BEYOND THE LIBYA INTERVENTION NARRATIVE: (HOW) DOES R2P STILL MATTER TO AFRICA?

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ABSTRACT

The 2011 R2P-inspired intervention in Libya remains pivotal in the 'humanitarian' intervention narrative in Africa. Perceived diminution of African roles in the lead up to the intervention, along with post-intervention morbid symptoms, to R2P skeptics, symbolized pyrrhic victory and failed normative test. Drawing on process tracing, this paper speaks to alternative explanations regarding the Libya case. It acknowledges the dilemmas of the intervention but argues against wielding them as inculpatory evidence to pronounce a guilty verdict to justify the Africa Union's 'soft' or 'hard', disengagement from R2P. Rather, the intervention should be construed as a dialectical process of an embryonic norm to stimulate institutional complementarity. The extent to which United Nations-African Union cross-cultural consensus is fostered the implementation of R2P's coercive components, along with its preventive dimensions, will be crucial in determining the norm's place in Africa's atrocity prevention agenda for the foreseeable future.

Keywords: Libya – Responsibility to Protect – R2P, United Nations Security Council, African Union, Dialectical process, Process Tracing

1.0 INTRODUCTION

The intersection of the 2011 R2P-inspired 'forcible intervention' in Libya, the African Union's (peripheral) role in the lead up to the use of force, contribution of use 'hegemonic discourses' (Malito, 2019) to legitimate regime change, UNSC tepid responses to Libya-like situations including Syria and Myanmar (Milton, 2021) and postcolonial critique of R2P have catalyzed R2P is "dead" (Chandler, 2015). This has fueled subtle African Union (AU) 'soft' 'R2Pxit'(Aning & Edu-Afful, 2019). On the contrary, the paper argues that R2P still matter to AU and by inference African states. However, the Libya case raises critical questions over AU-UN partnership regarding the use of military intervention to stymie imminent and ongoing mass atrocity crimes (Doyle, 2015). The norm's implementation in Africa for the foreseeable future is, therefore inextricably linked to a dynamic, cross-cultural dialogue between AU-UN devoid of "god's eye" standpoints. This dialogue ought not tacitly endorse 'separating military

intervention from R2P' as normative reparations for the Libya intervention's 'iniquities.' Instead, exchange of ideas ought to explore in what ways and how to accommodate the role of regional stakeholders. strategic role to assuage African states' 'cognitive prior' about R2P norm, in particular its 'coercive tools.' the paper defends these arguments against the backdrop of a trilogy of issues which have implications for both the why and how of R2P in Africa.

First, Africa's health status in regard to susceptibility to mass atrocity crimes is fragile. The Fragile States Index 2021 report, authored by the Fund for Peace (FFP), flagged a dim trend of risk factors for atrocity crimes and the covid-19 pandemic, in particular the Horn of Africa and Sahel regions of Africa (Amnesty International, 2021). These are likely to interact with horizontal inequalities wrought by the COVID-19 pandemic to impair African states' ability to deliver 'fundamental political goods (World Bank, 2021 and Rotberg, 2009).

The aforementioned sobering prognosis mimics the 1980s, where economic grievances, along with the social cost of Bretton Woods-inspired economic reforms in Africa, melded with existing socio-political grievances to fuel post-Cold War intra-state security emergencies (Hutchful & Aning, 2004). Pandemic-induced inequalities could interact with existing vulnerabilities such as unemployment, prevalence of terrorist cells, secessionism, climate change, and weak institutions to pose an existential threat to states in Africa. From atrocity crimes perspective, the risk factors that mutates into protracted conflicts are still prevalent on the African continent.

Further to that military intervention as "last resort" to obviate imminent or ongoing atrocity crimes is likely to be hampered by a 'normative duopoly:' China and Russia are likely to stymie efforts to use force in response to atrocity crimes using the Libya intervention as a legitimating pretext and through an invidious approach to non-intervention that operates as 'a convenient excuse for inaction'. This allows both countries to legitimately hang on the pegs of sovereignty to quell any spotlight on their own domestic issues (Menon, 2012). In addition, U.S. withdrawal from Afghanistan could cause further backlash for R2P, in particular when there is tendency for critics to lump all interventions as originating from the stable of R2P. This shrinks both the appetite for, and a legitimation discourse in favour of, military intervention, and could cause the U.S., a key actor in global governance, to recoil and not intervene in imminent and ongoing crisis—just as it did in the lead up to the Rwanda genocide after the Somalia intervention debacle (1992-1994). This parallels United Nations Security Council (UNSC) tepid responsiveness to genocide and atrocity crimes in the 1990s (Bellamy, 2021 and Bellamy, 2015).

The cumulative effect is that we? Africa? is/are likely to witness less than more military intervention from the UNSC. This could have unintended consequences: states might disregard R2P on the presumption that use of military intervention as "last resort" is, in practice, never-to-be-used resort. This is not to endorse a war-centric norm (Connell, 2021), but fidelity to, to paraphrase Oliver Wendell Holmes' definition of law, 'the prophecies of what [military intervention] can do, in fact . . . is constitutive of preventive R2P' (Holmes, 1997). Holmes' 'dog' operates as a normative scare crow that sleeps with an eye opened, able to bark and bites when it is required. From differently, and from preventive R2P perspective, 'dogs never barked' because proactive measures are implemented to prevent disputes from mutating into mass atrocity crimes. In that sense, military intervention and preventive R2P are mutually

reinforcing because they both operate as 'license . . . and a leash . . .' simultaneously (Doyle, nd). If we presume an equivalence between Holmes' 'dog' and military intervention, then the UNSC ought to be responsive. However, a tepid UNSC hamstrung by the Libya hangover might decline to apply coercive measures as happened in Syria and Myanmar. The question is how does the international society fill the gap likely to be evacuated by the UNSC about responding to imminent and ongoing atrocity crimes militarily?

In responding to this challenge, it is important to think about a non-Western model of intervention that accommodates African agency (Tieku, 2013) via the AU, but still retains the primary authority of the UNSC. Likewise, the AU needs to recognize that 'African solutions to African problems (Williams, 2008) is a means to an end because 'things are with one another in many ways . . .but nothing includes everything (James, 2019). This collaborative effort has dual effect: because it reinforces the authority of the UN, and responds to Africa's cognitive prior with respect to military intervention (Acharya, 2011) and secondly it provides a permissive zone to accommodate benign African agency to ameliorate impunity.

Furthermore, preventive R2P offers a pathway to the institutionalization of states' practices to tackle atrocity crimes on the African continent. However, the tendency by African states to commit to ideas but fail to implement, and the unwillingness of African leaders to openly criticize their peers could militate against preventive R2P. The extent to which these challenges are ameliorated are critical to how and what ways R2P is implemented on the African continent.

This article proceeds as follows: First, it wields Luke Glanville's '"the myth of traditional sovereignty"' (Glanville, 2010) and therefore, takes as its point of departure Glanville's postulation that the Peace of Westphalia (1648) did not circumscribe, terminal, interventions. Thus, European colonial powers, through colonization, punctuated the state formation paths of African states, along with Africa's dearth in the dominant domains of social theory and by inference, Euro-centric International Relations (IR) (Go, 2016).

Secondly, it traces the Libya intervention and its aftermath, and how it yields causal mechanisms to inform 'Libya trap': the tendency by R2P skeptics to pronounce a guilty verdict on R2P by drawing on the UNSC inconsistent and tepid responses to Libya-like situations such as Syria and Bahrain (Hehir, 2016).

Third, it spotlights why R2P still matters by drawing the historical harmony of interest between the AU and atrocity prevention at the level of global governance, extant risk factors that require atrocity crimes framing, and the ability of the AU to still structure the context of R2P implementation through constructive engagement with the UN.

Fourth, it outlines ways the UN-AU cross-cultural dialogue can respond to Africa's cognitive prior about military intervention. Two pathways are spotlighted: 1. 'bounded' application of Chapter VIII, specifically Article 53 of the UN Charter, to authorised military intervention by 'a regional or sub-regional organisation within its defining boundaries' (ICISS, 2001) in response to imminent and ongoing atrocity crimes, and 2.'zone of twilight' (Library of Congress Periodicals, 1992) authorization, which creates entry points for tacit UNSC ex-post facto authorization. In consonance with R2P as a 'leash against forcible intervention (Doyle, nd), The paper examines how the AU and African states can demonstrate fidelity to preventive

R2P. Finally, the paper concludes by foregrounding issues that matter to the effectual implementation of R2P in Africa, for the foreseeable future. Notwithstanding the Libya intercession highlighting storms around the Responsibility to Protect (R2P) doctrine, its relevance to Africa's unique challenges, such as mass atrocities, state sovereignty, and external interventions, remains underexplored (Samuel,2022). This study seeks to assess whether R2P still holds significance in addressing Africa's security dilemmas and how it can be reimagined to align with the continent's priorities. The central point of the paper is to determine how the AU and African states can demonstrate fidelity to preventive R2P.

2.0 LITERATURE REVIEW

2.1 Theoretical review

Foreign interference and State formation in Africa: From Westphalia to UN

The Peace of Westphalia (1648) is reified as endowing 'the state . . . against all other states the twin rights of territorial integrity and political sovereignty (Walzer, 1980). Consequently, it is "taken-for-granted" that Westphalia established inviolable sovereignty and non-intervention. This "taken-for-granted" assumption, to Luke Glanville, represents '"the myth of "traditional" sovereignty" (Glanville, nd). On the contrary, Glanville deduces that the Peace of Westphalia (1648) neither established the inviolability nor the immutability of sovereignty. Rather, Westphalia bequeathed the international system an expansive framing of sovereignty that was used by states, mainly European powers, to endeavour beyond their borders to wage (just)war in so far as it can be justified as a means to pursue 'humanitarian' ideals (Glanville, nd).

Framing the Peace of Westphalia (1648) as permitting a right to wage (just) war provided both hortatory and legal cover for then European powers such as the Great Britain, France, Portugal and Germany to socialize non-European (Glanville, nd) societies into the 'western notion of civilization (Appiah, 2016). Emblematic of the colonial project was the Berlin Conference (1884-5). At the Conference, European powers 'who scrambled fastest won the largest slices and the right to consume at their leisure the sweet, succulent flesh (Young, nd).

The 'scramble for Africa' connotes the continent as the 'other' in the international system that was pivoted on Eurocentric way of knowing (Holsti, 1996). A stalwart of the realist tradition in IR, Hans Morgenthau characterized Africa as 'politically empty spaces (Morgenthau, 1973). This was reinforced by Kenneth Waltz's derisive representation of the continent as irrelevant to IR knowledge production (Waltz, 1979). Characterised derisively as 'off radar, Afro-pessimism, and collapsed states (Nkiwane, 2001), Africa, according to Robert Kaplan, encapsulates 'the coming anarchy'(Kaplan, 1994), and emblematic of 'wars of the third kind . . . zones of war'(Holsti, 1996).

Following constructivism, meanings are not fixed; so, as Africa upended the aforementioned derisive narrative. And Africa causes us to rethink the how of knowing that prioritizes 'scientific objectivity' over 'empathic understanding' (Montuschi, 2014 and Aragona, 2019). As 'historical agent, not just history's recipient', Africa's 'system-affecting' attributes have empowered the continent to structure the context of global governance (Brown, nd and Keohane, 1969).

As the modern African state evolve, it has yet to shed off its historical leaves: the fact that contemporary African states, to a large extent, is a product of 'foreign intervention' by European powers whose own state formation stemmed from war economies and conquests (Giddens, 1987). This is mainly due to the fact that 'foreign intervention' truncated the path process of state formation in Africa, and left a trail of 'state-strength dilemma' and 'wars of a third kind' that continue to plague the African continent (Tilly, 1990 and Holsti, 1996).

2.2 Empirical Review

Western Intervention in Africa

From a postcolonial standpoint, therefore, any kind of West-led intervention is more likely to be associated with 'humanitarianism imperialism' than 'human sympathy, freely flowing from fellow feeling' 'intrusions by an alien power' to pursue parochial interest even if such interventions are crucial to save mass loss of lives (Chomsky, 2008, Walzer, 2012 and Walzer, 2006). This feeds into retributive agency, which critiques the imperial domains of discourses to emancipate from the knot of colonial legacy (Go, 2016).

To postcolonial African states, therefore, non-interference constituted 'the process of coming to have a group consciousness that is political (Crasnow, nd). The establishment of the UN in 1945 presented an opportunity for postcolonial African states to wear the shirts of non-intervention. This self-determination was in sync with the dialectical effect of the UN: The UN Charter, which 'accords state free to govern themselves free from outside interference' constituted 'self-sublation (Glanville, nd and Maybee, 2020). Thus, the UN 'negated' the framing of the Peace of Westphalia (1648) as not undercutting the 'the right to wage war . . . as the external corollary to the internal supremacy of sovereigns', and 'preserved' African states' verve for non-interference (Glanville, nd).

The Cold War, an ideological warfare that structured West-East relations, spurred a new kind of intervention that allowed a transactional relationship through 'trickery . . . appropriation' (Bayart 2000) to evolve. To this end, leaders of postcolonial Africa, determined to stifle internal dissent and challenge to their regimes, tied their security to support from then superpowers, United States of America (USA) and the Soviet Union (Clapham, 1996). Thus, African leaders exchanged their resource endowment in exchange for regime security (Rothchild, nd). This harmony of interest held in check latent vulnerabilities from mutating into violent intra-state conflicts.

However, as the encumbering effects of the Cold War withered, along with the geostrategic calculus that informed superpowers interest in Africa, latent intrastate tensions mutated into 'new wars' that spurred a wave of intra-state conflicts and humanitarian crises in countries such as Somalia and Rwanda in the 1990s (Chinkin & Kaldor, 2013). Unfortunately, these 'new wars' were "never again" blind spots as potential interveners were silent or indifferent as 'the troubled continent' wrestled with vicious cycle of intra-state conflicts. Even if interveners were keen to 'save strangers', they had to contend with a UNSC that hewed to non-intervention principles, or the politics of UNSC decision making marked by red-tapeism and sectional interest (De Oliveira & Verhoeven, 2018 and Gberie, 2005).

In responding to this challenge, and mindful that 'old medicine [may not necessarily suffice] for new ills' (Weiner, 2006), a former UN Secretary-General, Kofi Annan entrepreneur R2P reflexively:

> On the one hand is it legitimate for a regional organisation to use force without a UN mandate? . . . If in those dark days [Liberia civil war, Rwanda genocide, Serbia/Kosovo crisis] . . . a coalition of States had been prepared to act in the defence of the Tutsi population, but did not receive prompt Council authorization, should such a coalition have stood aside and allowed the horror to unfold (Annan, 1999).

Annan's reflexivity reinforced previous efforts by Boutros Boutros-Ghali (1992), Francis Deng (nd), who had hinted at a paradigm shift in the conceptualization of sovereignty and non-intervention. This culminated in the 2001 report by the International Commission on Intervention and State Sovereignty (ICISS). And after at least six decades, that is, from the formation of the UN to the 2005 World Summit (UN, 2005), states stepped into 'unfamiliar worlds.' as they heralded 'the most significant adjustment to sovereignty in 360 years if we accept the "taken-for-granted" assumption that the Peace of Westphalia (1648) endorsed a sacrosanct view of sovereignty and non-intervention (Onuf, 2002 and Evans, 2019).

Predicated on a three-tier responsibility, R2P foregrounds three reinforcing principles: prevent, react, and rebuild (United Nations, 2009). Pillar, I emphasize the primary responsibility of states to prevent mass atrocity crimes; Pillar two envisions state-international community complementarity in atrocity crimes prevention; and Pillar III permits the use of pacific measures and, as last resort, the application of coercive means when a state has "manifestly failed" to obviate atrocity crimes (Ibid). A combined reading of the three pillars shows R2P's dialectical dimension: the norm both 'negates' and 'preserves' it circumscribes an absolute conception of sovereignty, but still "preserves" states status as the primary responsibility for their internal affairs, albeit with the possible assistance of the international society (Maybee, 2020).

Thus, when UNSC authorised use of force in 2011 in Libya, it marked a critical phase of R2P's socialization process, and which hopefully, was expected to be executed surgically. However, as the Libya case demonstrated, R2P's 'no one's "right" but everyone's responsibility to intervene', and 'the shift from "humanitarian intervention" to R2P' has not doused the flames of the, to restate the words of Gareth Evans, 'argument' (Evans, 2021 and Thakur, 2016). This is evident in R2P skeptics' use of causal mechanisms as alternative explanations, along with UNSC lame and indecisive response to atrocity crimes in Syria and Myanmar, to pronounce a terminal decline of R2P. These, as the paper would acknowledge in subsequent sections, should not be dismissed. However, a point of departure is to iterate that instead of framing the Libya case as 'star witness/evidence' against 'accused' R2P, it is meaningful to rather focus on in what ways and how the UNSC can accommodate the standpoint of the AU, in particular military intervention. This leads, inevitably, to process tracing the intervention with the view to account for causal mechanisms/evidence that should not be interpreted as fatal to R2P's heartbeat.

2.3 Process tracing the Libya Intervention

The return of Muammar Gaddafi "luxury jet" to Libya on June 23, 2021, was paradoxical: On the one hand, the jet is emblematic of the flamboyance associated with Libya's ex-dictator. On the other hand, it is in sharp contrast to Libya's current status as one of the world's worsened countries (FFP, 2021). This mixed picture of Libya has, expectedly, incited a wave of criticisms. Postcolonial critics, for instance, hew how? political economy imperatives at the systemic level to explain why and how the Libya intervention was executed (Campbell, 2013). Gaddafi's history of supporting insurgencies in some African states, and Washington's desire to effect regime change to explain the Libya case (Kinzer, 2012 and De Waal, nd). Thus, '[R2P is] new code word for old-fashioned humanitarian intervention undertaken for punishment purposes that had little to do with humanitarian concerns (Ayoob, nd). The aforementioned criticisms, to a significant extent, view authorization of military intervention as pulling the trigger of a loaded gun filled with bullets produced from historical grievance against Gaddafi.

It can be discerned that to R2P skeptics, if 'the action is humanitarian in intent and, if successful, in result (Nardin, 2013), then post-intervention morbid symptoms: sectarian violence in Libya, rebellions in Mali precipitated by Tuaregs and Al-Qaeda in the Islamic Maghreb (AQIM), and the inflow of illegal migrants from Africa to Europe via the Libya corridor (Collier, 2016) cast doubt over the humanitarian intent of the interveners. These form the bedrock of epitaph on R2P's tombstone.

2.4 What went wrong in Libya

A holistic evaluation of the intervention, however, should frame the Libya case as occupying myriad distinct, not necessarily reinforcing points, on a continuum: a well-intentioned endeavor to 'saving strangers (Wheeler, 2000), but symptomatic of a pyrrhic victory in light of Libya's post-intervention descent into chaos (Kuperman, 2015), mismanaged and misguided intervention (Zambakari, 2016), regime change as a product of an insidious plan influenced by parochial exogenous variables (Davidson, 2017), using human 'rights to sell war (Bricmont, 2006).), violation of 'just war doctrine (Walzer, M2011) and 'the best that can be made of a bad situation (Bellamy, 2011) to safeguard, and 'the right way to run an intervention (Ivo & Starvridis, 2012).

This nuance assessment should nudge us to not construe the Libya intervention and its morbid symptoms as dissonance, but as '"self-sublation", a process in which the determination in the moment of understanding sublates itself or cancels and preserves itself (. Maybee, nd). To put this in perspective, the 'life cycle of norms (Finnermore & Sikkink, nd), like to a child learning to walk, is bound to experience bumpy and jerky moments. These lived experiences inform how to deal with contemporary challenges. Thus, both R2P's implementation in Libya and its aftermath are more likely "the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear (Geoffrey, Smith & Hoare, 1999) than as a terminal injury to R2P 'in the early stages of what is a long and uneven journey (Welsh, 2016).

It must be acknowledged that the Libya case, to a significant extent, stunted the normative growth of RP2 (Evans, 2012). However, contrary to post-Libya 'R2P is a dead' dirge (Evans, 2012), a norm that 'has become further internalized and increasingly utilized in the Security Council and Human Rights Council (Chandler, nd). To that extent, even if R2P's implementation has not led to a 'dramatic . . . [decrease] (Powers, 2015) in mass atrocity

crimes, R2P cannot be dismissed as, to restate the words of Aidan Hehir, 'hollow' (Hehir, 2017).

In addition, R2P critics in the academe have softened their tone regarding their criticisms of the norm (Hehir, 2019). And, fidelity to R2P language regarding global governance shows it is not 'an idea whose time has come . . . and gone (Crossley, (nd). Consequently, to herald R2P's 'death (Evans, 2008) from the barrel of Libya's intervention gun is, therefore, hyperbolic and, perhaps, mildly schadenfreude. What is important, for the foreseeable future, is to tap into the Libya interventions discontents to unearths ideas that do not necessarily originate from 'the metropoles of power (Panke & Petershon, 2016) to inform norm implementation for the foreseeable future. Thus, African states, whether acting alone or through the AU, ought not contemplate "soft'' or "hard" 'R2Pxit'. Drawing on the insight from process tracing of the Libya intervention, a valid question is, why does R2P still matter to Africa? If the answer is affirmative, how does it matter?

3.0 METHODOLOGY

To understand the context of the Libya intervention narrative and how does R2P still matter to Africa, this study provides and inside into the natives by reviewing different papers to provides details situation by looking at various related publications. The review was design based on set objective aim at examines how the AU and African states can demonstrate fidelity to preventive R2P. The study outlines some themes that was relevant out of the topic for search through research gate, the Google Scholar and academia. A search was then conducted based on the themes identify through the study subject matter. After assessing and identifying a number of papers, the study took into account some key factors of each identified publish paper. The date of refence point of all the papers were taken into consideration for the key part of the empirical studies stated from 2000 onwards to 2021. The review considered papers published either foreign or local but with emphasis put on AU and African states that demonstrate fidelity to preventive R2P and highlighting studies published about AU and African. All papers were scan through to ensure that they could contribute the study and the relevant literature then and assessed the results for further analysis and synthesis.

4.0 FINDINGS AND DISCUSSIONS

4.1 Accounts on How R2P Matter

The endorsement of R2P in 2005 was emblematic of the cross-cultural consensus between the AU and UN. The AU had, prior to 2005, embedded in its peace and security architecture, good governance and respect for human rights. Regarding the how of R2P, there are reasons to be optimistic that AU-UN dialogue, in particular preventive R2P, is already work-in-progress.

Fourteen African countries had established focal points to center atrocity crimes prevention responsiveness at the national level (GCR2P, 2020). Although this represents less than 30% of the entire membership of the AU, it provides entry points to frame issues from the vantage point of the UN Framework of Analysis for Atrocity Crimes (United Nations, 2014). The Framework identifies risk factors that operate as early warning signs that should be ameliorated. These efforts are being supplemented by the United States International

Development Agency (USAID), which supports US global efforts to stymie atrocity crimes through building institutional capacity of at-risk countries globally including African states.

In 2008, former UN Secretary General centered R2P perspective to mediate post-election dispute in Kenya (Bellamy, nd). AU-UN have collaborated in peace operations in Burundi, Mali, Libya and the Central Africa Republic (CAR) to prevent atrocity crimes. It is not in dispute that in principle, both the AU and UN recognised the salience of R2P to global governance. Bearing in mind the AU's centering of conflict prevention in its Constitutive Act, it is obvious that preventive R2P is already part of the Union's normative makeup.

Through subregional and regional organisations, African states are hewing to global efforts to stymie atrocity crimes (United Nations, 2011). This is demonstrable in AU-UN partnership in myriad peacekeeping and peacebuilding globally. The fact that in 2011, the UN Secretary General centered his annual R2P report on the salience of regional and subregional actors in the matrix of R2P implementation means organisations like the AU still matter to obviating mass atrocity crimes scourge (United Nations, 2011). In the specific case of Africa, 'the depth of the AU-UN partnership is unparralled in terms of the UN'S relations with other regional security institutions in the world and it even transcends the traditional classification of the UN's relations with regional organisations (Tieku & Hakak, 2014).

The challenge, in my view, and demonstrable in the Libya case, is reactive R2P, military intervention as 'last resort' in response to atrocity crimes. Two critical issues are important in this regard. First, as argued already, military intervention on the African continents evokes domination and subjugation. But to ensure that R2P is not labelled 'spineless . . . [and which] could send the wrong message to other would-be . . . thugs (Weiss, 2012), and drawing on Holmes' metaphorical 'dog (Holmes, nd), military option in the R2P spectrum of tool is salient.

Second, and closely related to the aforementioned, military intervention as "last resort" is likely to be hampered by 'normative duopoly (Deng, nd). This, to an appreciable extent, is not due to communitarian-cosmopolitan divide (Bellamy, nd) there is a bridging of gap as states' nudge towards R2P implementation as opposed to critiquing the norm's merit (Bellamy, nd). Rather, it is a manifestation of invidious v. benign approach to sovereignty. China and Russia are more likely than the US-led West to view sovereignty '[as eliciting] conformity to the principle of noninterference or provides a convenient excuse for inaction (Deng, nd) as witnessed thus far regarding UNSC (in)action in Syria and Myanmar. Thus, although 'international protection practices have become more routinized to such an extent that . . . the Security Council response to genocide and mass atrocities will almost certainly include protection (Bellamy, nd), we should not be deluded into reposing excessive faith in the Council, in particular in authorizing use of military force as "last resort" in response to imminent or ongoing atrocity crimes.

The real possibility of a hung UNSC should cause us to centre the AU's doctrine of peace operations, in the matrix of coercive tools, which construe:

> Military force[as] useful to the extent that the temporary security and safety it creates can be transformed into lasting stability and peace . . . [undergirded by] a strong sense of shared responsibility and solidarity around a common African purpose and identity (De Coning, 2017).

The inexorable question that flows from the above is, how might the UN meld its authorization of military intervention with the AU's view of peace operations? Two options are discussed below.

First, Article 53 empowers the UNSC to, where appropriate, use regional organisations to enforce peace. However, "bounded" application should be assumed a priori in regard UNSC authorization of military intervention in the framework of Chapter VII mandate. This ensures that military interventions are enforced by 'a regional or sub-regional organisation within its defining boundaries (ICISS, nd) in response to imminent and ongoing atrocity crimes. This represents an endorsement of the '[plasticity]situated knowledge thesis (Crasnow, nd), and the idea that (sub)regional actors can leverage their proximity to conflict spots to identify early warning triggers of atrocity crimes (Piiparinen, 2012). A bounded view of Article 53 is also a counterweight to "coalition of the willing" approach (Articles 43 and 44 UN Charter provisions) to enforce military intervention an approach that plays into the hands of both well-heeled regional organisations such as NATO, resourceful states whose historical ties to Africa are associated with domination and exploitation.

The UNSC and AU can draw on the latter's "six scenarios of deployment" which demands the AU Standby Force to deploy within fourteen days to ameliorate atrocity crimes (Debrah & Kasumba, 2010). To enable seamless deployment within fourteen days, the AU, along with its subregional organizations' 'lack [of] adequate funds and multidimensional capacities is mitigated by the UN making its 'full suite of multidimensional capacities and assessed contribution funding system accessible to the AU (De Coning, 2017) to engender burden-sharing, not 'burden-shifting'. This provides a permissive zone for the AU, which 'legitimates itself as the representative of a regional constituency with a common colonial past (Patrick, 2014), to use military intervention without being hamstrung by logistical and funding gaps. This buttresses 'a functional division of labor, where the AU takes responsibility for early stabilization what the UN views as peace enforcement while the UN takes responsibility for peace consolidation, via UN peacekeeping operations (Spandler, 2020).

Secondly, the UN ought to accommodate ex-post facto (ICISS 2001, 54) authorization of military intervention. This is inspired by UNSC Resolution 788 precedent precipitated by ECOMOG's intervention in Liberia in 1990 (Jonah, 2004). The UNSC did not explicitly proscribe ECOMOG's role. It can be discerned that the indifference or silence constituted a 'zone of twilight (Library of Congress Periodicals, 1952) that tacitly permitted ECOMOG, whose pioneering enforcement action without explicit UNSC authorization marked a decisive step towards the resolution of Liberia's protracted civil war. It can be discerned that ex-post facto is meaningful when UNSC is: unable and or unwilling 'to keep peace where there is no peace (De Coning, nd)... hamstrung by normative duopoly (West vs. Russia/China), and also reluctant[t] to become involved in conflicts, unless it is for their own ends (Cleaver & May, 1995).

Critics might point to perennial funding and logistical gaps as weak links that have undermined responses to conflicts in Africa. It is estimated that between 2008-2011, member-states contributed only 2% of the AU's peace operations—Nigeria, South Africa, Libya, Algeria and Egypt bearing more than a proportionate share of cost (African Union, 2014). As the African continent grapples with perennial economic difficulties, it is daunting for governments

encumbered by difficulties at home to be enamored of funding the AU. In that regard, ex-post facto-like interventions are bound to hiccup (Adebajo, nd).

To ameliorate these funding gaps, it is incumbent that member-states of the Union support the Peace Fund, which targets at least \$65 million annually from the Union's sub-regional blocs via a 0.2% levy on selected imports into Africa. This is expected to empower the Union to fund not less than 25% of its peace operations. Although audacious, this funding mechanism, if successful, would represent a giant step towards a more assertive and independent AU (De Coning, 2017).   Ultimately, the ability of the AU to about its ability to respond decisively to atrocity crimes is linked to member-states' actual funding commitments, not rhetoric. To respond to this challenge, African governments need to communicate effectively to their citizens about the intersection between a vibrant AU and the salience of peace and security to the socio-economic and political development of individual African states.

4.2 Why (Does) R2P Matter to Africa?

Broadly, three reasons account for why R2P matters to Africa: The African continent is still wrestling with risk factors for atrocity crimes. It has been established that '2019 saw a record high in state-based conflicts in Africa (Palik et al., 2020). This is corroborated by the 2020 Mo Ibrahim Index of African Governance: "the African average score for overall governance declined in 2019 for the first time over a ten-year period due to primarily a worsening security situation and an increasingly precarious environment for human rights and civic participation (Mo Ibrahim Foundation, 2020). This has been corroborated by the Fragile States Index 2021 report (FFP, nd). Out of a total of 20 'long-term most worsened' countries (2010-2020), 11 were from Africa (. Ibid). Libya, Mali and Mozambique were in the club of 'long-term most worsened' (2011-2021) countries (Ibid). These fragilities are likely to be accentuated by conflicts in countries such as Ethiopia and Sudan.

The Sahel region of West Africa is entrapped in a vicious cycle of conflict that harked back to the ceaseless flow of arms wrought by Gaddafi's demise (Collier, nd).   Regional security complex dictates that the security profiles of African states are intimately linked. Thus, risk factors for atrocity crimes in a country would have domino effect on the entire continent. These lead to the inexorable conclusion that:

> If there was ever a glimmer of hope that 2020 would see a break in the cycle of armed conflicts in Africa, continues fighting in several war-torn countries dashed any cause for optimism". The pledge by African leaders to 'silence the guns' by 2020 remained unrealized . . . the sound of gunfire grew louder, claiming thousands of lives in the process (Amnesty International, 2021).

Add to the avid readers of the 'R2P Monitor' and 'Atrocity Alert', publications by the Global Centre for the Responsibility to Protect (GCR2P) to spotlight risk factors for mass atrocity crimes, would have seen a trend that shows an ominous picture of Africa. Countries such as Nigeria, Cameroon, Democratic Republic of Congo, Burundi, Mali have been flagged perennially as 'current crisis', 'imminent', and 'serious concern (GCR2P, 2021).

In its Global Trends: Force Displacement, 2020, the United Nations High Commission for Refugees (UNHCR), in its sobering assessment of the state of vulnerable populations in East,

Horn of Africa, Great Lakes region, and Ethiopia, noted 'countries with the greatest net increases in internal displacement were mainly in Africa, where growing number of people were forced to flee conflicts and famine (UNHCR, 2020). As a result of its regional security complex status, Africa's security vulnerabilities are intimately related such that 'populations at risk' in one state has a cascading effect on the entire continent. This is why security crisis in the Sahel and Horn Africa regions of Africa matter to the overall atrocity profiling of African states.

Two, the COVID-19 pandemic has introduced a layer of complexity to Africa's atrocity crimes risk profiling. Alex Bellamy counsels that 'those in the business of supporting the implementation of R2P need to look carefully at the potential implications of COVID-19 for atrocity crimes (Centre for Geopolitics, 2020). The International Monetary Fund (IMF) notes overstretched health infrastructure, draconian lockdown, limited vaccine access, and tepid economic growth could interact with existing vulnerabilities to induce mortality rate (IMF, 2021). This, has the impact of the pandemic has demonstrated thus far, could induce deaths statistics greater than the Rwanda genocide. At-risk populations such as Internally Displaced Persons (IPDs) and refugees, along with millions of children orphaned by the pandemic, are likely to be shackled by enduring poverty and deprivation.

Three, the norm's historical evolution is inherently linked to Africa's atrocity prevention efforts evident in Article 4 (h) of the Constitutive Act (2001) of the AU (Murithi, 2007). Article 4 (h) is seminal as it marked a break 'from non-intervention to non-indifference (Williams, 2007). This transition 'enhanced African agency in tackling impunity and oppression. In this vein, the UN and AU are mutually constitutive AU (Tieku, nd). Add to this the taproots of R2P are linked to the norm entrepreneurial role by sub-state actors of African descent such as Boutros Boutros-Ghali, Francis Deng and Kofi Annan. And, as 'a group of states that . . . can . . . exert significant impact in the system by working. . .through universal or regional organization (Keohane nd). AU member states can wield their 'juridical sovereignty by articulating ideas to affect the implementation of R2P for the foreseeable future (Fisher, nd).

This sobering assessment indicates that. the enabling factors that influenced norm entrepreneurs to reflect on "sovereignty as responsibility" are still prevalent in Africa. In that regard, if Africa were a patient seeking care, it would likely be diagnosed as chronically ill; caused by risk factors for atrocity crimes. Critics might argue that the prevalence of atrocity crimes risk factors is a blot on R2P's efficacy (Hehir, nd). This critique, however, fails to acknowledge that in framing threats to peace and security as R2P-centric, it brings a sharp focus to bear on early warning signs that can be ameliorated; Secondly, atrocity crimes are a matter of concern to the international community—even if disagreements persist over how to respond to such crimes. To that extent, R2P reveals to redeem, hence the tendency to mistakenly affirm a negative relationship between the number of rights abuses on the one hand, and the efficacy of R2P on the other.

The best form of normative attack is not to permanently shut and lock the normative door. Rather, AU-UN constructive engagement to generate ideas about how military intervention, along with the preventive dimensions of R2P, can be applied although military intervention, to an appreciable extent, is the sticking point. How, then, can R2P be operationalized in response to AU's, real or perceived, 'R2Pxit'?

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

R2P's trajectory in Africa, primarily in the lens of the 2011 Libya intervention, has fostered a derisive narrative. Nonetheless, it cannot be denied that R2P still matters to Africa, mindful that the conditions that trigger interventions for humanitarian purposes are still prevalent on the African continent. The challenge that confronts Africa? Therefore, is not about the norm's relevance. It is rather about how R2P, and the extent to which it responds to the historical peculiarities of African states. In responding to this challenge, it is imperative for the AU not to ululate, perennially, about the dysfunctions of the Libya intervention, but 'trade off values and interests as it engages with the larger international community, in particular the UNSC. This engagement builds trust, promotes institutional cooperation regarding use of force as "last resort", and provides a context for joints efforts to respond to imminent atrocity crimes.

5.2 Recommendations

The follow is proffered in terms of recommendations, for the foreseeable future, preventive R2P is crucial. In this regard, the establishment of well-resourced, independent R2P Focal points as early warning mechanisms to generate real time information to inform policy interventions should be prioritized.

African states can 'localize' R2P Focal points: the work of these Focal points can be complemented by harnessing the goodwill of revered non-state actors such as chiefs and the clergy to mitigate risk factors for atrocity crimes.

The AU should also institutionalize a bi-annual R2P peer review process that aims to assess leaders' compliance with atrocity prevention effort remedy. This can undercut groupthink caused by African leaders showing loyalty to 'inappropriate courses of action (Tieku, nd) under the guise of continental solidarity. The constructive exchange of ideas that backgrounds either or propositions constitute a veritable step to make R2P work for Africa. It is crucial to be both hopeful and measured in the expectations of R2P as Africa forges ahead in normative solidarity.

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