an African solution to African problems; certain challenges faced by African states have significantly affected their traditional view on intervention, chief among these challenges are issues like threats to democratic processes, the phenomenon of failing states, dismal failure to act in the face of humanitarian catastrophe and the risks of conflict spill-over, hence, in an attempt to overcome the legacy of its predecessor body, the Organization of African Unity (OAU), which so often ignored atrocities in member states due to a doctrine of noninterference, the African Union (AU) made provision for intervention in grave circumstances. The evolution of the intervention regime in Africa reveals that it is the first region to advance a comprehensive collective security and intervention regime. From a normative standpoint, Africa's collective security regime is more advanced than any other, including the North Atlantic Treaty Organization (NATO) [5. P. 51].

In July 2002 the Organization of African Unity (OAU) which had been plagued by lack of pragmatism and constantly accused of being a lame dog was officially transformed into the African Union with a new constitutive act, article 4 paragraph (h) of this act which inter alia gives the union the "right to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity" marks a dramatic leap from the traditional non-intervention policy of its predecessor organization. This particular article is remarkable not just because it offers and or implies an exception to the general notion of non use of force in international relations, it also depicts an extraordinary shift in the understanding of sovereignty by the African states, sovereignty in this case can imply to mean not just a norm or cornerstone on which international relations has been standing since the Westphalia Peace in 1648, sovereignty has evolved and become a responsibility to protect and respect the right of citizenry, failure of which the external forces are viewed to have the legitimate right to intervene. For such intervention to have a genuinely humanitarian character the intervening states must not act out of any element of self-interest and therefore the beneficiaries of intervention must not be nationals of the intervening state [9. P. 44—45].

African countries have always seen the Western nations as ignoring African problems except where they have vested interest as in Libya, during the Liberian crisis it was Nigeria not America that intervened to avert the repeat of Rwanda in the west African state. This has encouraged African organizations to devise a means of crisis control and conflict management, including the use of military forces to halt human suffering with or without immediate permission from the UN Security Council. This method adopted in Liberia, Sierra-Leone and some other African countries have proven to be effective. The acceptability equally boils down to the fact that it's an intervention of Africans to halt African disaster. One of the first solely African based mechanisms on intervention was introduced by a sub-regional organization ECOWAS founded in 1975 with its main aim at the time being championing of economic integration and development in West Africa. Regional security can hardly be said to be part of its priority. ECOWAS later adopted a Protocol on Non-Aggression in 1978 and a Protocol Relating to Mutual Assistance on Defense in 1981. Neither the treaty nor the protocols empowered ECOWAS to launch peacekeeping missions (although the 1981 protocol did empower it to intervene in conflicts that were "externally engineered").

The world is changing, and we cannot shy away from the responsibility that comes with it. All humanitarian interventions are always analyzed as imperialistic in nature which is why Russia has always kept distance with the institutionalization of humanitarian intervention and also has constantly opposed any such resolution in the UN Security Council. However, Russia was finally forced to run to humanitarian intervention as a result of the Georgian intervention in Tsinvali [1]. These words by the famous Russian political scientist Gleb Pavlovski while commenting on the Russian Georgian crisis of 2008 depicts the same situation that resulted in the intervention of the west African sub-regional organization ECOWAS with the eruption of the Liberian Civil War in 1989. ECOWAS, owing to international inaction, was forced to intervene unilaterally (i.e., without initial Security Council authorization) to halt the conflict.

That action which later received the blessing of the UN Security Council was initially marred by internal ramble among member states, with some of them reading imperialistic tones to the push by Nigeria to intervene to limit the escalation of the crisis. With the conflicts finally resolved, ECOWAS interventions in Liberia and Sierra Leone are mostly viewed to have been a success, to a larger extent, because it was an African inspired solution to African problem.

NOTES

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АНАЛИЗ ГУМАНИТАРНОЙ ИНТЕРВЕНЦИИ С АФРИКАНСКОЙ ТОЧКИ ЗРЕНИЯ

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Статья посвящена анализу концепции гуманитарной интервенции с точки зрения африканцев, поскольку в международном праве отсутствуют согласованные определения этого понятия, продолжающего вызывать значительный интерес среди ученых и государственных деятелей. Африка, на территории которой имеется большое количество глобальных конфликтов, оказалась в центре спора по поводу концепции гуманитарной интервенции. Автор попытался проанализировать причины проявления чрезвычайного скептицизма со стороны африканских стран к любому вопросу касательно вмешательства внешних сил в дела континента, даже если это вмешательство украшено словом «гуманитарное».

Ключевые слова: Африка, поддержание мира, гуманитарное вмешательство, мир и безопасность, Западно-Африканский регион, ЭКОВАС, Африканский Союз, Организация Объединенных Наций.