

## THE LIBYAN REVOLT AND (SOUTH) AFRICAN RESPONSE

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The revolt in Libya is part of series of protests that call for democracy and regime change that resonated across the Arab world starting with mass protests in Tunisia and Egypt that toppled the leaders of both countries and reaching as far as Syria, Sudan and Bahrain.

Political protests demanding an end to Muammar Gaddafi's 41-year reign began on February 14, 2011 in the Libyan capital of Tripoli and became especially tumultuous in the east of the country. The government responded forcefully by dispatching the national army to crush the unrest. In a speech broadcast on February 22, 2011, Gaddafi said that he would rather die a martyr than step down and called on his supporters to attack and "cleanse Libya house by house" until protestors surrender (ICRtoP, 2011).

Since the beginning of the revolt, members of the government and both military leaders and units defected to join the opposition. An interim opposition government called the Interim Transitional National Council was established on February 26, 2011 under the leadership of former Justice Minister Mustafa Abdul Jalil, the first government official to break ties with Gaddafi. The Council released a statement on March 5, 2011 following its first meeting in the temporary headquarters established in Benghazi, in which it declared itself the sole national representative of Libya. The statement also called on the international community to "fulfil its obligations to protect the Libyan people from any further genocide and crimes against humanity without any direct military intervention on the Libyan soil" ( Interim Transitional National Council, 2011).

The uprising, reported to be the bloodiest yet against a long-term ruler in the Middle East, caused a humanitarian crisis. Humanitarian access to the state has been extremely limited because of the security situation. More than 1,000 people have been killed and, according to the UN, massive waves of refugees are continuously fleeing to neighbouring countries. The indiscriminate and widespread use of force by Gaddafi's government

against the Libyan population has clearly turned this situation into one where human rights violations constitute crimes against humanity.

## INTERNATIONAL RESPONSE TO THE CRISIS IN LIBYA

The international response to the Libyan crisis has been swift, with action being taken in a shorter period of time than ever before in a mass atrocity situation. UN-Secretary-General Ban Ki-moon stated on 21 February that he was shocked and disturbed by accounts that Libyan authorities fired on demonstrators and declared that the attacks which constitute serious violations of international humanitarian law must stop immediately. UN experts echoed the Secretary-General's statement and condemned Gaddafi's massacre of his own people, demanding investigations into attacks and stated that gross violations of human rights could amount to crimes against humanity.

The Security Council unanimously adopted Resolution 1970 on February 26 which, in addition to imposing an embargo and financial sanctions, made reference to Libya's "responsibility to protect" and referred the situation to the International Criminal Court for investigation into reports of crimes against humanity. On 2 March 2011, the Prosecutor of the ICC, Luis Moreno Ocampo decided to launch an investigation following a preliminary examination of available information. Considering prosecutors often take months to take this type of decision, this announcement was surprisingly quick. (ICRtoP, 2011).

The Human Rights Council met on February 25 and opened a Special Session on "the situation of human rights in the Libyan Arab Jamahiriya." The Council adopted Resolution S-15/2 which called for the following: (1) the Libyan government to cease all human rights violations; (2) an international commission of inquiry to be dispatched to Libya; (3) recommendation to the General Assembly for the suspension of Libya from the Council (ibid).

On March 1, the General Assembly unanimously suspended Libya's membership of the Council. Speaking before the Assembly, Ban Ki-moon declared "the world has spoken with one voice: we demand an immediate end to the violence against civilians and full respect for their fundamental human rights, including those of peaceful assembly and free speech."<sup>1</sup> He continued to warn that "there is no impunity...that those who commit crimes against humanity will be punished" and informed the General Assembly that "time is of the essence; thousands of lives are at risk."<sup>2</sup>

The U.N. Security Council resolution 1973 of 17 March imposed a no fly zone to protect civilians. The council acted five days after the Arab League urged the U.N. to try to halt Gadhafi's advancing military and reverse the realities on the ground, where rebels and their civilian supporters were in danger of being crushed by pro-government forces using rockets, artillery, tanks and warplanes. The vote was 10-0 with five countries abstaining including Russia and China that have veto power in the council, along with India, Germany

and Brazil. Russia and China expressed concern about the United Nations and other outside powers using force against Gaddafi while Germany expressed fear that military action would lead to more casualties (Espo, 2011). All African Union-Member states South Africa, Gabon and Nigeria, presently members at the UN-Security council, approved resolution 1973.

The United States, in a dramatic about-turn, joined the resolution's initial supporters Britain, France and Lebanon to help push for a quick vote at the UN Security Council. To protect civilians, resolution 1973 bans all flights in Libya's airspace. It also authorizes UN member states to take "all necessary measures ... to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form in any part of Libyan territory." Meanwhile, allied forces (France, Britain, US, Italy, Denmark, Norway and Qatar) hit targets in Libya to force Muammar Gaddafi's troops to cease fire and end attacks on civilians (Associate Press, 2011).

### **(SOUTH) AFRICAN RESPONSE**

The African Union, mostly relegated to the background before the start of military intervention, has again, according to Tidiane Gadio, chairperson of Mouvement Politique Citoyen, shown its limitations in conflict resolution. The Peace and Security Council of the African Union (AU), at its 265th meeting for Heads of State and Government on 10 March 2011, rejected all proposals for foreign military intervention in Libya, without suggesting how to end the crisis. But it is worth noting that the strongest powers on the continent Nigeria and South Africa both later voted in support of the UN resolution of a no fly zone, but were present at the AU meeting rejecting foreign military intervention.

After the crisis erupted in Libya, South African political circles were silent and initially issued some veiled statements after the international community took the lead in unequivocally condemning Gaddafi's brutal retaliation. There was widespread criticism on Wednesday 7 March when it emerged that President Jacob Zuma had received a telephone call from Mr Gaddafi. The government vehemently denied Libyan television reports that Mr Zuma had reassured Mr Gaddafi that he was a victim of western media. BBC Monitoring reported that Libyan TV quoted President Zuma as "stressing the need not to depend on tendentious reports circulated by foreign media outlets" during the phone call. President Zuma also reportedly called on the African Union to "take decisive action and uncover the conspiracy that Libya is facing".<sup>3</sup>

President Zuma's long-standing close relationship with Colonel Gaddafi has long been a topic of discussion. At a press briefing, International Relations and Co-operation Minister Maite Nkoana-Mashabane later confirmed that Mr Zuma had received a call from Mr Gaddafi to "largely try and explain his side of the story".<sup>4</sup>

"We took advantage of that call to tell him that SA had led the campaign to suspend Libya from the Human Rights Council in Geneva. I was there and I made the statement through the mandate I received from Mr Zuma. "We would like to reiterate that SA has supported the positions taken by the AU and the United Nations on Libya — and this included statements and resolutions imposing sanctions on Libya. SA has openly condemned the loss of life and attacks on civilians and reported violations of human rights in that country. So there has never been any ambiguity on our part on this matter of resolving the crisis in Libya."<sup>5</sup>

President Jacob Zuma , who was in Addis Ababa on Friday 10 March, reportedly tabled a resolution at an African Union (AU) meeting to suspend Libya's membership of the body and froze Mr Gaddafi's assets in SA. The bid to suspend Gaddafi from the AU has been applauded although the move failed as the AU decided to dispatch a five-man delegation to Libya, most of who have questionable democratic credentials. But then, somehow South Africa decided to join other African powers Nigeria and Gabon in support of the resolution authorising the imposition of a no-fly zone, clearly aware that this would entail bombing aerial defence systems.

The South African government's decision to support France, the US and the UK was criticised by the ANC-Youth league that argued that the resolution had shown South Africa as "an imperialist weakest link to the African continent".<sup>6</sup> In its statement, the ANCYL said the resolution was not only "inconsistent, but also rushed because there was no exhaustion of a peaceful process to resolve the political situation in Libya. South Africa voted in favour of the no-fly-zone in Libya, whilst its allies in BRICS, (Brazil, China, India, and Russian Federation) abstained, because they noticed the "inconsistencies" being applied to Libya, according to the Youth League. Thus, Zuma slightly altered the tone condemning the air strikes over Libya and saying the Western Allies went too far and acted contrary to the UN resolution authorising the enforcement of a "no fly zone". This position however shows that South African president Jacob Zuma seems to be backtracking on his earlier decision and in the words of Handy, the country's foreign policy on the current crisis in Africa has, not uncommonly, been confusing and erratic.<sup>7</sup> Zuma and his spokesmen insist their support for the resolution which, among others, authorises member states to "take all necessary measures" to "protect civilian life" in Libya, was not a vote for "regime change" or war.

Reports suggest that in the run-up to the Security Council vote, Zuma received a call from US President Barack Obama to ensure SA's backing. Zuma appears to have believed the US's argument that the resolution was merely to impose a no-fly zone over Libya, and therefore protect civilians by preventing Gaddafi's forces from attacking Benghazi and other rebel-held territories.<sup>8</sup> But it was clear when France, the US and the United Kingdom sponsored the resolution; they had in mind the kind of military intervention that Zuma and his aides did not envisage. That was why South Africa's closest partners in international relations issues, India and Brazil, joined China, Germany and Russia in

abstaining from the vote. Depending on the extent of damage caused by the military intervention, there are fears it may result in a protracted civil war. If this transpires, South Africa may have risked its chances of getting a nod from the majority of the developing world in its bid for a permanent Security Council seat.

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