A Legal Comparison of Regional Powers' Involvements in African Conflicts: Case Studies of Libya and South Africa

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Abstract: The Republic of Chad, located in central Africa, is under attack by a series of military coups; despite its prosperity, the country has emerged from protracted conflicts since its independence. The violence was perpetrated and directed by rebel groups of various ethnicities. As the regional leader, Libya decided in 1991 to intervene in internal Chadian affairs by mediating between the regime and rebel groups on political and economic matters, despite being under international sanctions. The first "Coup d'État" since Ivory Coast's independence occurred in December 1999, and more recent coups have also been successful; the violence in Ivory Coast appears to be a conflict that has targeted both the military and civilians. The last military coup in 2002 failed and turned into a small war within the country, attracting South Africa's involvement in the bloodied country by violence, fear, and escalating instability, which worsened the human rights situation. The Ivory Coast's struggle was more intensely influenced by economic factors, while the conflict in Chad was the political cause. Legally, the international community arrangement in Ivory Coast obligated South Africa, as a regional leader, to secure peace and stability. In contrast, Libya illegally meddles in the internal affairs of Chad with its influential "brother leader," who has a new position as a regional peacemaker and is dominant in the Sub-Saharan region.

I. INTRODUCTION

In the past, the principle of non-interference in sovereign states' internal affairs defined that sovereign states are allowed to manage conflicts within their boundaries, free of outside involvement. At the same time, big powers acting in their interests occasionally breach the norm. This position has changed recently, with the advent of universal principles imposing the duty for international security and standard criteria on states. New conditions emerge when norms such as democracy and human rights rise and compete with firms that exploit their citizens.

Article 33 of Chapter VI of the United Nations Charter concerning the obligations of the pacific settlement of disputes states that for the preservation of international peace and global security, the parties to any conflict should try to find a solution through mediation and judicial settlement, as well as resort to agencies or arrangements, or other peaceful resources. Article 39 of Chapter VII, regarding action concerning threats to peace, breaches of the peace, and acts of aggression, states that the United States Security Council shall recommend or decide what measures shall be taken following Articles 41 and 42 to maintain or restore international peace and security.

Conflict resolution is the reconciliation of parties into a conflict, and the objective of the United Nations peacekeepers is to provide actors involved in peace procedures and the negotiation of peace treaties. South Africa was chosen to lead significant conflict resolutions in Africa beginning in 1994. In 2004, in response to the circumstances in Ivory Coast, the Security Council adopted a Chapter VII mandate resolution; the Security Council Resolution established a United Nations Mission to Ivory Coast under Chapter VI mandate, which improves the international obligation to support the Ivory Coast peace process.

While the Libyan leader has organized and financed the illegal conflict resolution in Chad since 1991, his sponsorship and leadership character in the Sahel region made Libya influential across the continent and the Libyan leader with the new position as a regional pacemaker. He became popular internationally and dominant in the Sub-Sahara region, which did not require African Union peacekeepers. The legal comparison indicates that the Ivory Coast crisis is settled under international law because South Africa is governed by mandatory authorities, the United Nations, and the African Union to assist and maintain global security. South Africa's initiative is genuine and acceptable; however, Chad's internal issue is caused by an illegitimate negotiating process between the state and rebel groups by an illegal contested regional leader with the perception of dominance.

II. DIFFERENT ROLES OF REGIONAL POWERS IN AFRICAN CONFLICT RESOLUTIONS

II.1 The Legality of South Africa's Mediation in the Ivory Coast

According to Article 33 of the Charter of United Nations: 'the parties to any dispute, the continuation of which is likely to endanger the conservation of international peace and security, shall, first, seek a solution by enquiry, mediation, conciliation, arbitration, resort to regional interventions or arrangements, or others peaceful means of their own choice.'[1] Once South Africa returned to the international community after being disliked because of apartheid rules, the country established a

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[1] UN Peacemaker,2008

new role for regional managers. The introductory statement of South Africa's ethical pro-democratic ideals and good governance provides advice and leadership on the continent. The South Africa's diplomatic transition to democracy propelled it to the forefront in defining the direction of African affairs and identifying solutions to African problems.[2]

South Africa has been involved in Africa's security and peace since 1994; the South African government has required that human rights be the light that guides the country's foreign policy. Its negotiation shift from apartheid to democracy serves as an example of the benefits of South Africa's involvement in Africa, as Thabo Mbeki stated in 2007.:
Among the most outstanding achievements of the peoples of Africa in the past two-and-a-half years has been the restoration of peace in the Great Lakes region. We are proud, as South Africans…Our government will respond appropriately and as our capacity permits…[3]

To M.K. Gilbert(2007), the United Nations Security Council's decision for peacekeeping established a U.N operation in Ivory Coast under the Chapter VI Mandate of the United Nations Charter, which provides for the peaceful settlement of disputes. South Africa was requested to join the Ivory Coast peace process in 2004 after the crisis had erupted following an attempted military coup,[4] and according to Kurt Shillinger(2009), as a regional leader, the international community expects South Africa to ensure West African peace and security. International authorities have mandated South Africa to act as a mediator; it represents the first direct African Union mediation in Ivory Coast.[5] The Peace diplomacy is the central aspect of South Africa's post-apartheid strategy; the country is committed to directing Africa in a positive development direction through participating in United Nations and African Union missions.

II.2 Libya's Illegal Interference in Chadian's Domestic Affairs

According to Jérôme Tubiana and Claudio Gramizzi (2017), Libya, as a significant force in the Sub-Saharan area, intervenes in Chad's domestic affairs by mediating between the authorities and the protestors. Libya has numerous goals in Chad because it has had regional ambitions since it was under sanction; the leader wanted to project a positive image worldwide. The two countries' relationship is built on a private link between Libya's and Chad's top political leaders. Chad searched for power after the cold war to negotiate its way out of difficulties. It was hoping for Libyan assistance and help, as well as a substitute source of economic aid. Chad recognizes that Libya possesses the ability and power to settle its internal crisis. Libya's motivation in conflict resolution of

Chad's internal affairs is to assure its national interest and security.[6]

Susanne Tarkowski T. and Manal O(2012), argue that Libya's foreign policy in the region had matured to the point where the country had become a supporter and played an active role in peace-building. The Libyan leader's desire to become a regional manager has been included in the partnership since the Zakawa's ethnic been in power; he has been present in all of Chad's internal crises, from player to referee. The regime allows the Libyan leader to strengthen his engagements of support within Chad. After its presence as a significant source of instability in Chad, Libya transferred to a regular peacekeeping strategy.[7]

Libya has negotiated numerous peace treaties between the State and the armed opposition group funded by Sudan, including the SYRTE pact: *"Stress the continuity of the leading role of the brother leader as peace coordinator in the Great Lakes region, in creating the climate and mechanism, to liaise with President Shiloba and to accelerate the process of peace.[8]"* With the series of crises in Chad, the Libyan leader had stepped up his role as a regional mediator, using his connections with the rebellious leaders. Libya was sanctioned by the United Nations Security Council in the 1990s, for isolating and destabilizing the country. Libya has abandoned any claim of land on Chad, reversed its policy, and exerted pressure for peace within Chad. Libya's goal in Chad became more political than military.

To Judith Scheele(2016), according to the regional manager, Libya is the only country that understands Chad's crisis and is the only country that can protect the area from the spread of these conflicts; it intervenes more diplomatically,[9] and sometimes Libya rejects some propositions of other African countries while in Article 7(1) in combination with the leader of the Commission, the Peace and Security Council intend to develop a substantial "corporation for peace and security" between the A.U and the U.N as well as with other relevant international administrations, this Article provides an obligation of members of A.U and U.N to cooperate for the peace and security.

III. SIMILAR RESULTS IN AFRICAN CONFLICT RESOLUTIONS

III.1 South Africa's Unsuccessful Mediation in Ivory Coast

According to Lamin(2008), South Africa's intervention was welcomed in Ivory Coast, and its most significant advantage was the conviction of all parties in the country on its resolutions; it gave force to the South African leader,

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[2] Mbao, M: "A review of the Republic of South Africa's leading role on the African continent" South Africa 2003.
[3] Mbeki, T: "State-of-the-Nation Address" available at http: www.info.gov.za/speeches/2007/07020911001001.htm
[4] Gilbert M.K(2007)"Mediation efforts in Africa's Great Lakes Region".pp17
[5] Kurt Shillinger(2009), Africa's Peacemaker?: Lessons from South African Conflict Mediation, Fanele, an imprint of Jacana Media.PP 15

[6] Jérôme Tubiana and Claudio Gramizzi(2017)Tubu Trouble: State and Statelessness in the Chad,Sudan,Libya Triangle, Small Arms Survey. pp192
[7] Susanne Tarkowski Tempelhof and Manal Omar(2012)Stakeholders of Libya's February 17 Revolution, the United States Institute of Peace.pp8-9
[8] United Nations Peacemaker, the letter from Uganda permanent representative to the united nations addressed to the president of the Security Council, 21 May 1999
[9] Judith Scheele (2016)"The Libyan connection :settlement,war,and other etranglement in Northern Chad" The Journal of African History.Pp115-134

individual assurance to the peace procedure, and the disposition to accommodate protests from all sides; however, after two years, South Africa is rejected and criticized by the new leadership of new forces; the South African government was accused of supporting the regime, and the South African government was accused of supporting the power.[10]

Elizabeth Sidiropoulos (2007) claims that South Africa's main pillars of engagement in Africa are to strengthen African institutions at the regional and continental levels, promote development and integration, support Africa's socioeconomic evolution, maintain bilateral relations under effective cooperation structures, and help maintain peace, security, and stability. South Africa participates in operations of the Africa peace and security agenda and the organization of peace missions.[11] But an, effective conflict resolution depends on a procedure of reconciliation and justice that can help reintegrate people into their community.

The South African leaders faced harsh criticism from ECOWAS managers; its presence caused diplomatic tensions between South Africa and regional West African leaders such as Nigeria and Senegal; and, for the A.U to be genuinely effective in conflict resolution, it must be able to lead A.U states to comply with A.U decisions define Igwe.S, (2010).[12]

To Lamin. A (2008), according to France, South Africa does not "understand the psychology and soul of West Africa," meaning that the country lacks the financial resources to cope with a complex situation like the one in Ivory Coast [13]. After four years of peacekeeping in Ivory Coast, when South Africa was rejected by the leader of the "Nouvelles forces" (New Forces), the President declared South Africa's withdrawal from Ivory Coast mediation; according to (Lamin, 2009), the decision came as a result of aggressive opposition from Senegal and the New Forces against the South African government. The African Union has a formal mandate to engage in conflict resolution as a form of peace and security council of the A.U ; as a peacemaker, established in 2002 protocol relating to launching the peace and security council of the A.U

Eunice Dadson (2008) claims that its primary role is to promote sustainable peace, security, and stability, but South Africa faced an unsupportive environment in Ivory Coast; uncooperative partners overcame it, and South Africa's leader said this would create a problem if South Africa continued mediators. The Ivorian resolution's effort has been slowed for some moment, and South Africa's exertion has come under collective condemnation from many countries; the ECOWAS

BLOC has been supervising the negotiation efforts.[14] South Africa's efforts to achieve its mandate as the primary mediator was slowed by an unhelpful environment marked by regional politics, ECOWAS BLOC, and incredible power antics.

III.2 Ineffective Negotiation of Libya in Chad

The fall of the Libyan leader regime left neighboring countries facing new potential problems that could threaten regional stability.[15] Because Libya was a player and the mediator, it opposed the cooperation of its regional countries, he rejected U.N and A.U ideas, and no other African countries could participate in Chad's internal issues after his decline. The Libyan leader's involvement in Chad was unclear; Libya's presence in Chad was only for its benefit, and according to Pascal Fletcher, (2007),[16] the unsuccessful mediations were a result of the non-interventions of the international community; Libya's interference in Chad is about the relation of goals and interests.

The Chadian leader also required Libya's presence in the country for his political survival; he altered Chadian politics by establishing a multiparty system that was not acknowledged in the exercise of administration because he desired to control the political field. Because the issue is causing internal strife, the President requires regional clout. Chad requests that Libya intervene and provide financial aid; Libya was Chad regime's mentor, which is why the relationship between the leaders is strong; international sanctions strengthened their bond, while state sovereignty refers to the land and population of the State. Chad is always defending Libya's legitimacy because it sees the presence of Libya as very important to its regional policy, which is a limitation of the principle of sovereignty of the State; according to Natalino Ronzitti (2015), " *the principle of sovereign equality encompasses, the rights of every State to juridical equality, to territorial integrity and to freedom and political independence, as well as the right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its law and regulations."[17]*

Libya's participation in the Sahel region has allowed the leader to strengthen his authority through sponsorship in exchange for economic and political aid; yet, authoritarian meddling is prohibited by international law; Libya did not respect Chadian human rights. During his leadership of the region, he was the player and mediator of the Chad problem, and Chad was the location where he could realize his regional objectives. Libya has the financial means and capacity to lead

[10] Lamin(2008) "South Africa's track record in mediation and conflict resolution in countries like the Democratic Republic of Congo and Burundi.Pp 299

[11] Elizabeth Sidiropoulos(2007)" South Africa's regional engagement for peace and security" Institute of International Affairs (SAIIA) .Pp 7-8

[12] Igwe, S.(2010) "How Africa Underdeveloped Africa" Port Harcourt: Professional Printers and Publishers, pp 120

[13] Lamin, A (2008):" South Africa's Diplomatic Intervention in Côte d"Ivoire" 2004-2006: Lessons for Future Peace Diplomacy in Africa. South African Yearbook of International Affairs 20062007. pp.295

[14] Eunice Dadson(2008),"Examining the Role of Third -Party Mediation in Cote d'Ivoire Conflict:Peacemakers or Spoilers? Kofi Annan International Peacekeeping Training Centre. Pp7-8

[15] International Crisis Group, (2011)"Africa without Qaddafi: The Case of Chad",Report 180/Africa

[16] Pascal Fletcher, "Gaddafi's hand seen in Chad objections to UN force", Dakar, Reuters,2007

[17] Natalino Ronzitti,(2015) " Respect for Sovereignty, Use of Force and the Principle of Non-intervention in the Internal Affairs of Other States" European Leadership Network.Pp 25

the crisis but has provided little help to the agreement's implementation. Libya's diplomacy achieved a momentary success by assisting Chad to take over the uprising. Still, it failed in the longer-term evolution concerned with the long-term stabilization of Ndjamena. Libya's presence in the Sahel area brought calm. Still, after his reign, numerous problems preceded his fall in the region, creating several possible problems inside Chad, including massive displacement and ethnic conflicts. The changes did not lead to stability; the post-Qaddafi era saw a shift from insurgency to terrorism. Intercommunal violence has resurfaced, threatening Chad's stability.

IV. CONCLUSION

Effective conflict resolution will depend on the reconciliation and justice process, which must be implemented at local and national levels to reintegrate people into their communities. Several of today's conflicts entail a tangle of points and participants in regional and local dimensions, posing severe challenges for mediators and negotiators. Peace talks were initiated by ECOWAS and facilitated by France and South Africa in Ivory Coast, but all agreements failed to reduce conflict; the evaluation of third-party mediation in Ivory Coast reveals that one of the most common reasons why third-party mediation fails is that the third party is supposed to be impartial. The third party is not supposed to favor one side over another or to be more interested in its schedule rather than the needs or interests of conflicting parties. In these two cases, the regional power's involvement is uncertain, with South Africa and Libya looking for their interests, whether legal or illegal.

Libya opposes regional proposals, while South Africa experienced an unfavorable environment, resulting in an unsuccessful resolution in both cases. In the case of the Ivory Coast, South Africa has the legal authority to intervene in the crisis. Still, it faces many challenges because it is seeking international support for its proposal for permanent seats on the United Nations Security Council. Libya is under embargo and wants to improve its image worldwide. To assist the opposing parties, mediators must work with them; given ways without condemning them, they can generate trust among the competing parties, allowing them to be open to debate and change.

This non-condemning concept arose from South Africa's peaceful transition from apartheid to democracy. There are numerous reasons why Libya has been involved in the Chad issue for so long, including the transformation of its politics under sanctions and the link between the leaders. Conflicts nowadays necessitate regional powers balancing political command with serious and urgent humanitarian considerations, establishing coherent but understandable mediation procedures, and creating motivations for participation in the process while adhering to international legal backgrounds and norms. The role of regional powers is to build into the process a system in which these conflicts can be investigated with the help of the United Nations that aid the process, such as the truth and reconciliation commission, but external actors sometimes contribute to the complexity of conflicts because they benefit from the loots of war, in these two cases the major powers have a competing interest in persistent conflicts, and they have more to gain from the conflict's continuation . They can play the roles of actors and mediators because they sometimes contribute to the complexity of confrontations. In all circumstances, conflict resolution goes beyond settling internal issues; external players close to disputing parties must be considered, and reaching a justified outcome is difficult. Conflict resolution in African society is an important topic that should be moved directly without any modified frills in favor of any side. To avoid future conflicts and repeated threats everywhere in Africa, they should be handled based on the injuries that cause them and using conventional concepts.

REFERENCES

[1] Elizabeth Sidiropoulos(2007)" South Africa's regional engagement for peace and security" Institute of International Affairs (SAIIA) , pp 7-8.
[2] Eunice Dadson(2008)," Examining the Role of Third -Party Mediation in Cote d'Ivoire Conflict:Peacemakers or Spoilers? Kofi Annan International Peacekeeping Training Centre, pp7-8.
[3] Gilbert M.K: "Mediation efforts in Africa's Great Lakes Region" April 2007.pp17.
[4] Igwe, S.(2010) "How Africa Underdeveloped Africa" Port Harcourt: Professional Printers and Publishers, pp 120.
[5] International Crisis group, (2011) "Africa without Qaddafi: The Case of Chad", Report 180/Africa.
[6] Jérôme Tubiana and Claudio Gramizzi(2017)Tubu Trouble: State and Statelessness in the Chad, Sudan,Libya Triangle, Small Arms Survey, pp192.
[7] Jérôme Tubiana and Claudio Gramizzi(2017)Tubu Trouble: State and Statelessness in the Chad, Sudan,Libya Triangle, Small Arms Survey, pp192.
[8] Judith Scheele (2016)" The Libyan connection:settlement, war, and other etranglement in Northern Chad" The Journal of African History. pp115-134.
[9] Kurt Shillinger(2009), Africa's Peacemaker?: Lessons from South African ConflictMediation, Fanele, an imprint of Jacana Media, pp 15.
[10] Lamin(2008) "South Africa's track record in mediation and conflict resolution in countries like the Democratic Republic of Congo and Burundi, pp 299.
[11] Lamin, A (2008):" South Africa's Diplomatic Intervention in Côte d "Ivoire" 2004-2006: Lessons for Future Peace Diplomacy in Africa. South African Yearbook of International Affairs 20062007, pp.295.
[12] Mbao, M: "A review of the Republic of South Africa's leading role on the African continent" South Africa 2003. Mbeki, T: "State-of-the-Nation Address" available at http: www.info.gov.za/speeches/2007/07020911001001.htm
[13] Natalino Ronzitti,(2015)" Respect for Sovereignty, Use of Force and the Principle of Non-intervention in the Internal Affairs of Other States" European Leadership Network, pp 25
[14] Pascal Fletcher, "Gaddafi's hand seen in Chad objections to UN force", Dakar, Reuters,2007
[15] Susanne Tarkowski Tempelhof and Manal Omar(2012)Stakeholders of Libya's February 17 Revolution, the United States Institute of Peace, pp 8-9.
[16] UN Peacemaker, 2008
[17] United Nations Peacemaker, the letter from Uganda permanent representative to the united nations addressed to the President of the Security Council, 21 May 1999