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# Kurds: An Intersection of Unusual Alliances

Verena GRUBER

**Abstract.** *The war against the Islamic State has seen some unusual alliances: the United States and European forces currently support the Kurdish positions in Bashur (Iraq) and Rojava (Syria). What would have been considered unlikely two years ago has, triggered by the threat potential of ISIS, become the most plastic show of neorealist concepts such as balance of power, alliance formation on the basis of shared enemy conceptions, and the relevance of geopolitical spheres of influence. This paper aims to uncover the reasons, consequences, and nature of the alliance between the United States, Turkey, the Syrian-Kurdish revolutionary movement PYD (Democratic Union Party), and the Iraq-Kurdish parties of the KDP (Kurdistan Democratic Party) and PUK (Patriotic Union of Kurdistan). The guiding hypothesis of the paper understands the “state” to be an outdated concept for understanding the conflict. At the same time, this absence of central states and the multiplication of forces and actors can be seen as one trigger for increased Turkish assertion of strong-state postures both internally against the Kurdish Worker’s Party (PKK) and externally against the Kurds in Iraq and Syria.*

**Keywords:** *alliance formation, sub-state actors, PYD, PKK, KRG, United States, Turkey, Islamic State.*

## Introduction

The war against the Islamic State (IS) has seen some unusual alliances: the United States of America and Iran found each other on the same side in Iraq, just as the US and European forces currently support the Kurdish opposition in Bashur (Iraq) and Rojava (Syria) despite their common Turkish ally’s position of anti-Kurdish postures. What would have been considered an unlikely scenario two years ago has, triggered by the threat potential of the Islamic State or ISIS, become the most plastic show of neorealist concepts such as

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balance of power, alliance formation on the basis of shared enemy conceptions, and the predominant relevance of geopolitical spheres of influence. With the Kurdish entities constituting a central intersection in the middle of all the relevant state-actors – Syria, Iraq, Turkey, and Iran –, their role in the conflict against the Islamic State can not be underestimated. Consequentially, it becomes all the more necessary to understand the Kurdish actor(s) in the region. Thereby, the first and most important step is the realization that the Kurdish entities do not constitute one actor. Despite related, both ethnically and culturally, the Kurdish entities are characterized by deep political divisions. As with other political divisions, it depends largely on the conflict development and international opportunity structure that influences on which scale along the poles of cooperation and outright confrontation the different entities interact with each other. Because of that, more than the different relations between those entities, their relations to other state-actors and their positioning and repositioning in the conflict becomes vital to the understanding of conflict dynamics. Drawing on a four month field work in the Kurdish north of Iraq, this paper is concerned with the reasons, consequences, and nature of the different alliance formations in the conflict: the alliance between the United States, the Syrian-Kurdish revolutionary movement Democratic Union Party (PYD), and the Iraqi-Kurdish parties of the KDP (Kurdistan Democratic Party) and PUK (Patriotic Union of Kurdistan); the connection between the KDP and Ankara; and the current involvement of Turkey in the conflict “against ISIS” and the Kurdistan Worker’s Party (PKK). The guiding research question thereby reads as follows: What are the reasons, consequences, and nature of the alliances between the United States, Turkey and the different Kurdish entities in Iraq, Syria, and Turkey in the current conflict against the Islamic State? In answering this question, the paper asserts two relevant issues: one, neorealist concepts such as balance of power, alliance formation on the basis of shared enemy conceptions as well as the importance of geopolitical spheres of influence are critical in understanding the conflict development. But, two, these concepts have to be taken out of their traditional field of use – analyzing the relationship between states – and instead be put on a meso-level of analysis: on sub- and non-state actors. Denying the relevance of sub- and non-state actors such as the Kurdish entities, particularly in Syria and Iraq, in the analysis of the current middle eastern instabilities caused by the Islamic State is both short sighted academically and dangerous political-militarily.

Therefore, this paper aims to show both the validity and the added insight that derives from applying international relations concepts – such as, in this case, concepts of neorealist thought – to the sub-state level. To do so, in a first step, the paper discusses the natures of alliances in more general terms by reflecting on prior scholarship and putting it in context with the actor formations visible in the addressed conflict. In a second section, the focus shifts towards the different reasons and natures of the alliances. The value of applying international relations’ concepts becomes visible in this part when it becomes apparent that all visible formations can be explained by “clas-

sical“ neorealist concepts; even those on a sub-state level. The deriving consequences of these sub- and non- state actor engagements and their alliance formation behavior will then be discussed in a final section by showing how the de-facto weakness of the state of Syria and Iraq and the multiplication of actors and forces in the conflict, triggers strong-state assertions by surrounding states – in particular, Turkey.

### **Alliance formation – in general and in the current conflict**

Alliance formation has been a prominent field of international relations (IR) scholarship and thought from an early stage on. Given the primary assumption by Morgenthau (2006) and his followers on the wolf-like nature of humankind and the inherent security risks deriving from such an international environment, the question towards benevolent state-behavior was soon to arise. In a world where anarchy forces actors to mistrust each other, why are some cooperating? It is this thought that bore the fascination with alliance behavior and the resulting line of thought and analysis. Until today, little has changed about this original thought and fascination. Alliance behaviors have been contrasted between times before and after the Cold War; in situations of unipolarity, bipolarity and multipolarity; on international and regional levels; and in historic analyses of pre-world-war state behavior. In all of these phases, international scholarship was concerned with identifying patterns of behavior and the underlying thoughts, interests, and intentions of states showing this behavior. Resulting concepts such as the balance of power (Waltz) and of threat (Walt), bandwagoning (Schweller), and buck-passing (e.g. Mearsheimer) are only the most prominent ones in the field. Also matters of similar-actor- (symmetry) and asymmetric-actors- alliances (Morrow, 1991) and the duration of alliances have been at the focal point of attention. The idea that common values or structures (such as democracy) benefit the stability and durability of alliances, for example, has grown to be a dominant thought that, despite its effects being disproven (Brian & Reiter, 2000), it seems to establish a self-fulfilling prophecy more often than not. But with all these different studies, analyses, and approaches, the underlying thought has remained quite stable: groups (most often analyzed in the form of states, but also non-state actors) cooperate on the basis of some interest. Be those interests common values, threat perception, or anything from short- to long-term interests on a regional or international level, the idea that cooperation does not happen out of mere benevolence has been proven by scholarship over and over again. Observing international relations and current conflicts such as the one with the Islamic State, it also becomes obvious that cooperation does not just happen between two ‘equals’; two states. Instead, sometimes reality presents states with actors at a sub-state level. And when interests between states and sub-state actors align, cooperations and even alliances can develop. These connections can take any shape, form, and duration from short term cooperations, to interest alliances, to proxy warfare, and to long-term affiliations.

In the context of the current conflict with the Islamic State, several of those connections between states and non-state actors, but also between two or more sub-state actors have become visible. Thereby, each and every one of the present formations has its own variables and characteristics. In this paper, I differentiate between three different forms of association: 1) *Alliance* is the most stable form of common effort. It assumes a cooperation that extends above the current conflict and entails at least a certain level of institutionalization of the relationship. 2) *Cooperation* in contrast refers to a more ad-hoc appearance of two actors finding themselves on the same side in a conflict. It is, however, still more than 3) mere *affection*, as cooperation includes an active statement of working together – at least for the moment. Affection, instead, is simply a referral to mutual interests which have not yet developed into either cooperation or alliance formation. I shall now address those differences by looking at one cooperation at a time.

*The United States and the non-state actor Kurdistan Regional Government of Iraq (KRG).* The difference between sub-state actors and non-state actors in this paper is defined in their contrasting levels of establishment and internal solidification: while sub-state actors are characterized by ad-hoc appearance (in the course of the conflict) and a mostly decentralized, modifiable forms of organization, non-state actors are constituted by more institutionalized structures all the way to the status of „de-facto statehood“ as is the case for the KRG (Stansfield, 2003; Bengio, 2009; Chapman, 2011; Stansfield, 2013; Gruber, 2013). With this differentiation in mind, the cooperation between the United States and the KRG can be seen as the most “classical“ form of alliance in this conflict. Despite the relationship being between a state and a non-state entity, when compared to the US-PYD alliance, the relationship and level of cooperation between the US and the KRG can be seen as a “standard“ asymmetric alliance in Morrow’s (1991) sense. The assertion that their relationship is more an alliance than it is an ad-hoc cooperation can be underlined both by the institutionalization of their relations (US representation in Erbil, Kurdish representation in Washington, etc.) and the duration of their alliance which extends beyond the current conflict. Already in 1991, the United States found themselves partnered up with the Kurds of Iraq when the Kurdish Peshmerga were part of the US defence of Kuwait (Lortz, 2005; McDowall, 2007; Chapman, 2011; Ahmed, 2012). The relationship between the two was then cemented in the following twenty years when the US enforced the United Nations sanctioned no-fly zone above the 36th parallel to shield Kurds from Saddam Hussein’s retaliation. And it was in this safe haven that the Kurds were then able to organize and institutionalize themselves for the first time since the Kurdish state of Mahabad in 1946 (Stansfield, 2003; Chapman, 2011; Gruber, 2015). With this autonomy enabled by the US, the Kurds were also readily available to lend their support to their ally in the 2003 invasion and the US in turn showed gratitude in allowing Kurdish interest to be represented in Baghdad for the first time as well (McDowall, 2007; Chapman, 2011; Gruber, 2015). It is with these many dimensions and mutual benefits in a, compared to the others in question, “long-term“

alliance that constitutes the basis for the assessment that this form of cooperation is indeed an alliance based on mutual interests. For the , these interests can be assumed to be the geostrategic location of the KRG as well as the oil-rich resource-potential and the interest in cooperating with democratic and relatively stable hubs in a chaotic region (Gunter, 2015). At the same time, a clear interest of the US to hold on to the territorial integrity of Iraq stands in tension to at least one of the benefits the Kurds hope for in the alliance: eventual statehood recognition (Voller, 2012; Gruber, 2015). It is this 'elephant in the room' that puts pressure on all alliances, but on the triangle of US, Turkey, and the KRG in particular. Especially Turkey, despite cooperating closely with the KRG, and the KDP specifically, seems unlikely to accept Kurdish independence due to the assumed consequences such a move could have on other Kurdish populations, in particular the PKK in Turkey. Other than the potential for benevolence towards the wish of independence, however, the Kurds gain a both militarily and politically strong partner in teaming up with the US; a card they will not easily dismiss again either. This Kurdish commitment to the US ally can be asserted in Chapman's (2010) analysis of US foreign policy towards the KRG, who identifies the former to be prone to betray the latter – yet despite many felt betrayals (ibid.; De Luce, 2015), the KRG has not yet shown any intention of weakening their US-KRG connection.

A crucial matter, however, that can not be forgotten when reflecting on the US-KRG alliance and the potential of stability of the same, is the fact that the KRG itself is little more than another alliance.

*The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK).* The Kurdistan Regional Government (KRG) is the institutionalization of an alliance between the two dominant Kurdish parties in the north of Iraq: KDP and PUK. Despite this alliance having institutionalized forms, there is still a division between them (Gruber, 2015). In a four-month research project, the author identified the nature of this split in a system that I termed "*centralized localism*". *Centralized localism* is defined as a form of personalized politics that is inextricably linked to a geographical locality, and subsumed to the existence and influence of an overarching party-center (Gruber, 2015). This system is based on personal networks and the notion of loyalty that are glued together by clientelism, patronage, cronyism and corruption (King, 2013; Gruber, 2015). Two of these systems exist parallel to the official institutions and to each other, due to the ongoing division of the parties. Historic reasons are the basis for deep mistrust between the two sides and foreign interference, corruption, and nepotism further enhance this tension. Particularly the aspect of foreign interference is a vital aspect to this analysis of alliance behavior: despite the KRG being the official representation of the Kurds in Iraq, the parties maintain a large level of independence; up to the point where they maintain their own, independent alliances. The most prominent one is the surprisingly close relationship between the KDP and Turkey. But also the PUK is in an reciprocal

exchange with Iran to both secure its own influence in the region but also to balance the KDP-Ankara alliance.

In the current conflict, KDP and PUK have mostly acted in 'official unity' despite unofficial disagreement on many issues remains. Their focus on portraying unity is said to stem from the interest in increasing the potential of statehood recognition by incorporating international values such as democracy, human rights, but also territorial integrity and unity (Voller, 2012). At the same time, one can not forget that the KRG is in itself nothing more but an alliance between two symmetric partners – a factor, which, at least when referring to Morrow (1991), is considered a sign of inherently unstable alliances.

*The Kurdistan Democratic Party (KDP) (of the KRG) and Turkey.* The KDP and Turkey can truly be called an 'unusual alliance'; yet they are an alliance nonetheless. First starting with a level of affection in the 1990s, the common interaction has increased ever since 2008 and has seen many different forms of cooperation since (Olson, 2005; Hussein, 2015; Dicle 2015). One of the most prominent ones, as it caused a huge uproar in Baghdad, was the completion of a direct pipeline from the Kurdish region to Ceyhan. Thereby, the Kurds are bypassing the need to sell oil from Kurdish territories through Iraqi pipelines and gain another factor of independence (Holland, 2012), at least when referring to the Montevideo Convention of 1933 where it states that one factor of statehood is the direct or indirect recognition of established states. And economic relations have long been regarded an indirect recognition in international affairs (Arnauld, 2012). It is this economic cooperation that leads some to say that Turkey might eventually come around to accept a KDP-led Kurdish state at its border.

Disregarding the 'elephant in the room' of Kurdish interest of statehood and any other speculations of future alliance formations or their stability against certain requests, the KDP-Turkey alliance can be seen as an actual alliance more than a cooperation due to its durability, at least since the increase in contactpoints during 2008. This KDP-Turkey relation also positively influences the relation of Turkey to the KRG. Despite the relations of Turkey towards the necessary alliance partner of the KDP, the PUK, being more distant, the economic benefits Turkey has in the north of Iraq are attractive enough to upkeep a certain level of cooperation, if not even an alliance, to the KRG. Most recently, criticism was raised against Turkey's bombing of the Quandil mountains in the northeast of the Kurdish region. Despite the Quandil area being known to be a PKK stronghold, Kurdish parties, including the KDP, denounced Turkey's engagement in what they still consider their sovereign territory (Rudaw, 2015). Regardless, however, the connection between the KDP and Ankara was not yet been truly damaged by Turkey's actions.

*The United States, Democratic Union Party (PYD) (in Syria) and the Kurdistan Worker's Party (PKK) (in Turkey).* The United States' foreign policy and alliance behavior towards the Kurds in Iraq and in Syria is not comparable. Starting with the insecure stance of US policy on Syria in general ever since the Arab Spring hit the nation and broke off

into a civil war, the cooperative behavior of the US with several groups on the ground can at first not be termed an “alliance” behavior but an affection or cooperation at best. In doing so, the US led a strategy of proxy warfare by constantly considering and reconsidering its assistance to both anti-Assad and pro-Assad forces. In addition, to complicate the situation further, these lines of pro- and anti-whichever are fluctuating in Syria. Groups are formed and dissolved on a regular basis – which makes a clear alliance all the more complicated. At one point in time during the war, however, the Kurds in Syria appeared on the stage of international awareness. And with the fight about Kobane catching fire and the bravery of female soldiers (YPJ) circulating around the world, a first US friendliness towards the Syrian Kurds was cemented in the form of cooperation (Gunter, 2015) – at least for now. Also here, however, it is advisable to consult Chapman’s (2010) assessment of US policy towards Kurds; despite referring to the Kurds in Iraq, Chapman identifies the US to behave like an unfaithful lover. A similar thought can be said as a word of caution for the PYD as well. For starters, the US position on Assad has still taken a rather negative turn so far, while the PYD, despite not supporting Assad directly, finds itself in affection with the Assad regime due to the logic of hoping to gain more autonomy and cultural rights in an eventual post-war Syria. More than that, the PYD is starkly positioned against the US-ally Turkey. Despite not being the same as the PKK, the PYD follows similar ideological guidelines as the PKK: the writings of Abdullah Öcalan (Paasche, 2015; Gunter, 2015). It is this low level of connection between the PYD and PKK that already concerns Turkey. But even regardless of a potential PYD-PKK affection or cooperation, the outlook of another Kurdish autonomous entity at its border is enough for Turkey to be suspicious of Syrian Kurdish power assertions – after all, if the Kurds in Iraq and in Syria have autonomy, what else can Turkey argue to deny the same to the PKK? Hence, due to mutual suspicion, the connection between the PYD and Turkey can be called unfriendly at best. With the US being a long standing and even institutionalized ally (in the form of the North Atlantic Treaty Organization (NATO)) of Turkey, the current cooperation between the US and PYD can be suggested to be temporary at best. It is these elements of PYD-PKK- and US-ally-Turkey triangulation that makes this not so much an unusual alliance but instead an interesting balancing act on the side of the US.

*Turkey and the Kurds.* The Turkish position towards an ethnic group called “the Kurds” has been subject to many analyses and both scholar and media attention. Looking as Turkey at one actor and “the Kurds” as the other, the relationship between the two can be described as “difficult” at best. However, as has been promoted in the introduction of this paper already, a differentiation between Kurds and Kurds has to be taken. Despite being related both ethnically and culturally, there are deep divisions between the Kurdish parties representing “the Kurds” in their respective countries today. The most prominent parties in Iraq are the KDP and the PUK, which have already been discussed. In Syria, the PYD stands in the tradition of the Turkish PKK but it can nonetheless

not be confused with being PKK themselves. For Turkey at least, the PKK presents the most troublesome fraction of the Kurdish interest representations. Their relationship, despite having changed in tone and intensity over the years, has been a troublesome all the way. Starting with the Kurdish wish for secession, the violent protest of military wings of the PKK and the turning point of Öcalan's incarceration which made the PKK turn from secession towards requests for autonomy (Olson, 2005; Paasche, 2015). Many stories and analyses have been written on the relationship between Ankara and the PKK, but these are not the focal point of this analysis. Instead, it is the interesting position Turkey takes in cooperating with the KDP in something that is worth to be considered an alliance at least from 2008 on forward, while at the same time remaining everything from "neutral" towards the PUK to outright hostile against the PYD and the PKK. Just the most recent equalization of the PKK and ISIS by Turkey has shown how deep the animosities between the two actors actually are.

Reflecting on all these different alliances, cooperations, and affections, it becomes obvious that there are several state-non/sub-state-actor-relations happening in the current conflict against the Islamic State. The US-Turkey alliance is a strong and stable one. Despite being haunted by several misunderstandings or different priorities, the connection between the two can be regarded as more solid than any other alliances of the region. But regardless of their own interlinking, both show independent alliance behavior. The US-PYD cooperation can be seen to the dislike of Turkey's interests. The US alliance with the KRG, however, aligns with Turkey's own foot in the door, at least through the KDP. It is within these basic settings that the natures and reasons for the observable alliance behavior need to be analyzed.

### **The nature and reasons for the alliances**

The guiding hypothesis of the paper understands the "state" to be an outdated concept for understanding the conflict with the Islamic States (and, as I would argue, of many others). As we have seen in the discussion of the different actors, there are actual alliances between states and non- or sub-state actors happening. These alliances do not yet indicate the duration of the cooperation or the consequences to them, but, I assert, the fact that these connections exist have to be reckoned with either way. Therefore, a more in-depth understanding of non- and sub-state actor behavior, particularly in the aspect of alliance formation, becomes obviously necessary. In this paper, I want to show that in order to understand non- and sub-state actors' alliance behaviors, however, one does not need to reinvent the wheel. Instead, already existing theories of international relations provide a useful guidance towards analyzing mesolevel actor behavior. The crux of the matter and the twist of my paper lies in me asserting that the state perspective of international relations theories and theorists is short sighted as it overlooks relevant actors to a conflict scenario. Thereby, I connect my research to other scholars who have had a similar insight in the value of applying state-based theories on

sub-state levels. Kühn (2011) for example employs the security dilemma concept of IR theory on a sub-state level and asserts that sub-state groups assume tasks resembling those of the state proper during or after conflict situations. With these assumptions, he shows the value of treating sub-state actors as “states” at least in so far as IR theories are able to be applied to sub-state levels. Gruber (2015) does a similar thing in realizing the value of the prisoner’s dilemma concept to explain the KDP-PUK relationship in the KRG. And Zuckerman-Daly (2012), to quote just another example, identifies an inherent value in the meso-level perspective in the context of post-conflict scenarios. She notes: “*The post- civil war landscape resembles the international system [as] there exists no overarching government able to enforce agreements*” (Zukerman-Daly, 2012: 2). So, despite there already being some thoughts into the direction of breaking open the state-perspective, I argue that it is still too little and is an idea worth to be pursued further. In this paper, I will therefore assert again that IR theories can be useful in explaining sub- and non-state actor behavior as well. Furthermore, I will show that the appearance of these sub- and non-state actors have consequences on the sovereign states in turn; a matter which will be shown in the strong-state posture of Turkey – a factor, which makes the understanding of non/sub-state – state connection all the more relevant.

*Alliance formation on the basis of shared enemy perceptions.* A first question to be asked when trying to understand alliance behaviors is simply ‘Who is the enemy?’. The many criticisms of realist and neorealist thoughts and concepts notwithstanding, the perception of enemies has been a central factor in the formation of alliances. Both balance of power and bandwagoning, but also other concepts and behaviors, can be explained by starting with the question of who they are reacting against. That these threats are identified on the basis of a certain perception, vision, and construction of reality is thereby not even in question. Looking at the different enemy perceptions of the analyzed actors involved offers a first insight into the nature and reasons for the cooperation and alliance formation during the conflict. Starting with the Islamic State – probably the most obvious “enemy” in the conflict, a declared opposition is taken by the United States, the PYD, the PKK, the KDP, and the PUK. But more than ISIS, also the PKK is perceived as an “enemy” by some. Particularly Turkey and the US, but also the KDP have acted in a clearly antagonistic manner to the militaristic movement of Kurds in Turkey. A last, “enemy” or at least a “potential threat” can be identified in Turkey itself. The Kurdish parties PKK, PYD, and PUK are most renown to suspiciously observing their northern neighbor. With these differing enemy conceptions, the results of alliance potentials become obvious: The most likely alliances are those between PYD, PUK and PKK because of the shared threat perception of both ISIS and Turkey. KDP and the US are also likely allies as they share both anti-ISIS and anti-PKK sentiments. Another alliance based on shared enemy conceptions, however, that needs to be mentioned, is the one between the KDP and the PUK. The parties, despite their many disagreements, have had a history of cooperation and division, but it is visible in their history that a strong enemy – from

Saddam Hussein to ISIS – has managed to forge even the most disrupted relations back into a form of common cause and unity.

All of these constellations can actually be seen in the current conflict. It is this ability of 'asking for the enemy (perceptions)' to explain several of the visible alliance and cooperation behaviors between sub/non-state actors and recognized states that underlines the viability of applying IR concepts at a sub-state level. A question, of course, remains – shared enemy perceptions explain some alliances, but not all of them, so what are other IR concepts that can help explain other forms of alliances?

*Balance of Power.* Another "classic" apart from 'shared enemy perceptions' in IR theories is the concept "balance of power". Balance of power assumes that the increase in relative power and/or advantage from one state will trigger a balancing behavior of neighboring states who feel threatened by the change in international power balance. This balancing behavior is expressed in an alliance on the basis of common interests to contain the rising power. Thereby, one could argue that the behavior is similar to the idea of "shared enemy perceptions"; however, I argue that there is, in fact, a difference: while enemy perceptions are mostly ad-hoc, potentially short term, and fast-changing, the idea of balance reaches further than mere identifications of rivals. The assumption is that this rivaling force is there to stay and hence has to be contained or stabilized in its efforts by balancing against it. This notion of expected duration of the threat is still absent in the idea of shared enemy perceptions. Instead, the idea remains that the "enemy" can eventually be defeated. Therefore, actions will be much more assertive and less directed towards the notion of containment as it is captured in the balance of power. From this perspective, the KDP alliance with Turkey is such a balance-of-power-based alliance. The balancing action in this case is directed towards another balance-of-power-based alliance: the PUK in its connection with Iran. Based on the historical mistrusts of the former civil-war rivals, the two parties have been both cooperating and balancing each other at the same time. For Turkey and Iran, these alliances offer an expansion of their geostrategic spheres of influence – a matter which will be discussed in the next section – but for the Kurdish parties, these alliances have provided them with both a factor of stability by putting each other on an equally strong footing, each having a strong partner behind them, and a new source of mistrust which stands in the way of actual unification and socio-political post-civil-war reconciliation.

*The relevance of geostrategic spheres of influence.* As already addressed above, geostrategic spheres of influence also play a role in the formation of alliances. The interests of Turkey and Iran in the Kurdish region of Iraq have both several sources: for one, the Kurdish region offers economic potentials due to its oil-richness. More than that, however, both Turkey and Iran are concerned with the other one taking full control of the region, which leads to a reinforcing effect towards the interest in being involved in Kurdish-balancing-behaviors (Anderson & Stansfield, 2004; Olson, 2005). And at this

stage, I argue, neither Turkey nor Iran can afford to pull back altogether because their withdrawal would upset a balance whose disruption is likely to spill over into their own territory. But consequences aside, another interest of both Turkey and Iran in the region is the access to a neighboring country which demands close observation due to its strongstate posture before and its instability in recent years.

Another relation based on geostrategic interest is the alliance between the US and the KRG. After all, the Kurdish region of Iraq is a relatively safe zone in an unstable region, which grants easy access into Turkey, Syria, Iran, and Iraq. There could not be a more perfectly located safe haven for US interests in the heart of ancient civilizations. Even the Kurds know of both the blessing and the curse of their location – the oil-rich mountains offer both resources and shelter. But it is exactly the same factors that have always attracted international players to their region and led to the common Kurdish perception of being a “cursed population” (Anderson & Stansfield, 2014).

It is in the analysis of these constellations that the value of applying IR theories and concepts on sub-state actors becomes visible. More than an academic exercise, however, I argue that the sub- and non-state alliance behavior also has consequences on state postures. This hypothesis will be asserted in the next section in the prime example of Turkey.

### **The consequences of sub-state actor alliance behavior**

The absence of the central state, power vacuums, and civil wars, as has been discussed above, often lead to a compensation of state responsibilities by other actors (Kühn, 2011). Be those actors “warlords”, “terrorist networks”, religious establishments, or tribal based communities – someone will take over basic matters such as providing security and political guidance. I argue that even in the lowest degree of organizational ability these actors can already be said to be “sub-state actors”. But after a certain durability or institutionalization of the respective group, the relevance of these actors can no longer be afforded to be overlooked by academic and political decision-makers.

Given that these multiplications of actors usually happen during times of instability, one of the most central tasks of sub- and non- state actors is the provision of security. Therefore, a multiplication of actors tends to go hand in hand with a multiplication of forces. And it is this element that finally puts into question the central state as its sovereignty is ultimately put on a test. With this observable absence of central statehood and a multiplication of forces in Syria and Iraq, I argue that effects can be seen on surrounding neighboring states, and in particular in Turkey.

As the power and ability to act of sub- and non-state actors increased over the last years, Turkish postures took an interesting turn. Having always been a state that was rather assertive in its postures (Hussein, 2015), Turkey has taken another step towards

strong-state-assertions in the context of increased instabilities in their surrounding region. This strongstate posture by Turkey has had both internal and external consequences. Internally, the communication between Turkey and PKK have reached another dead-end. Their increased opposition even took external dimensions when Turkey started bombing “PKK-positions” in both Syria and Iraq. And their demand for a NATO Article 4 meeting can be seen as both an assertion of military and political support – militarily, to get access to NATO technology, and politically to assure the Turkish actions will be accepted by its transatlantic allies. The immediately following equalization of the Kurdish Worker’s Party (PKK) with the Islamic State and the little reaction towards the comparison from the international sphere stands as a sign for Turkey having received at least the promise of a blind eye and at maximum even a blank check of its transatlantic partners towards its interpretation of what constitutes “the true enemy”.

Personally, I believe it is yet too soon to tell Turkish long-term interests – after all, they, more than international observers, know that the outcome of the conflict will depend on the future development of alliance formations and reformations rather than on one clear strategy towards the end. Yet, still, observing the recent strong-state postures of Turkey one can point at minimum towards the effect state weakness of neighbors and the multiplication of forces and actors can have on a state.

## **Conclusion**

Conflicts are interesting scenarios – they blur the lines between categories and concepts; even the established ideas of “state boundaries” on a map are drawn into question. Multiple actors appear on the scene and as much as international relations theory intends to hold on to the perception of the “state” being the primary actor, reality forces a rethinking of such preliminary assumptions. The analysis of the current confrontation with the Islamic State is a prime example of those conflict scenarios that forces the realization of sub- and non-state actors being just as relevant to the outcome of the war as states are. Particularly the Kurdish entities find themselves at an intersection of unusual alliances. Analyzing these cooperations is the main goal of this paper. In doing so, the author aims to show that one does not need to reinvent the wheel when asking for sub- and non-state alliance behavior – neorealist concepts such as the balance of power, alliance formation on the basis of shared enemy conceptions, and the relevance of geostrategic spheres of influence can be taken out of the stateperspective of international relations (IR) and be applied at the sub-state level.

Thereby, the paper asserts both the validity of applying IR concepts onto a sub-state level and critically reviews the concept of “state” by looking at the relevance of sub- and non-state actors onto the conflict, in their alliance formations, and the consequences these behaviors have on established states such as Turkey. As has been shown in the examples of the analysis of the actors involved in the current conflict with the Islamic State – with a particular focus on the United States, Turkey, and the Kurdish entities of

the PYD, PKK, KRG, KDP and PUK –, concepts of IR theory are helpful in explaining not just state but also non- and sub-state actor behaviors in alliance formations. Non- and sub-state actors, despite not being recognized by the international community as valid members and actual actors (not as “states”), are sometimes actual realities on the ground that need to be reckoned with. These actors can be ad-hoc or with a long history of struggle, they can be organized and institutionalized in different forms and manners, they can use different tactics from violent to non-violent, and they can be based on different cleavages such as ethnicity, religion, but also many others that western scholarship at times likes to overlook. These groups are characterized by having an agenda different from that of the state government and the ability to enforce their will at least to some extent and in some part of the territory within the state they reside in. And just like any other actor, they require a certain opportunity structure to arise or develop their full potential. State failure, in the expression of lacking legitimacy, executive force or civil war, is one scenario that offers an optimal opportunity for sub- and non-state actors. It is the vacuum of statepower – because the state is forced to focus its capabilities somewhere else or because it simply does not have the capability to hold other elements down – that creates the opportunity for other groups to arise and take over. With this, usually a multiplication of forces within a state can be witnessed – most recently and clearly seen in Syria, Iraq and Libya. And despite the international community having a tendency to hold on to the status-quo in terms of state territories, the arising small actors have to be included into any effort of understanding the conflict development.

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# South Sudan: Resolving Conflicts in Africa – A Test Case for China

George AKWAYA GENYI

**Abstract.** *In all of Africa's preponderant conflicts since the 1960s, the West has always held the promise for amicable political solutions irrespective of whether the conflagrations are products of Africa's internal contradictions or exogenously induced turmoil. The proxy wars in Angola and Mozambique in the 1980s and the internal combustibles in Liberia and Sierra Leone in the 1990s are telling examples. The conflict in South Sudan however, has thrown up China as an interested third party mediator with motives yet unclear. This paper argues that China's economic concern: appetite for energy resources, markets and boost to her international status as an emerging global power centre are the driving dynamics of her engagement in the conflict resolution attempts after Western inertia in the protracted conflict in South Sudan. Her foreign policy success promises to stamp her emerging influence on African affairs.*

**Keywords:** *foreign policy, conflict resolution, global power*

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## Introduction

Imperial scramble for Africa in the late 19<sup>th</sup> Century and the subsequent political control over the continent through the instrumentality of colonialism marked the most formidable feature of external intervention in the continent (Reid, 2012). The period is remarkable in African history due to its epochal effect on the continent in especially political and social contexts. The colonial rule has since been the dynamic force that underpinned political and social convulsions in Africa. The end of the colonial moment in the 1960s in most of Africa left behind its profound legacies; especially that of external intervention in economic and po-

litical spheres through neo-colonialism. Though economic interventions underpinned by structural dependency have been profound, the continent looks to western powers, hitherto colonial authorities in Africa for effective political intervention to help resolve Africa's political cataclysms.

Thus, the mid-1960s erupted with conflicts in Nigeria, Zaire now Democratic Republic of Congo (DRC) to be followed by independent and decolonization wars in East and Southern Africa. From Kenya in the early 1960s, to Mozambique and Zimbabwe, all experienced fierce decolonization battles of the Cold War era that witnessed then super powers' intervention.

With the end of the Cold War in 1990, Africa still came face to face with more profound violent conflicts. One characteristic of these combustibles was the transformation from inter-state wars of the pre-Cold War era to civil conflicts within states (Crawford and Hartman, 2008). The civil wars in Liberia, Sierra-Leone, Cote'd'Ivoire, Sudan, Rwanda, Burundi, DRC are apt examples. The scale of these violent conflict and chaos were profound. Due to this and the share number of violent conflicts qualified the continent as one with the highest number of civil conflicts and could be dismissed as a continent of violence and chaos (Leonard and Strauss, 2003).

Another character of these conflicts has been the immense growth in the number of civilian casualties and the number of internally displaced persons and refugees (Harris and Reilly, 2003). Another obvious element of Africa's preponderant conflicts is the near uniformity in their immediate causations: strong and resilient identities and unequal distribution of economic, political and social resources (Tilburg, 2008). Though identity contestation – religion, race, ethnicity and culture and language is not peculiar to Africa it has however remained a recurring decimal in the continent's conflicts.

Inequalities in Africa are also highly commonplace and characterized Africa's class relations and social groupings. Another yet unmistakable feature of African conflicts is their enduring character. African violent conflicts have been long and protracted. The Sudanese war is couched in this mould and had lasted for more than two decades. In all of these conflicts Africa had looked to the west for help in addressing the humanitarian catastrophe and more profoundly in finding a political solution to the crisis. From Liberia to Sierra Leone, Britain and the United States were presumed to have the capacity to help resolve the crisis. In Cote d'Ivoire, France was seen as a de facto arbiter. In the DRC, Belgium was looked up to while in Rwanda, France was presumably the country to mediate the conflict to a successful resolution. Africa's hopes and appeal and request nonetheless, the conflicts simmered for years and as the Liberian and Sierra Leonean outcome portrayed, West African political leaders had to take the lead resolving the conflicts while western powers tagged along with logistical and technical support for the peace process. In Rwanda, the West watched the genocide exploded until the Rwandans turned to themselves through the efforts of the Rwandan Patriotic Front (Prunier, 2004).

The apparent 'failure' of the West to rise to the challenge of keeping faith with African states as allies in critical times had overshadowed the eruption of a civil war in South Sudan, the newest State on the continent. From its creation in 2011, South Sudan was plunged into a civil war barely three years later. South Sudan relapsed into war on 15<sup>th</sup> December, 2013 primarily due to a power struggle between the country's President Salva Kiir and former Vice President Riek Machar. Though the power struggle appears to have been an interpersonal expression, Dinka and Nuer ethnic identity platforms have been mobilized to create a group contestation arena. Since the crisis, the Troika of the US, UK and Norway; and the United Nations have appeared as conspicuous stakeholders in the resolution efforts with the Inter-Governmental Authority on Development – an assemblage of eastern regional African states – Uganda, Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan and South-Sudan, the principal driving force of the peace process. It is the failure of IGAD and the Troika to obtain a lasting cease-fire on March 5, 2015, that saw to the pronounced involvement of China in the peace process. Chinese third-party mediation efforts have raised a motive question: is China defending its economic interests in South Sudan or seeking to upstage western powers in the region.

This paper argues that China's desire to secure her energy needs and establish itself as an emerging global power to challenge and replace the West as a hegemon in the country and sub-region as driving dynamics of her intervention in the mediation efforts. The paper shall contextualize the conflict in South Sudan, analyze the peace process since 2013 and situate the entrance of the Chinese into the process and tie dynamics of international hegemonic power play in the conclusion.

### **South Sudan: New State, Old Trajectories**

Sudan, one of Africa's largest country's in terms of land mass was the first in sub-Saharan Africa to be declared independent from Britain and Egypt in 1956 (Dagne, 2011). The country has since then remained a theatre of complex internecine conflicts. The sources of Sudanese complicated conflicts are deeper with religion as the dominant and major factor. Before the new state of South Sudan was exercised through a referendum in 2011, Sudan was split between the dominant Muslim north and Christian-animist South. While the North favoured Islamization of the whole country, the south preferred a secular arrangement (Koos and Gutzchke, 2014). The 1972 Addis Ababa agreement that provided for the secularization of the South and ended the first phase of the Civil War was abrogated by President Jaafer Nimeri in 1983, a development that triggered the Second Civil War. The National Islamic Front fought vigorously with the Sudan People's Liberation Army (SPLA/M) led by Col. John Garang. With the Darfur crisis, Sudan had literally imploded producing splinter groups as the Justice and Equality Movement and the JANJAWOOD militia (Nelson, 2004). The Sudanese government and the SPLA/M after gruelling negotiations signed a Comprehensive Peace Agreement (CPA) on 9<sup>th</sup> January 2005 in Nairobi, Kenya thus ending the 21year old civil war. The agreement provided

for a six-month interim government and a referendum thereafter for South Sudan to decide its political future. Implementation of the CPA by the Government of National Unity was highly selective, slow and controversial (Dagne, 2011).

The agreement provided for several commissions such as Land, Human Rights, Election and Assessment and Evaluation and many more. Most of the commissions have remained redundant. Implementation of agreements on security and the sharing of ministerial positions were most difficult. The referendum to be held 6 months after the CPA in 2005 was not realized until January 2011 when it took place to decide on the secession of South Sudan or to remain in the Unity government. South Sudanese voted 98.8% in favour of secession. With Sudanese President Omar Al-Bashir accepting the result of the referendum in February, 2011 with the European Union (EU), African Union (AU), United Nations (UN) and the United States, South Sudan was officially declared independent on 9 July, 2014.

Just before the euphoria of independence would begin to peter out, Africa's newest state receded into war as a result of internal power struggle between major SPLM political leaders. This struggle is rooted in the history of the past and the ethnic distrust among South Sudanese political leaders. Several insurgencies since independence indicated that all was not well within the ruling party.

On 15 December 2013, an armed confrontation erupted among the presidential guards in Juba when unexpected redeployment of guards was announced. Army officers loyal to President Salva Kiir and disgruntled soldiers loyal to former Vice President Riek Machar clashed over the deployment disagreement resulting in the death of nearly 20 soldiers (Koos and Gutschke, 2014, p. 1). South Sudan's President described this as a coup and ordered the arrest of several former Ministers and officials of SPLM who were dismissed in July in a cabinet reshuffle announced without reasons (Maru, 2013). The precipitate causes of the South Sudanese conflicts are rooted in the cabinet reshuffle. In July 2013, President Kiir had dismissed his cabinet including the then Vice President Riek Machar without sufficiently convincing reason(s). The dissolution was the climax of a power struggle between the Kiir and his old rival Machar. Many top members of the SPLM had begun to challenge Kiir's autocratic attitude within the SPLM. Kiir also detested Machar's ambition to contest the country's presidency under SPLM (BBC, 2013).

The ethnic identity characterization of the country's politics may not be primarily responsible for the conflicts but bears significantly on it. The country is highly diverse, ethnically and linguistically. There are three large ethnic groups. The Dinka make 36% of the country's population followed by Nuer's 16% and Shilluk's 9% (Koos and Gutschke, 2014). The armed confrontation among the presidential guards immediately took this ethnic colour between President Salva Kiir's Dinka and Riek Machar's Nuer ethnic antagonisms. The following days saw widespread killings along ethnic lines from Juba to other major cities. Riek Machar immediately fled to Jonglei state and assumed the

leadership of a rebel group supported by 10,000 army deserters and a number of local militias. The fragmentation of the army along ethnic lines suggests that nation building was still very fragile and resilient state institutional capacity was weak.

Of immediate interest was the control of strategic towns of Bor, Bentiu and Malakal being oil producing centres. Rebels quickly occupied those towns and it took Ugandan army aerial bombardment for the national army to regain control. The rebels have since retreated into the bush using guerrilla tactics to continue to engage in armed confrontation with the state. The killings that ensued took ethnic dynamics (Le Riche, 2014). It is important to add according to Sorbo, (2014) that part of the army fragmentation is due to the amalgamation of various rebel groups in the national army without resolving their grievances. As a federal union, the formation of government acknowledged the ethnic divide and rooted for stability through inclusion. Though Dinka dominated and Nuer opposition led, South Sudan was by 2013 a fragile plural weak state with unmitigable fault lines, and under the weight of a legacy of previous wars, scarce resources, patronage politics, inadequate distribution of peace outcomes (Sorbo, 2010). For the generality of the populace, crisis was only waiting for an opening; service delivery has been very poor while contestation for access to state resources firmly organized along ethnic enclaves (Schomerus *et al.* 2010). Ethnic identity has therefore defined the armed confrontation and entrenched positions between the protagonist: President Salva Kiir, a Dinka and Riek Machar, a Nuer rebel.

### **The Peace Process**

Since the beginning of the South Sudanese civil war, over 2million people have been internally displaced or have become refugees while over 60,000 reportedly have lost their lives (PSC, 2015, BBC, 2015). Before this grim reality sets in plus widespread material destruction and looting, IGAD, a sub-regional body consisting of 8 countries within the region quickly set up a three-member team to mediate the conflict and broker a peace deal. Negotiations had been slow and in fits.

Meanwhile, the United Nations had ordered the deployment of 7,000 troops and 900 police as peacekeepers in the country. In 2014, the UN Security Council authorized the boosting of the UN mission in South Sudan with 12,500 troops and 1,323 police (Aljazeera, 2013). These measures were to forestall an escalation of the impending large-scale humanitarian crisis in the country. These efforts represent part of a broader process for peace in South Sudan.

On 1<sup>st</sup>February 2015, the two warring parties signed an agreement that was partial in nature after 14 months of tortuous negotiations and several collapsed ceasefires. The parties also agreed to continue with negotiations on key knotty issues and hoped to reach a final agreement on 5<sup>th</sup> March, 2015. The partial agreement provided for a Transitional Government of National Unity to be formed. Disagreements however

remained on the details of its composition. IGAD's proposal for a 60-30-10 division of ministerial slots had been disputed. President Kiir was given 60%, Sudan People's Liberation Movement - in - Opposition (SPLM-IO) led by Riek Machar 30% while SPLM detainees 10%. SPLM-IO preferred a 50-50 arrangement. Another issue is the structure of executive authority within the TGNU. The parties had agreed to the return of Riek Machar to his earlier position of vice-president; South Sudanese government insists that there be two Vice Presidents so that the Vice-President appointed after the dissolution James Wani Igga would retain his position as the 1<sup>st</sup> Vice President. This decision is perceived to have been taken to avoid triggering protest from Equatorial State where Wani Igga is from should he be dropped. However, SPLM-IO is demanding for the 1<sup>st</sup> Vice President having agreed to a proposal for two vice-Presidents. The SPLM-IO is also demanding for a fully federal system of government with 21 states instead of the prevailing 10, with more resources and governmental powers. President Kiir argues that this is a constitutional matter that requires a referendum. Transitional security issues have also remained unresolved. While SPLM-IO insists on retaining its troops during the TGNU period, the government argues that they will be dissolved into the national army. These are issues that have held down the peace process and seem to have stalled. Failure to reach a final agreement on 5<sup>th</sup> March 2015, deadline, IGAD suspended the process indefinitely, (PSC, 2014). Consultations for a renewed peace process termed IGAD-plus promises to broaden the framework and include the African Union, the Troika, China and representatives of the five sub-regions in Africa. Possible countries include Algeria, Chad, Nigeria, Rwanda and South-Africa (PSC, 2014; Koos and Gutske, 2014). With the collapse of the IGAD led peace process China entered the fray in a profound way with an acclaimed commitment to support IGAD in renewed efforts towards a peace deal.

### **China and the Resolution of the South Sudanese Conflict**

Conflict resolution in Africa and elsewhere takes into account three elements; nature of the conflicts, mechanisms for conflict resolution and the intended outcome of such mechanisms (Mpangala, 2004). For causative factors in Africa, conflicts are largely due to grievance or greed of protagonists as exemplified by Liberia, Sierra Leone or DRC (Ferreira, 2010). These broad causes of conflicts in Africa influence their nature as simple or complex and in terms of duration highly prolonged such as in Sudan, Angola or Mozambique. Most conflicts in Africa have followed a violent trajectory involving heavy casualties, displacement of people and massive material destruction. Most African conflicts are humanitarian disasters; Rwanda, DRC, South Sudan, Darfur and Sierra Leone.

The complexity of African conflicts relates largely to the fragmentation of parties involved and their ill-defined interests. In a growing number of cases, lack of access to state resources is at the centre of most conflicts and individuals use conflict to redefine redistribution channels and structures that would guarantee their access and positions.

External parties to these conflicts also create a context that could fast track resolution or stall it. Where external concerns have no strong motive in being involved in the resolution process, the crisis may drag and simmer. Where there is sufficient motive but commitment is limited the chances of an early resolution are also slim. Where internal protagonists have a strong capacity to keep the conflict on and frustrate the peace process while meeting their survival needs and at the same time under no strong external influence, the probability of an early resolution is also narrow. The protraction of the peace process in South Sudan shares these influences. IGAD members have thus different motives and concerns about the South Sudanese conflicts. For instance, Uganda fears the contagious effect of the conflict while Sudan is a reluctant neighbour that could fuel the crisis (PCS, 2014). The troika lacked commitment and gave the impression that it is an African problem. A combination of these factors undermined the peace process and has seemingly succeeded in creating a stalemate.

China's late engagement in the South Sudanese peace process find expression in its much diplomatically touted principle of "non-interference" in internal affairs of other countries. Her eventual robust involvement is motivated by her economic interest in the region permissible through the principle of "cooperation". The country has taken up a rare responsibility as a mediator. China's ambassador to South Sudan, Ma Qiang had stated in June 2014 that "we have huge interests in South Sudan so we have to make a greater effort to persuade the two sides to stop fighting and agree to a ceasefire" (Tiezzi, 2014, p. 1).

China's economic interests in South Sudan are expansive. Though the country gained independence in only 2011, bilateral economic engagement with China has grown phenomenally. Compared to other economies in Africa like Nigeria and South Africa, trade volume between China and South Sudan is relatively small, it is considered significant given the country's population and resources. The trade has nearly quadrupled to \$2.54 billion (Zhou, 2014). China's enormous economic interest is in the oil sector, where China's oil import from the country accounts for 5%. This volume of import need to be sourced secured. Between December 2012 and April 2014, oil production was shut down in Juba following disputes with Khartoum over transit fees. This development had adversely affected China's energy consumption. Overall production stands at 160,000 barrels due to the ensuing political turmoil since 2013, a decline of one-third of total production. It should be noted that Greater Pioneering Cooperating Company (GPOC) an enterprise that China National Petroleum Corporation (CNPC) controls 40% of its stake. Dar Petroleum Operating Company (DPOC) operating oil blocks 3 and 7 in Upper Nile State produces the greater percentage of 160,000 barrels of Crude being produced since fighting broke out in December 2013. CNPC controls 41% stake in Dar (Reuters, 2014). South Sudan's oil reserves were by January 2013 estimated at 3.5bn barrels. Chinese stake in this sector and its demand for energy security is understandable.

Given the land-locked nature of South Sudan the country depends on pipelines and oil facilities in Sudan for transportation of her crude production. Payment of transit fees was responsible for disagreements with Khartoum when Juba courageously shut down production for 15 months (GRI, 2014). Outside the oil industry, there are about 120 Chinese enterprises operating in South Sudan. Since the build-up to the country's independence in 2000, these enterprises have concluded several deals with the government worth over \$10 bl (GRI, 2014, p. 3). These are no mean economic investments in an economy just picking up. Many of Chinese firms in the country are in infrastructure construction and telecommunication.

Though still intrinsically economic, there is a human context of Chinese engagement in South Sudan. By December 2013, the Chinese Embassy in Juba estimated that there were 2,300 Chinese citizens in South Sudan most of whom were oil workers. The construction of a 1,600 kilometre pipeline from Juba to Bashayer along the Red Sea in Sudan with Chinese investment of £9 bn attests to the seriousness of Chinese's economic engagement in South Sudan. China's Export-Import Bank has offered \$2 bn in low-interest loans to strengthen the country's fragile economy and infrastructure (Aguirre, 2014). When the security of Chinese citizens was compromised leading to the evacuation of 97 of CNPC workers to Khartoum on 25 December 2013, and another batch of between 600-700 eventually evacuated from Juba and other oil producing cities, it was time for China to deepen its diplomatic engagement in the peace process.

Compelling motivations for Chinese involvement in the South Sudanese peace process find indisputable expression in her expansive economic interest in South Sudan and the boost to her global image as an emerging power. Zhou (2014) succinctly demonstrates this convincingly thus:

China's diplomatic efforts to address the ongoing conflict should be first understood against a larger backdrop of growing awareness within the Chinese government of its potential role in African peace and security which was most recently evident in the announcement of the China – Africa Cooperative Partnership for Peace and Security in 2012 (p. 3).

This political framework forms the bedrock of China's evolving foreign policy that touts non-interference in internal affairs of other countries but uses her economic capacity to generate robust engagements on the principles of cooperation with mutual respect for other countries. Zhou would further emphasize the economic motivations for a more robust foreign policy in active engagement with the IGAD led peace process on the basis of;

The need for the Chinese government to protect its significant investments and nationals whose security is intricately linked with local political dynamics – pulls and encourages Beijing to adopt a more engaged foreign policy. China's responsibility

to its own interests abroad is likely a much more decisive factor in the country's stepped-up role in South Sudan... (p. 3).

China's strong engagement with the peace process is discernable from her diplomatic activities. At the onset of the crisis in December, 2013; the country's Foreign Minister Wang Yi announced in Saudi Arabia that his country would make active efforts in its way to promote peace talks" (Ministry of Foreign Affairs, 2013). Wang met with representatives of all warring parties in Ethiopia on an Africa tour in January and September 2014 and later back in Beijing with representatives of SPLM-IO to persuade them to commit to the peace process. It is significant to note that China's diplomatic efforts were designed to fit into the IGAD led peace process and it a boosting role. China's special representative on African Affairs Ambassador Zhong Jianhua vigorously persuaded stakeholders in attendance at IGAD meeting in Kenya to embrace the peace process and utilize the opportunity it provided to reach agreements. At a meeting with government officials in South Sudan and Ethiopia, Jianhua strengthened the call for a commitment to the peace process. These intense diplomatic pressures were opportunities for Chinese diplomats to appeal for the protection of their nationals and investments in rebel-held areas (Zhou, 2014).

By January 2015, it was clear that the peace process had faltered greatly and the Chinese lamented its snail speed progress and challenge parties to the conflict to get their acts together. This strength of voice was a frustration with the spate of collapse cease-fires and inability to reach a final agreement. Though China's participation for the first time in UN Peace Keeping may have been motivated by the country's stake in South Sudan, it also bore the semblance of commitment to the peace process. With an infantry battalion contribution of 700 soldiers, the largest contingent from a non-African country in addition to non-military peacekeepers of Chinese numbering 350 earlier deployed, Chinese active engagement in efforts to resolve the conflict are no longer in doubt. But this also means that the country is determined to use all avenues under a UN auspice to defend her interest abroad including her nearly 1million nationals in South Sudan. The UNSC resolution 2155 to reprioritize the peacekeeping mandate was fought for hard by China with a mandate to protect civilians, especially at oil installations. To rejig the peace process as it sputtered to a collapsed eventually in March following the failure of the parties to reached a final agreement on vexatious issues of executive power sharing and security concerns China supported the IGAD peace process in February 2014 with \$2ml. This donation was accompanied by a five-point agreement proposed and accepted at a consultative meeting in Khartoum by all parties.

The peace process has no doubt stalled. Chinese diplomacy is pushing for vigour in the revival of the process through IGAD-plus. Though the aim to broaden the base of influence on warring parties is laudable, China seems to possess both the motive to remain resiliently engaged and the influence on the parties to strive to reach the final agreement.

## Conclusion

China is the largest investor in South Sudan's oil industry that is the backbone of the country's economy and has continued to do so. In 2012, the country provided \$8 bn (Taylor, 2012) in soft loans for road, hydropower, infrastructure and agricultural investments in South Sudan despite just before the outbreak of the ongoing civil war. It is also the highest supplier of arms to South Sudanese government. Indeed when a \$38 bn military supply arrived Juba after the onset of the conflict, it was doubtful regarding China's commitment to the peace process. With a promise to halt supplies and termed that particular supply as part of a deal concluded long before the war started, with the expectation that the supply should be taken as a fulfilment of a business transaction, the world was at a loss as to what could become of China's role in the peace process and the fate of peace in South Sudan. Subsequent China's diplomatic activities may have changed that especially driven by her economic motivations. The Troika, US, UK and Norway, and members of IGAD do not share this driving impetus. None of these countries had demonstrated credible commitment in material or military form. The civil war is, therefore, no doubt a test of China's diplomacy (Sengupta, 2015) to the extent of its limits and capacity to reign in the major parties in the conflict. Resolving the conflict, China and Africa must look beyond the former's economic interest and Africa's tendency to access resources produced by an economy to be looted by political leaders. In South Sudan, independence in 2011 for the complex plural society place on Salva Kiir and Riek Machar the fundamental responsibility to build a state and a nation. This required creating strong and resilient institutions and weaving a national identity through policies and actions that promoted inclusion, equitable distribution of resources and stability. Weak state institutions, inequitable distribution of resources, Kiir and Machar's personal grievances and widespread corruption are at the centre of the civil conflict in South Sudan. Political reforms are essential and critical to resolving the impasse. This would require statesmanship on the part of Kiir and Machar. Democratization is essential but without delivery of essential public services and economic development, it will not be sufficient. China's role is to facilitate the conclusion of a final agreement that would address power sharing among the ethnic groups and the key actors in the country's politics. Attention must be focused on fundamental and contentious issues of governance, the rule of law, the inclusivity of government (Idris, 2014) critical to nation building. The mistake of the haste of the CPA in 2005 based on a militaristic assumption that only those with a capacity for war could shape the terms of peace must be checked. As a mediator, this new face of China's foreign in Africa is an example of *realpolitik* and sufficient motive to act in pursuit of national interest. This may not be guaranteed if an agreement fails to address injustices and discrimination suffered by citizens due to their ethnicity. Foundations for genuine political reforms must be laid by any agreement when political leaders accept with humility their mistakes and agree to compromises for political cooperation in order to build strong state

institutions, reverse the prevailing dysfunctional system and create a democratic state in South Sudan. With her diplomatic and economic influence, the parties may be close to a deal under IGAD-Plus.

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# International Humanitarian Law and Plight of Civilians during Armed Conflicts in Africa

Nathaniel UMUKORO

**Abstract.** *Armed conflicts have been a major problem in Africa for many decades. Since the beginning of the 1990s, the African continent has acquired a dubious honor of being number one in hosting the largest number of armed conflicts and complex emergencies. This article examines the role of international humanitarian law (IHL) in the amelioration of the plight of victims of armed conflict in Africa. The article shows that in spite of the ratification of IHL by most African states, its provisions are often violated during armed conflicts. In order to improve the current situation, the states must enact national legislation and take practical measures in order for the rules to be fully effective.*

**Keywords:** *International Humanitarian Law, Armed Conflict, Civilians, Africa*

## Introduction

In the over 60 years since the adoption of the Geneva Conventions of 1949, mankind has experienced a distressing number of armed conflicts affecting almost every continent. During this period, the four Geneva Conventions and their Additional Protocols of 1977 have provided legal protection to persons not or no longer participating directly in hostilities (the wounded, sick and shipwrecked, persons deprived of their liberty for reasons related to an armed conflict, and civilians). In spite of this, there have been numerous contraventions of these treaties, resulting in suffering and death which might have been avoided had international humanitarian law been better respected (Henckaerts, 2005). Armed conflicts have been a major problem in Africa

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for many decades. Since the beginning of the 1990s, the African continent has acquired a dubious honor of being number one in hosting the largest number of armed conflicts and complex emergencies (Rugumamu, 2002). That is why the former UN Secretary General Kofi Annan in his 1998 Report to the Security Council, lamented Africa's insecurity situation as follows:

Since 1970, more than 30 wars have been fought in Africa, the vast majority of them intra-state in origin. In 1996 alone, 14 out of 53 countries in Africa were afflicted by armed conflicts, accounting for more than half of all war-related deaths worldwide and resulting in more than 8 million displaced refugees, returnees and displaced persons. The consequences of these conflicts have seriously undermined Africa's efforts to ensure long-term stability, prosperity, and peace for its people... Preventing such wars is no longer a matter of defending states or protecting allies. It is a matter of defending humanity itself (Annan, 1998).

**Armed conflict is often associated with suffering and hardship. It is usually the breeding ground for mass violation of human rights including unlawful killings, torture, forced displacement and starvation** (Amnesty International, 2014). By 2004, all 53 African Union countries had ratified the four Geneva Conventions, while of the two 1977 Additional Protocols, Protocol I had been ratified by 45 and Protocol II by 44 African Union countries. However, this manifestation of respect for international humanitarian law (IHL) by states parties does not give a complete picture of reality, since between 1955 and 2005 more than 200 armed groups were involved in about forty armed conflicts on the African continent (Ewumbue-Monono, 2006). A number of African countries continue to be beset by armed conflict or other situations of violence. Invariably, civilians bear the brunt of the suffering. Millions are displaced from their homes. Many are cut off from their families and from social services, detained, wounded, killed, exposed to danger, extortion and harassment (ICRC, 1998). The effect of armed conflict on humans worldwide has necessitated the emphasis on International Humanitarian Law (IHL) by institutions and individuals interested in ameliorating human suffering during periods of aggression. This paper examines the extent to which IHL has been respected during periods of armed conflicts in African states. The paper begins with the conceptualization of IHL including its major provisions. It then examines the concept and typology of armed conflict. Additionally, the paper examines cases of breaches of IHL during periods of armed conflicts in some African states. The paper argues that domestication of the provisions of IHL could contribute to its enforcement and role in regulating the conduct of hostilities especially intra-state conflicts. Improvement in the activities of international criminal tribunals could also contribute towards ensuring compliance with IHL during armed conflicts in Africa.

## Concept and Origin of International Humanitarian Law

International humanitarian law also known as the law of war or the law of armed conflict is part of the public international law that regulates the use of force or instruments of destruction during armed conflict. It aims to protect persons who are not or are no longer taking part in hostilities such as the sick, wounded, prisoners of war and civilians, and to define the rights and obligations of the parties to a conflict in the conduct of hostilities. The cornerstone of IHL is the Geneva Conventions. The first was signed by 16 countries in 1864. For centuries before then, rules had applied to the conduct of war, but they were based on custom and tradition, were local or just temporary. 1864 changed all that and began a process of building a body of law that is still evolving today. The initiative for the first convention came from five citizens of Geneva. One of them, Henry Dunant, had, by chance, witnessed the battle of Solferino in 1859. He was appalled by the lack of help for the wounded and organized residents to come to their aid. Out of this act came one of the key elements of the first convention – the humane treatment of those no longer part of the battle, regardless of which side they were on (ICRC, 1998). Originally, International humanitarian law had two branches namely; the “law of Geneva”, which is designed to safeguard military personnel who are no longer taking part in the fighting and people not actively involved in hostilities, i.e. civilians; and the “law of The Hague”, which establishes the rights and obligations of belligerents in the conduct of military operations, and limits the means of harming the enemy. The two branches of IHL draw their names from the cities where each was initially codified. With the adoption of the Additional Protocols of 1977, which combine both branches, that distinction is now of merely historical and didactic value (ICRC, 1998). The following table highlights some of the main treaties that make up international humanitarian law:

### Some Treaties/Conventions that Constitute IHL

Year	Treaties/Conventions
1949	Four Geneva Conventions: I. Amelioration of the condition of the wounded and sick in armed forces in the field; II. Amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea; III. Treatment of prisoners of war; IV. Protection of civilian persons in time of war (new).
1954	The Hague Convention for the protection of cultural property in the event of armed conflict.
1972	Convention on the prohibition of the development, production and stockpiling of bacteriological (biological) and toxic weapons and on their destruction.
1977	Two Protocols additional to the four 1949 Geneva Conventions, which strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts.

Year	Treaties/Conventions
1980	Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects (CCW), which includes: <ul style="list-style-type: none"> <li>• the Protocol (I) on non-detectable fragments;</li> <li>• the Protocol (II) on prohibitions or restrictions on the use of mines, booby-traps and other devices;</li> <li>• the Protocol (III) on prohibitions or restrictions on the use of incendiary weapons.</li> </ul>
1993	Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.
1995	Protocol relating to blinding laser weapons (Protocol IV [new] to the 1980 Convention).
1996	Revised Protocol on prohibitions or restrictions on the use of mines, booby-traps and other devices (Protocol II [revised] to the 1980 Convention).
1997	Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction.
1998	Rome Statute of the International Criminal Court.
1999	Protocol to the 1954 Convention on cultural property.

Presently, the Geneva Conventions and their Additional Protocols are at the core of the international humanitarian law. The Geneva Conventions consist of four treaties, and two additional protocols. Sometimes the singular expression Geneva Convention is used to refer to the agreements of 1949 (after the Second World War, 1939-45), which updated the provisions of the first three treaties (1864, 1906, 1929), and added a fourth treaty (ICRC, 1998).

The fourth Geneva Convention (“Relative to the Protection of Civilian Persons in Time of War”) covers all individuals “who do not belong to the armed forces, take no part in the hostilities and find themselves in the hands of the Enemy or an Occupying Power”. Protected civilians are expected to be:

- Treated humanely at all times and protected against acts or threats of violence, insults and public curiosity.
- Entitled to respect for their honor, family rights, religious convictions and practices, and their manners and customs.
- Enabled to exchange family news of a personal kind. - Helped to secure news of family members dispersed by the conflict.
- Allowed to practice their religion with ministers of their own faith. Civilians who are interned have the same rights as prisoners of war. They may also ask to have their children interned with them, and wherever possible families should be housed together and provided with the facilities to continue normal family life. Wounded or sick civilians, civilian hospitals and staff, and hospital transport by land, sea or air must be specially respected and may be placed under the protection of the red cross/crescent emblem.

Additionally, protected civilians must not be:

- Discriminated against because of race, religion or political opinion. - Forced to give information.
- Used to shield military operations or make an area immune from military operations.
- Punished for an offense he or she has not personally committed. - Women must not be indecently assaulted, raped, or forced into prostitution (ICRC, 1998).

Specifically IHL protects the following categories of persons:

1. Women: International humanitarian law aims to prevent and alleviate human suffering in war without discrimination based on sex. But it does recognize that women face specific problems in armed conflicts, such as sexual violence and risks to their health.
2. Civilians: During the past 60 years the main victims of war have been civilians. The protection of civilians during armed conflict is, therefore, a cornerstone of international humanitarian law. This protection extends to their public and private property.
3. Prisoners of War: The Third Geneva Convention provides a wide range of protection for prisoners of war. It defines their rights and sets down detailed rules for their treatment and eventual release. International humanitarian law (IHL) also protects other persons deprived of liberty as a result of armed conflict.
4. Refugees and Internally Displaced Persons: Refugees are people who have crossed an international frontier, fleeing persecution in their country. Internally displaced persons (IDPs) have not crossed a border but have, for whatever reason, also fled their homes (ICRC, 1998).

### **Armed Conflicts: Concept and Typology**

An **armed conflict** is a contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths (Wallenstein & Sollenberg, 2001). In this definition, the expression *armed force* refers to the use of arms in order to promote the parties' general position in the conflict, resulting in deaths. *Arms* refer to any material means, e.g. manufactured weapons but also sticks, stones, fire, water, etc. that are used to cause deaths. The definition also shows that armed conflict is said to exist when there is a minimum of 25 battle-related deaths per year and per incompatibility. A 'major armed conflict' is a war between states and a current political conflict within a State in which armed fighting or clashes between Government forces and its opponents result in at least 1,000 deaths in the course of the conflict (Wallenstein & Sollenberg, 1998).

Armed conflicts in Africa have been classified in different ways. For example, Collier and Binswanger (1999) classify armed conflicts into (a) loot seekers and (b) justice-

seekers, classification which is based more on value judgment rather than analytical criteria. From another perspective Salim (1999) armed conflicts in Africa can be classified into the following categories: boundary and territorial conflicts, civil wars and internal conflicts having international repercussions, succession conflicts in territories decolonized, political and ideological conflicts, and others including those related to transhumance and irredentism (Abdalla, 2002). Under international humanitarian law, two types of armed conflict have been identified. They are:

**International armed conflicts:**

**This refers to an armed conflict involving two or more states.**

**Non-international armed conflicts:** These are armed conflicts between governmental forces and nongovernmental armed groups within the territories of a state. They are also called internal armed conflicts. The term “internal armed conflict” refers to all armed conflicts that cannot be characterized as either international armed conflicts or wars of national liberation (ICRC, 1998). According to Additional Protocol II internal armed conflicts “must take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement (Carrillo-Suárez, 1999). Armed conflicts within States are usually political conflicts involving citizens fighting for internal change. Some are secessionist movements, generally spearheaded by a group of people, more often than not a minority within a community, who take up arms to fight for the establishment of either an autonomous entity within an existing state or an entirely new and independent state of their own. It is important to note that situations of internal tensions and disturbances are not often classified as an armed conflict under international humanitarian law. The term “internal tensions and disturbances” refer to situations that fall short of armed conflict, but involve the use of force and other repressive measures by a government to maintain or restore public order or public safety (Carrillo-Suárez, 1999).

Armed conflicts in Africa usually have characteristics such as; lack of respect for international humanitarian law by states and non-state actors, coupled with a prevailing culture of impunity, is the main cause of the large-scale human suffering we are witnessing. The reality in some places is men, women and children being killed or raped, being forced out of their homes and losing all their possessions, living in a state of fear. Beyond the deliberate targeting of civilians, the reality is also the countless numbers of other – often forgotten – victims who are equally in need of protection. The constant evolution in the means and methods of warfare – sometimes accompanied by a reckless disregard for the protection of civilians – is another challenge in African conflicts.

## **Cases of Violation of Rules of IHL during Armed Conflicts in Africa**

More than six decades since the adoption of the Geneva Conventions of 1949, humankind has experienced an alarming number of armed conflicts affecting almost every continent. During this time, the four Geneva Conventions and their Additional Protocols of 1977 have provided legal protection to people no longer participating directly in hostilities (the wounded, sick and shipwrecked, persons deprived of their liberty for reasons related to an armed conflict and civilians). Even so, there have been numerous violations of these treaties, resulting in suffering and death, which could have been avoided if International Humanitarian Law (IHL) was better respected (Henckaerts, 2005). Armed conflicts in Africa have always been characterized by gross violation of the provisions of IHL. For example, UNOCHA asserted that up to half of the world's child soldiers are in Africa.

Cases of violation of the provisions of IHL in African conflicts can be classified into the following:

**Use of Children as Soldiers:** According to Article 77 of the Additional Protocol I to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, adopted in 1977:

The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavor to give priority to those who are oldest.

This above indicates that IHL prohibits the recruitment of children under the age of 15 years including internally displaced children into the armed forces. In spite of these provisions many cases of the use of child soldiers were recorded in armed conflicts in several parts of Africa such as Liberia, Sierra-Leone, Rwanda, Democratic Republic of Congo and many others. The appalling nature of the involvement of children in armed conflicts made the secretary-general of the United Nations to assert: "We must not rest, until all children who have been recruited or used in violation of international law have been released, and until all children feel safe in their homes, schools and communities, without fear that they will be forced into war" (Human Rights Watch, 2009). In the international community, a "child" generally refers to a person under the age of eighteen. Prevailing international law, however, sets fifteen as the minimum age for military recruitment and participation in armed conflict. A standard age for recruitment continues to be debated in the international forum. Contrary to existing legal requirements children as young as nine years old have been documented combatants. The role of girls in armed conflict is particularly troubling. Girls are often used as sexual

slaves, wives and concubines to soldiers. When these young girls become pregnant, the resulting children are often stigmatized and labeled as “rebel babies.”

**Attacks on Civilian Population:** The fourth Geneva Convention relative to the protection of civilian persons provides for the protection of civilians including internally displaced persons during periods of armed conflict. Specifically, it prohibits the following:

1. Violence to life especially torture, mutilations or cruel treatment. This includes protection against sexual violence and other threats to life.
2. The taking of hostages
3. Deportations.
4. Outrages upon personal dignity, in particular humiliating or degrading treatment founded on differences of race, color, nationality, religion, beliefs, sex, birth or social status.

In almost all armed conflicts in Africa, civilians have been targets and victims of war. During the genocide in Rwanda for example, internally displaced persons were used as protective shield by combatants.

**Violation of the Provisions of IHL Restricting the Use of Land Mines and Related Weapons:** Article 35 of additional Protocol II to the Geneva Convention prohibits the use of weapons of a nature that can cause superfluous injury or unnecessary suffering, widespread long-term severe damage to the natural environment. Similarly, article 55 (1) of Protocol 1 of the 1977 prohibits the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby jeopardized the health or survival of the population. Examples of such weapons include land mines, booby traps, incendiary weapon and other related devices which also include manually placed ammunitions designed to injure or damage and which are actuated by remote control or automatically after the lapse of time. In defiance of these legal provisions land mines were extensively used during armed conflicts in countries such as Angola, Zimbabwe, Uganda and Democratic Republic of Congo.

**Sexual violence or rape as a weapon of war:** Rape is prohibited by Article 4 paragraph 2(e) and Article 27 of the Fourth Geneva Convention. Sexual violence as a weapon of war targets individuals not only on the basis of group membership (i.e. ethnicity, tribe, race, etc.), but also uniquely on the basis of gender. A report by United Nations Development Fund for Women (*UNIFEM*) indicates that while sexual violence may be an unconventional weapon of war, it is arguably one of the most effective tactics used in warfare. The report states:

Men and boys as well as women and girls are the victims of this targeting, but women, much more than men, suffer gender-based violence. Their bodies become a battleground over which opposing forces struggle. Women are raped as a way to humiliate the men they are related to, who are often forced to watch the assault.

In societies where ethnicity is inherited through the male line, 'enemy' women are forced to miscarry through violent attacks. Women are kidnaped and used as sexual slaves by service troops... (Rehn & Sirleaf, 2002).

In several armed conflicts in Africa sexual violence has been a very worrisome situation. A very good example was what happened in Rwanda during the 1994 genocide in the country. According to UNIFEM report, 250,000 to as many as 500,000 women were raped during the 1994 genocide in Rwanda. Many of the victims were infected with HIV by perpetrators during the genocide, causing an ongoing crisis for Rwandans.

The *Prosecutor v. Akmkeyesu* case during the sitting of the International Criminal Tribunal for Rwanda presented the first conviction of an individual for the charges of genocide and international crimes of sexual violence, a truly groundbreaking feat. Kelly Askin highlights three historic aspects of this case:

... (1) the trial chamber recognized sexual violence as an integral part of genocide in Rwanda, and found the accused guilty of genocide for crimes that included sexual violence; (2) the chamber recognized rape and other forms of violence as independent crimes constituting crimes against humanity; and (3) the chamber enunciated a broad, progressive international definition of both rape and sexual violence (Askin, 1999).

Basically, the Akayesu case made the linkage between the prevalence of sexual violence and the political agenda behind the identity-based conflict. In this way, the Tribunal established that sexual violence and military objectives could be one and the same. The use of the term "sexual violence" to encompass rape and other forms of sexual aggression has more relevance in modern warfare than the previous references to rape. According to the Akayesu judgment, the Tribunal identified sexual violence to include acts that did not necessary involve physical invasion of the human body or physical contact (Park, 2007).

**The Use of Starvation as a Means of Warfare:** Article 54(1) of the 1977 additional protocol 1 prohibits starvation of civilians as a method of warfare. It is prohibited to attack, destroy or remove or render useless objects indispensable to the survival of the civilian population (e.g. foodstuff, crops, livestock, agricultural areas producing food, drinking water installations and supplies etc. commenting on the nature of armed conflicts in Africa, the United Nations Children's Fund (UNICEF), for example, estimates that "in African wars, lack of food and medical services, combined with the stress of flight, have killed about 20 times more people than have armaments."

### **Effects of the Violation of the Rules of IHL**

In contemporary armed conflicts, the challenge of upholding humanitarian values is not the result of a lack of rules but a lack of respect for them. The violation of the rules

of international humanitarian law in African conflicts has adverse effects on African societies. The following are some of them:

**Effect on Women and Children:** They suffer unspeakable atrocities in armed conflicts. In the past decade, according to one estimate, up to two million of those killed in armed conflicts were children. Countless others have been forced to witness or even to take part in horrifying acts of violence. The widespread insecurity and trauma due to the atrocities and suffering of the civilian population is another terrible legacy of these conflicts.

**Post-traumatic Stress:** Conflicts create extensive emotional and psychosocial stress associated with the attack, loss of loved ones, separation from parents and destruction of home and community. Many children develop problems, such as flashbacks, nightmares, social isolation, heightened aggression, depression and diminished future orientation. These problems of mental health and psychosocial functioning persist long after the fighting has ceased and make it difficult for children, who may comprise half the population, to benefit fully from education or to participate in post-conflict reconstruction. The psychosocial impact of war is often an aspect poorly addressed by Governments, as are the root causes of conflicts, such as exclusion and polarization of groups, in their efforts to rebuild society and prevent a relapse of violence (Wessells, 1998).

**Sexual Violence:** Sexual violence is another ruthless weapon of war. Warring parties resort to rape and sexual slavery of women to humiliate, intimidate and terrorize one another, as, in the conflicts in Rwanda. Rape has been a weapon of ethnic cleansing aimed to humiliate and ostracize women and young girls for bearing the “enemy’s” child and to eventually destroy communities.

**Effects of Landmines:** Landmines can have profound medical, environmental and economic consequences. Anti-personnel mines, which come in different shapes and sizes, are especially dangerous for children, who are unable to read warning signals and mistake them for toys. Their small bodies make children more likely to die from landmine injuries. Aside from residents of the affected countries, health-care workers and staff of non-governmental organizations who assist emergency-affected displaced and refugee populations in regional conflicts have suffered landmine-related injuries. In addition to exacting a heavy human toll, landmines in some countries, such as Angola have rendered vast areas of arable land uncultivable. Safe drinking water is at a premium in areas with large numbers of landmines, increasing the risk of waterborne diseases and malnutrition.

### **Reasons for Weakness in the Application of IHL**

Three basic reasons have been identified as responsible for the weakness in the application of the provisions of IHL during armed conflicts. They are: lack of political will, lack of prevention and control, and lack of accountability. Experts consulted by the ICRC in 2003 also found that one of the main weaknesses of the IHL mechanisms – be

it the system of protecting powers, the *ad hoc* enquiry procedures, or the Fact-Finding Commission foreseen in Article 90 of Additional Protocol I – is that they can only be functional with the agreement of the parties. While Article 90 of the First Additional Protocol of 1977 foresees the possibility for States to accept the *ipso facto* competence of the Fact-Finding Commission, only 70 States have done so. Given the Commission has not been active since its inception, despite its confidential working method; it is difficult to be optimistic about the chances of a stronger mechanism. To improve IHL compliance mechanisms, they would likely have to be mandatory and not dependent on the agreement of parties once a conflict has broken out.

## Conclusion

International humanitarian law protects a wide range of people and objects during armed conflict. The Geneva Conventions and their Additional Protocols protect the sick, wounded and shipwrecked who do not take part in hostilities, prisoners of war and other detained persons, as well as civilians and civilian objects. Parties to a conflict are prohibited from targeting civilians and are required to take all feasible precautions to avoid attacks that result in civilian casualties. They are also required to avoid defensive measures that put civilians in danger. Civilians may not be used as protective shields or forcibly displaced. Unnecessary attacks on their means of livelihood such as farms, housing, transport and health facilities are forbidden. In spite of these regulatory measures, armed conflicts in Africa have been characterized by gross violation of the rules of IHL. Respect for IHL can be enhanced if it is formally adopted by all States through ratification or accession. States must then enact national legislation and take practical measures in order for the rules to be fully effective. The establishment of international tribunals such as International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) for states characterized by gross violation of IHL can help reduce the extent to which IHL is violated during armed conflict.

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# Nigeria: A Quest for a Permanent Seat in the United Nations Security Council

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**Abstract.** *Nigeria's bid for the United Nations Security Council permanent seat received a boost from the African Union (AU) at its Golden Jubilee Summit in Addis Ababa the other day. Africa sent an appropriate signal to the world that it could work in unity to pursue its collective interest. The country was endorsed by the AU Executive Council in a pleasant display of solidarity and consensus. Coming against the background of an earlier endorsement by the Economic Community of West Africa (ECOWAS), this new wave of solidarity is commendable. It should be harnessed to win the support of more member states of the global body at the crucial vote of the United Nations General Assembly. Hence, the argument that the Security Council membership be expanded to include major financial contributors and the equitable representation of the regional spread. There is every indication that Nigeria has all it takes to represent Africa in an enlarged Security Council. But considering the vagaries associated with international politics, a lot still needs to be done by Nigeria to garner the overwhelming support from Africa that will enable her to emerge as a consensus candidate for Africa.*

**Keywords:** *Nigeria, United Nations, Obasanjo, Legacy, Permanent Seat, Military, Diplomacy*

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## Introduction

Nigeria's expansive tradition of sending its troops in large numbers to international peacekeeping operations under the aegis of the United Nations has been rightly described as a paradox. The contradictions between Nigeria's role as a regional and an international belligerent or peacekeeper, its substantive participation in United Nations (UN) peacekeeping from its very inception and its ambivalence about post-Cold War peace operations have been identified by scholars (Akindele, 2000). Even more interesting is the apparent tension between

its emphasis on non-intervention and non-use of force in international relations and its eagerness to send its troops out to keep peace between nations and between warring groups within states. Nigeria's first democratic, President Olusegun Obasanjo, resolved this tension by underlining Nigeria's responsibility to contribute to international peace and security.

The post-Obasanjo years saw a prolonged period of Nigeria's international military isolation amidst a preoccupation with territorial defence and a less hospitable environment for international peacekeeping. As the demand for international peacekeeping surged after the Cold War, Nigeria once again became a major contributor to international peacekeeping. The country has been at the forefront of international peace-keeping efforts. Indeed, it is the largest "exporter of peace" in Africa and the fourth largest worldwide. Nigeria is the fourth largest Troop Contributing Country to UN peace-support operations, surpassed only by Pakistan, Bangladesh and India. No African country comes anyway near Nigeria's record.

The Nigerian military and police have participated in peacekeeping operations under the auspices of the United Nations in such places as Lebanon, Somalia, Croatia, Sierra Leone, Liberia, Cote d'Ivoire, Democratic Republic of Congo, Rwanda, Burundi, Sao Tome and Principe, Guinea-Bissau and Darfur. Over 250,000 members of the Nigerian armed forces have participated in UN-sponsored missions worldwide. Having been involved in 40 of the 55 peacekeeping missions of the UN, Nigeria has now participated in 73 percent of all UN peacekeeping operations.

As a matter of fact, Nigeria single-handedly initiated the ECOMOG (ECOWAS Monitoring Group) deployed for peacekeeping and peace-enforcement operations in Liberia and Sierra Leone from 1989 to 2002. The burden of those peace operations was borne largely by Nigeria. These credentials make Nigeria the most eligible African candidate for a UNSC permanent seat, according to the statutory objectives of the organisation itself, out of which nearly a thousand are police, including a women's unit (Saliu, 2005). Nigerian contingents have provided various services including medical and humanitarian assistance, peace enforcement, military observers, and peace building.

Nigeria is also one of the largest contributors of land troops to these UN missions (Gambari, 2005). Yet, Nigeria's participation in international peacekeeping has not got the intellectual and policy attention, either in Nigeria or abroad, that it deserves. More recent and rather limited, South African participation in international peace operations has attracted far more intensive discussion within the strategic global community. The discussion on the changing nature of international peace operations and its implications for Nigeria has been limited to a very small circle in the Foreign Office and the Nigerian Army. If the Foreign Office has in recent years seen participation in international peacekeeping as a valuable instrument in the quest for a permanent seat in the United Nations Security Council (UNSC), the military establishment has

underlined the professional benefits to itself from the peace operations. This paper is an attempt to look at Nigeria's participation in peace operations from a broader strategic perspective, assess some of the new challenges confronting Nigeria in this domain and the prospects for integrating Nigeria's peacekeeping into a more effective national security strategy.

### **Past as Prologue: The Obasanjo Legacy in International Peace and Security**

Nigeria's intensive participation and that of other African nations, in international peace operations cannot be understood without a serious look at the military legacy of former President Olusegun Obasanjo. From the late-18th century to the Second World War, the armed forces of undivided Nigeria were at the very centre of the imperial defence system of Britain in the vast region. In the 19th century, the Nigerian Army helped the British expand their colonial possessions, put down frequent revolts in the empire and underwrote the economic globalisation of the Afro-European world. From West Africa to Europe, the Nigerian armies participated in the stability operations of the 19th century (Obiozor, 1985). In the 20th century, the Nigerian Army played a critical part in the two World Wars. More than a thousand Nigerian soldiers participated in both the World Wars. By 1980, the Nigerian Army was the largest volunteer army the world had ever seen.

Nigeria's material and human resources were of considerable value in tilting the war in favour of the victors (Uhomobhi, 2005). In the civil wars and post civil wars in Africa, the Nigerian forces served with distinction in African states theatres of conflicts. In the Apartheid period, the Nigerian Army fought in Southern Africa – in what is now called 'the forgotten war'. Besides the wars, the Nigerian Army's experience in managing rebellions against the empire has contributed to the emergence of contemporary military doctrines of counter-insurgency and counter-terrorism (Saliu, 1999). Given this extraordinary legacy of the armed forces of undivided Nigeria, it is hardly surprising that its successor-states have emerged as the biggest participants in international peacekeeping in the post-armed conflict era. But it is not a legacy that is remembered let alone celebrated in Africa (thanks to the post-colonial rejection of the imperial legacy); and the rest of the world does not make an organic connection between Africa's military tradition from the Obasanjo period and its expansive contribution to international peace operations in the post-armed conflict period. The armies of Nigeria served many functions, including internal security, defence of the subcontinent's frontiers, and expeditionary operations in a vast region stretching from West Africa to the entire region (East, North and South Africa). The incessant military coups between January 15, 1966 and May 29, 1999, broke up the centrality of Nigeria in the security system of a critical region of the world, especially in Africa. The creation of new borders in West Africa states, the unresolved territorial issues and the unending war and conflict between DR Congo and Central African Republic meant that the military energies of the subcontinent turned inward.

Besides securing the post-partition borders in African states, Nigeria also had to contend with the entry of region and the eventual imperative of securing a long and contested frontier with North Africa (Saliu, 2006). Yet the fact remains that the subcontinent has been the largest contributor to the international peace operations since the end of the Second World War. Despite the Nigeria and Ghana preoccupations with territorial defence, both had sufficient military forces that could be spared for duties beyond their borders (Adigbuo, 2005). We must remember, however, that Nigeria was not the only one from West Africa that relished a military role beyond the subcontinent. Although it inherited only a fraction of Obasanjo's military resources, Pakistan acquired a strategic profile of its own beyond South Asian borders. Its military capabilities were strong enough to be an attractive partner for the West in constructing the Cold War alliances like the African Union (AU) and Economic Community of West African States (ECOWAS). Although these alliances did not survive for long, the Ghanaian Army found itself training security forces elsewhere and occasionally guarding the ruling families there (Adigbuo, 2012). Those who see Nigerian and Ghanaian military roles from the perspective of UN peace operations tend to miss the larger significance of the internationalist military tradition in the subcontinent.

### **Olusegun Obasanjo Years: Imagining International Responsibility**

The initial impulse for regional and international peacekeeping came from Nigeria's former President Olusegun Obasanjo, who had a strong commitment to liberal internationalism and a desire to strengthen the UN. Small, but influential, elite of the Nigerian national movement was deeply influenced by the Western critique of power politics that led to the First World War, disappointed by the failures of the League of Nations, and drawn to the idea of One World that shaped the thinking of the liberal opinion in the inter-war period. Obasanjo visualised an active international role for Nigeria, despite its many pressing problems at home. Punching way above Nigeria's real weight, Obasanjo lent a strong voice to the liberal calls for international peace through the UN (Adigbuo and Opone, 2010). Insisting that Nigeria must do its bit for the maintenance of international peace and security, Obasanjo launched Nigeria's active participation in UN peace operations. During the West African armed conflict crisis (Liberia, Sierra Leone, etc.), Obasanjo was quite clearly confronted with the difficulties of judging aggression by one party or entity against another, and injecting oneself into great power conflict that Nigeria so assiduously sought to avoid in the name of non-alignment. The armed conflict/civil war during 1980-90 severely tested Nigeria's commitment to international peace and security as well as its credentials as a non-aligned power. As the complexity of the situation in the African states became manifest, Nigeria sought to make its position more balanced. Obasanjo sought to promote a Western dialogue and called for Beijing's membership of the UN Security Council. Nigeria opposed the creation of a UN command for the use of force in Africa but decided to send a medical unit to the

war to contribute to the humanitarian relief. It was a clever stroke, for on the one hand it stood up to its earlier commitment to send a force which did really take the risks of war since it was engaged on the battlefield, while on the other, they were not belligerent troops fighting the war (Agbambu, 2010). The Nigerian military unit in the conflict raging African states involved a field ambulance unit and a small contingent of officers and troops. Their services received much international commendation.

If the first phase of Nigerian involvement in the African states armed conflict (1970-90) was complicated by the confrontation between the US and the Communist powers, its role during the second phase after the armistice agreement of 1990 turned out to be highly productive. Nigeria proposed the establishment of African Union to facilitate the economy of African post-war states, which was one of the key elements of the armistice agreement. Nigeria became the Chairman and Executive Agent of the African Union, whose task in 1963 was to assume custody of open borders transfer among African states. An African Standby force of troops was formed in 1963 to oversee peacekeeping and repatriation in the region. In a fulsome acknowledgement of the Nigerian role, former UN Secretary General-Kofi Annan wrote to Obasanjo: No military unit in recent years has undertaken a more delicate and demanding peacetime mission than that faced by Nigerian troops in Africa (Babangida, 1991). Nigeria learnt many lessons from the peacekeeping experience in developing countries all over the world which became instrumental in establishing the precedents for her participation in subsequent UN operations (Bill, 1998).

The Obasanjo years also saw Nigeria actively participate in a variety of peacekeeping operations in the world and Africa. Pursuant to Peace Accords, an International Control Commission (ICC) for many African states was set up. Nigeria was the Chairman of many Commissions, which implemented the ceasefire agreement in many African states. Nigeria provided one infantry battalion and supporting staff until the ICC was wound up in 1990. Nigerian troops were part of the United Nations Emergency Force (UNEF) in Gaza for nearly 11 years after the aggression against Egypt by Great Britain, France and Israel in 1956. At one time, the Nigerian contingent was the largest of the UNEF. Elsewhere in the region, Nigeria also participated in United Nations Mission in Sierra Leone (UNMSIL), during 1991-2000. Obasanjo provided Nigerian ceasefire observers for the UN Temporary Executive Authority (UNTEA) in Liberia. Nigerian armed forces also served in Congo (ONUC) 1960-1964, Battalion operations; New Guinea (UNSF) 1962-1963, Military Observers; Tanzania (Bilateral agreement) 1964, Battalion operations; India-Pakistan (UNIPOM) 1965-1966, Military Observers; Lebanon (UNIFIL) 1978-1983, Battalion operations and Staff Officers; Chad (HARMONY I, bilateral agreement) 1981-1982, Battalion operations and Staff Officers; Chad (HARMONY II, OAU) 1982-1983, Brigade operations; Iran-Iraq (UNIIMOG) 1988-1991, Military Observers; Liberia (ECOMOG) 1990- Division (-) operations; Iraq-Kuwait (UNIKOM) 1991, Military

Observers; Angola (UNAVEM II) 1991-1992, Military Observers; Sierra Leone (NATAG) 1991, Training Team; Angola (UNAVEM III) 1992-1995, Detachment; Namibia (UNTAG) 1989-1990, Military Observers; Western Sahara (MINURSO) 1991, Military Observers; Cambodia (UNTAC) 1992-1993, Military Observers; Somalia (UNOSOM) 1992-1994, Battalion operations and Staff Officers; Former Republic of Yugoslavia (UNPROFOR) 1992, Battalion operations and Staff Officers; Mozambique (ONUMOZ) 1992 Military Observers; Rwanda (UNAMIR) 1993, Battalion operations; Gambia (NATAG) 1993, Training Team; Aouzo Strip (UNASOG) 1994, Military Observers; Israel (UNTSO) 1995, Military Observers; Liberia – ECOMOG; Sierra Leone – UNMIL; and Darfur peace initiative.

One of the major peacekeeping operations in which Nigeria involved itself was the UN Operation in the Congo, known through its French acronym ONUC (Organisation/Operations des Nations Unies au Congo) during 1960-64. The UN faced one of its worst crises when war between the government and the secessionist forces broke out in Congo. The UN operation in the Congo, ONUC, was unique in many ways. It was also the first time that the UN undertook an operation in an intra-state, rather than an inter-state conflict. The operation was aimed to uphold the national unity and territorial integrity of the Congo. The ONUC offered Nigeria the first taste of potential controversies that could arise from participation in complex international peacekeeping operations. Nigeria's initial enthusiasm for ONUC came from the strong support of the anti-colonial cause in Congo against the Belgian intervention. Nigeria was highly critical of the limited authority of the UN force and its general lack of remit to deal with the rising tide of anarchy in the country. Amidst the multiple controversies that affected the Congo operation, an increasing number of Nigerian casualties and the growing domestic opposition in Nigeria, Nigeria refused to pull out of the operation in 1964 amidst domestic and international criticism (Claude, 1964).

A variety of explanations has been given for the extraordinary Nigerian contribution to international peacekeeping in the early years after its independence. One explanation focuses on the liberal international ideals of the Nigerian political elite at the time of independence and the commitment to international peace and security enshrined in Article 51 of the Directive Principles of the Constitution of Federal Republic of Nigeria (Uhomoihi, 2012). A second explanation is Nigeria's commitment to non-alignment and the principle of solidarity with the newly-decolonised nations (Balewa, 1960). Other justifications included the absence of well-developed armed forces in the developing world and the existence of significant Nigerian military capabilities inherited from the British.

Obasanjo's quest for a larger Nigerian role in Africa and on the world stage is seen as another reason. Others have given a more self-interested justification and the benefits that the Nigerian military and diplomacy could gain from active participation in inter-

national peacekeeping (Musa, 2010). Some have argued that Nigeria played pivotal roles in various UN-African missions given the Nigerian perception of these areas being vital to its conception of... regional stability (Akinterinwa, 2005). Obasanjo, for example, justified Nigerian activism in African states by stating that Africa is a proximate region: "The crisis in respect to intrastate armed conflicts therefore moves us deeply and calls from us our best thoughts and efforts to avert the trends of this conflict towards its extension and intensification" (Akindele and Akinterinwa, 1995). Likewise in the West African affair, Nigeria gave Liberia its full support and in turn, provided strong statement supporting Nigeria in Monrovia. Furthermore, the enthusiasm for Liberia's nationalism in Nigeria matched the importance of the new nation in Nigerian external relations. Liberia's strategic location provided a defence of the Nigerian coastal areas. The island is within close range of Nigerian coastal areas. Also, the country was home to the largest number of foreigners (Akpotor and Nwolise, 2005).

The most interesting justification for Nigeria's military activism on the regional and global stage was the emphasis that Obasanjo put on the notion of Nigeria as a responsible nation, as a precursor to the contemporary phrase, Nigeria as a responsible power in providing peace and security at the regional and international arena. He told the Nigerian Parliament in 1999: "... how can we keep away from the United Nations where all nations are represented? ... we have to play an active role in regional and world affairs... We sent our troops to developing nations... Our forces are still stationed in many African states. We have sent some troops to DR Congo too... We get drawn into these things because we are a responsible nation." If Obasanjo envisioned Nigeria as playing a major role in world affairs, left-wing critics have seen Obasanjo's interest in peacekeeping as a continuation of two trends in the Nigerian mind – liberal internationalism as well as great power ambitions (Jinadu and Akinsanya, 1978). Whichever way one looks at it, the Nigerian activism on the peacekeeping front in the Obasanjo years was about Nigeria stepping into the breach generated by the Cold War rivalry between America and Soviet Russia, their inability to bear the full burdens of international peace and security, and sustaining the centrality of the UN in international peacekeeping. While the rivalry opened up space for Nigeria in international mediation and active peacekeeping, it had to carefully ensure a constant adaptation to the complex great power dynamic. Obasanjo, for example, thought that the UN had the right to use military force whenever and wherever needed. Yet, he recognised that the use of the UN as an enforcement agency amidst Soviet objections will not lead to peace (Agbambu, 2010).

In the Obasanjo years, Nigeria also had to wrestle with the tensions between the notions of collective security, which he strongly supported, and territorial sovereignty which was central to the newly independent Nigeria. Nigeria was reluctant to support proposals for a permanent UN Force, despite its embrace of the UN role in collective security. There was some concern in Nigeria that the West, then dominant in the UN

General Assembly, might deploy it against its great-power rivals. Nigeria was also worried that such a force might be used against African countries. Given Nigeria's troubles in some African states, there was also the apprehension that a UN permanent force might be targeted against Nigeria. From a tactical perspective, Nigeria saw that ad hoc peacekeeping arrangements would give Nigeria a greater voice than a permanent force (Aladekomo, 2005). In the post-Obasanjo years, both the demand and supply of Nigeria's troop contribution seemed to significantly decline. The 1970s and 1980s saw a steady reduction of peacekeeping activities. On its part, Nigeria itself was preoccupied with the aftermath of wars. It was only towards the end of the Cold War that Nigeria's peacekeeping operations would acquire a new salience.

### **Post-Armed Conflict Challenges**

The ending of the incessant civil war increased the push and pull factors for Nigeria's participation in UN international peace operations. After the end of the civil wars in African states, there has been a significant increase in the UN and other regional and international multilateral peace operations. The absence of great power rivalry and the reduction of inter-state armed conflicts were accompanied by a dramatic expansion of intra-state armed conflicts that were seen as the sources of new threats to regional and international peace and security. Since the late-1990s, there has been a dramatic surge in the number of peacekeeping operations under the auspices of the UN. Between 1990 and 2014, the UN authorised more than 20 peacekeeping operations around the African states in comparison to seven in the earlier years. Not surprisingly, the UN would turn to Nigeria for providing the military manpower. Nigeria, Ethiopia, Ghana and Rwanda provided the bulk of the UN peacekeepers after the civil wars (Udeh, 2005).

The expanded role for Nigeria in regional and international peacekeeping presented simultaneous opportunities and threats to the country. On the positive side, Nigeria believed that its substantive contribution to regional peacekeeping would enhance its credentials as an emerging power and claims for a seat at the global high table. The surge in regional peacekeeping coincided with the diplomatic efforts of the UN to expand the permanent membership of the UNSC as part of a comprehensive reform. Getting a permanent seat on the UNSC became an important political objective for Nigeria, and Federal Capital Territorial, Abuja spent much diplomatic capital on it at the bilateral and multilateral levels. In its regional campaign, its contributions to the UN Peacekeeping became a central argument (Gambari, 1997).

Nigeria's regional and international peacekeeping role also underlined the country's significant military potential and provided a basis for greater strategic cooperation with major powers, especially with the US. After Nigeria and the US formalised their defence cooperation in 1999, regional and international peacekeeping became a major theme of bilateral engagement in the defence arena. The greater American interest

in multilateralism, under the Clinton Administration, appeared to provide a potential area of convergence. This was further elevated during the presidency of George W. Bush when the two sides embarked on a more ambitious agenda for defence cooperation. The Nigeria-US Framework Agreement on Defence Cooperation, signed in 1999, explicitly referred to greater cooperation in regional and international peacekeeping and multi-national operations (Udeh, 2005). The absence of a reference to the UN in the document, however, created a political controversy amidst questions about Nigeria's potential participation in peace operations that did not have the mandate of the UN. Amidst the unilateralism of the Bush administration, there was much hue and cry in Nigeria about Federal Capital Territory, Abuja becoming a junior partner for the US. While Federal Capital Territory, Abuja finessed the controversy, the question of Nigeria joining the US in coalition operations remained controversial (Abdullahi, 2007).

Even before the Defence Framework was signed in 1999, Nigeria had begun to consider the deployment of its forces outside the UN framework and in coalition missions. In 2003, Nigeria actively considered the deployment of a division of its army to Central African Republic and DR Congo. Although Nigeria eventually declined, the debate broke through many of the traditional shibboleths on the use of force abroad. Nigerian military has also been deployed outside the UN framework for humanitarian missions, for example in the relief work for the Boko Haram victims in the Nigerian north-east region at the end of 2009. Nigeria actively coordinated its relief activity with the US, Britain and France. After the initial bold moves with the US, Nigeria under the People Democratic Party (PDP) government appeared to develop cold feet in considering any joint peace and stability operations with the US outside the UN framework.

Even as it underlined the importance of the UNSC in lending legitimacy for peace operations, Nigeria had begun to encounter a new set of problems. Nigeria's renewed interest in peacekeeping also coincided with a significant change in the terms and conditions for regional and international peace operations. The focus of the operations shifted to intra-state armed conflicts and the emphasis increasingly turned to peacebuilding and peace enforcement. The new muscular approach was justified in the name of new threats to international peace and security, the case for humanitarian intervention and the responsibility to protect populations against their own regimes (Ajayi, 2009). The new post-armed conflict agenda for peace raised many concerns in the African and non-African region, including Nigeria, about territorial sovereignty of the developing African states, dangers of regional intervention in the internal armed conflicts, and the temptation to use humanitarian norms in the pursuit of crass national interests (Chinedu, 2011).

Besides the developing African states, many in the world began to question the efficacy of intervention in the internal affairs of African nations and pointed to the mixed record of UN peace operations in promoting peace and stability (Arhewe and Fadeyi,

2013). Others viewed the return of regional and international peacekeeping as nothing less than a restoration of imperialism, in the name of liberalism and regional order (Editorial, 2013). The high point of the post-armed conflicts in African states, Western enthusiasm for use of force, with or without the consent of the African states concerned, to achieve political and humanitarian objectives may be behind us in the light of the experience in Somalia and Libya. Declining domestic public support and the difficulty of sustaining high levels of defence expenditures, amid the prolonged financial crisis, have inevitably cast a shadow over Western readiness to bear the burden of interventionist operations. US President Barack Obama, throughout his first term and in the election campaign of 2012, has insisted on the importance of nation-building at home. Increasing political resistance in the UNSC to such Western operations from Somalia and Libya has compounded the problem.

Nigeria, which was going through a difficult domestic period of instability and crises in such frontier areas as Plateau, Kano and the North East states, was deeply worried about the attempt to denigrate territorial sovereignty in the name of Boko Haram Islamitisation. Having faced hostile Western approaches in the past to Nigeria's territoriality, especially on the question of Boko Haram, Nigeria has had a genuine interest in preventing regional and international intervention in its own domestic affairs and guarding against complicating its necessarily-prolonged effort at nation-building. Realists in Nigeria, however, would argue that a UN intervention in the north-east region of Nigeria is unlikely to be defined by doctrine or precedent but by the nature of Nigeria's relations with the great powers and its geopolitical weight in the regional and international system. In the UN debates, Nigeria emphasised that peacekeeping should always be with the consent of the state concerned. Nigeria has also sought a clear distinction between peacekeeping operations which it favoured and the new interest in coercive peacekeeping. Nigeria, however, has not shied away from a debate on reforming the peacekeeping operations and in defining the role of the new Peace-Building Commission established in 2006 by the UN (Shuaib, 2013).

In fact, during its tenure as a non-permanent member of the Security Council, Nigeria took the initiative to launch a wider debate in the UN on peacekeeping. Underlining its traditional emphasis on state sovereignty, Nigeria argued that national ownership is the key to success in peacebuilding. The international community has the duty to make available appropriate capacities to national authorities. Emphasising Nigeria's democratic credentials, its representatives at the UN argued that states that have undergone state-building and democratic transitions hold special relevance to our peace building efforts (Akindele, 1999). Pointing out that ambitious agendas are not being backed with the financial, operational and logistical resources, Nigeria's Permanent Representative to the UN, Prof. Joy Ogwu, argued that the lack of resources tells on the operational effectiveness of peacekeeping and casts a shadow on the credibility of the

Council's mandates (Fawole, 2000). Nigeria has also insisted that the troop-contributing countries like Nigeria should have a greater role in defining the mandates for the various peacekeeping operations and should not be treated as adjuncts brought in merely to implement the mandate.

The question of finances is a special concern for Nigeria. The UN owes scores of millions of dollars to troop-contributing states. Nigeria alone is owed nearly US \$30 million at the end of 2014 (Olorunlome, 2013). Continued financial uncertainty has not until recently limited Nigeria's enthusiasm for peacekeeping operations. Meanwhile, there has been criticism of Nigeria and the African states that their main interest in international peacekeeping has been the financial and diplomatic rewards. For Nigeria, Ethiopia, Ghana and Rwanda, for example, peacekeeping is an inexpensive way to maintain large armies and boost the pay of select troops, while also building diplomatic inroads in poorer states that might be rich in resources that African states lacks (Fawole, 2000). Nigeria, which once paid the costs of peacekeeping in South Sudan and DR Congo, finds these charges galling. From the Nigerian perspective, whatever financial gain a Nigerian soldier might receive, it accrues to a negligible number. Today, these conditions do not constitute a major incentive for the Nigerian armed forces and are not an important reason for participation in UN peacekeeping (Gambari, 1997). It has also been argued that Nigeria's emphasis on community-oriented peacekeeping and its military doctrine of restraint in the use of force has contributed to successes in the increasingly difficult operating environment that the peacekeepers confront today. Yet, Nigeria's peacekeeping has occasionally invited negative reaction.

Despite the occasional negative reactions, the reputation of the Nigerian armed forces as effective peacekeepers has significantly expanded since the 80s. Nigeria's participation in UN peacekeeping operations is also significant for its response to demands relating to the conduct of new peacekeeping operations, which have complex and multi-functional mandates. Nigeria has carried out broad and non-military duties and tasks such as election supervision and monitoring (Liberia, Angola and Mozambique), policing (Sierra Leone, Angola and Congo), resettlement of displaced populations (Haiti, Bosnia-Herzegovina), de-mining (Lebanon and Cambodia) and civil administration and nation-building in Cambodia and Angola (Gambari, 1997).

Some analysts are calling on Nigeria to take on a larger and more active leadership role to shape the changed role of international peacekeeping. Instead of constantly criticising the UN for not formulating appropriate peacekeeping mandates in line with changing ground realities, Nigeria, as a peacekeeper, should think of ways to engage with the UN at higher levels, directly or indirectly. This will certainly mean conceiving of and pushing for innovative approaches to the overall management of UN peacekeeping (Garba, 1997). But amidst the demands for such leadership from external sources, Nigeria must now cope with the greater questioning at home of the relevance and value

of participating in international peacekeeping operations. What Nigeria confronts is not the problem of popular support at home, for the executive retains considerable leverage on the decision to deploy troops for peacekeeping, but criticisms from within the strategic community. Addressing these questions has become a challenge for the Nigerian security establishment.

### **Peacekeeping and National Interests**

Nigeria's peacekeeping has traditionally been debated in terms of its commitment to international peace and security, the ideals of non-alignment, the promotion of an area of peace, and Nigeria's self-image as a responsible power and its claim for a larger role in the international arena. In the post-Cold War period, the commitment to international peacekeeping got associated with Nigeria's campaign for a permanent seat in the UNSC. Many have begun to question the relationship between the contribution to peacekeeping and the prospect of a permanent seat in the UNSC (Ikhariale, 2002).

While the goal has become increasingly elusive, Nigeria's substantive participation in international peacekeeping no longer gives Nigeria a special cache in the global/international arena. Unlike in the Obasanjo years, when Nigeria seemed the lone middle power willing to bear the burden of international peacekeeping, today it keeps company with other major troop contributing nations from developing states including African states. Nigeria is increasingly seen as providing cheap military labour in pursuit of imperial objectives set by the West (Saliu, 1999). On its part, Nigeria has argued about the logic and nature of new peacekeeping operations and the need for more effective management at a variety of levels. All this diplomatic activity at the UN, however, has not translated into a significant say in how global peacekeeping is organised after the Cold War.

Some have questioned the geographic scope and the diplomatic utility of Nigeria's peacekeeping operations. If Nigeria needs to flex its muscles, pretensions to which it is credited with, or our diplomacy wants to strut and do its stuff, it should be done in the immediate neighbourhood where its writ is likely to run, where it will be of some benefit to at least a portion of its citizenry. Not halfway around the world in some remote corner of Africa (Tukur, 1965). Some other military officials have questioned the kind of special priority that Nigeria seemed to attach to international peacekeeping and wanted a more balanced consideration of domestic defence priorities and global diplomatic aspirations (Vogt and Ekoko, 1993). In the wake of the allegations against Nigerian troops in DR Congo during 2008, there were strong calls for a comprehensive review of Nigeria's policy on peacekeeping. Prof. Viola Onwuliri and Prof. Joy Ogwu, for example, argued that Nigeria's economic and geopolitical profile has charged far ahead of its peacekeeping policy. It is timely for a transformed Nigeria to review its policy on foreign troop deployments in the light of its national interests (Olorunlomeru, 2013). It has been insisted that-Nigeria should immediately suspend

all further UN deployments. This should be followed by a graduated withdrawal of all Nigerian troops operating under the UN flag. There might be a case for a small, token presence, in carefully chosen theatres. Prof. Viola Onwuliri concluded that: "It is time for Nigeria to stop seeing foreign troop deployments as risking lives in the service of an ideal. 'Rather, they should be seen as being tightly coupled with vital foreign policy objectives, like for instance, securing Nigeria's construction crews in developing states. As Nigeria's economic interests expand globally, it is likely that the need for such deployments will increase" (Afrique en Ligne, 2009). These trenchant arguments were contested by others who underline the importance of ideals, the contribution of peacekeeping to Nigeria's soft power, and the importance of differentiating itself from other great powers (Daily Trust, 2010). Supporters of peacekeeping say the decisions to participate in a particular mission always take into account the question of national interest, affordability and the domestic requirements. They rebut the argument that national interests are not factored into the peacekeeping policy by pointing to the complex decision making that goes in responding to the requests from the UN for Nigerian contributions (Abdurrahman, n.d.).

The problem, however, might lie in the fact that Nigeria does not have a strategic understanding of peacekeeping (Taiwo, 2009). In the mid-1970s, Obasanjo saw peacekeeping as a means to project Nigerian influence on the global stage taking into account the particular context of the Cold War rivalry between the US and the Soviet Union. The resurgence of Nigeria's peace operations since the 1990s has not been based on an overall strategic conception of Nigeria's interests. On the foreign policy side, it was seen as a useful device to promote Nigeria's interests at the UN. On the military side, peacekeeping was never a major priority for the Nigerian armed forces amidst the multiple challenges of internal security and territorial defence. There is no evidence despite its expansive participation in the peacekeeping over the decades, that the leadership of the Nigerian armed forces has recognised the value of codifying this experience, learning lessons from it and leveraging it for Nigeria's broader defence needs. Although some military analysts have highlighted the professional value of peacekeeping for the Nigerian armed forces, there has been no attempt to learn the lessons and create effective capabilities for such missions abroad. The Ministry of Defence has been a reluctant leader and shaper of Nigeria's strategic policy and has not made any effort to create a coherent set of guidelines and manage the complex inter-agency process involved. The political leadership, which was more focused on the diplomatic value of peacekeeping, has not sought to articulate a strategic rationale for Nigeria's international peacekeeping efforts. In contrast, the South Africa political leadership has proclaimed that international peacekeeping is an important element of PLA's new historic missions (Ayodele, 2012). The PLA, in turn, has embarked on a purposeful mission to develop peacekeeping capabilities, now seen as an integral part of its growing role in securing its interests beyond its shores (Nnoli, 1989). Nigeria's approach, in contrast, has been

driven by the inertia of an inherited tradition and short-term tactical considerations. Developed, the notion that Nigeria is a net security provider is beginning to gain some traction (Ogwu and Alli, 2007). Amidst the changing external context of international peacekeeping operations and the evolution of the domestic debate, Nigeria is likely to eventually recast its approach that was defined in the 1970s and modified somewhat in the years after the Cold War. The pressure for change will not come from a review of its peacekeeping tradition or its positions in multilateral forums. The sources of transformation, instead, are likely to be the new imperatives of Nigeria's national security, the changing nature of its great-power relations, the logic of maintaining a stable balance of power in the African region, its growing military capabilities, the renewed awareness of Nigeria's role as regional security provider and an increasing weight in international system. The nature of its participation in international peace operations can only be one element of the inevitable change in Nigeria's strategic conception of its place in the region and the world.

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# Cote D'Ivoire: National Interest and Humanitarian Intervention

James OLUSEGUN ADEYERI

**Abstract.** *Overtime, resurgent global concern for human rights regarding life, property, security, peace and freedom became a 'popular' ground for justifying international intervention in the domestic matters of supposedly independent states. Though it is dangerous and even fruitless to justify war and its concomitant negative appurtenances, recent developments cast serious doubts upon the claim of global humanitarianism as the primary justification for intervention in local conflicts. While the international community under the aegis of the United Nations Organization (UNO) barely hesitated before intervening in Iraq, twice, in less than two decades and in Libya and Cote D'Ivoire very recently, on-going conflicts characterized by abysmal human carnage and material destruction in places like Syria and Egypt are yet to receive similar international response. This double-standard approach to conflict management and resolution inevitably leads one to opine that beyond global humanitarianism, more fundamental considerations bordering on the national interest of powerful states are crucial to international interventions in local conflicts. In this light, this paper seeks to contextualize the place of national interest and global humanitarianism in the international military intervention in the Cote D'Ivoire Civil War of 2010-2011.*

**Keywords:** *Globalism, National Interest, Humanitarian Intervention, Cote D'Ivoire Civil War.*

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## Introduction / Setting The Context

Historically, national interest has been the fulcrum of the foreign policy principles and actions of modern states. National interest is a very broad term such that it is rather very difficult to define. The global community of scholars has been unable to create a generally accepted definition of the concept of national interest, thus the perception and understanding of the meaning and significance of national interest in inter-state relations varies among the many users of the term. The Merriam-Webster

Dictionary defines national interest as “the interest of a nation as a whole held to be an independent entity separate from the interests of subordinate areas or groups and also of other nations or supranational groups” (Merriam-Webster, 2013). National interest has also been defined as “any action that gives an advantage to the state”. In another sense, national interest connotes the “vital interests” of a state, a phrase that sometimes accommodates nearly everything in the world. A good illustration of this perception of national interest is the widespread view that the United States of America (USA) must provide leadership in virtually every crisis and conflict on account of the numerous interests the country supposedly has in the surrounding region that the conflict threatens. We may go on and on with an endless rendition of the different shades of the definition of the concept, but the bottom line is that each government has its own definition of the national interest. That definition may be correct or not; it, however, determines the kind of foreign policy the country operates. Above all, the interest of a nation is to satisfy national needs, and, therefore, national interests are objective, and there are as many national interests as national needs (Larison, 2013; Kaplan, 1961; Nuechhterlein, 1976). This indeed provides the breeding ground for a conflict of interests over diverse issues between and amongst nation-states within the international political system.

Globalism as a concept also reflects various meanings. To some observers, globalism is “a national geopolitical policy in which the entire world is regarded as the appropriate sphere for a state’s influence” (Houghton Mifflin, 2000). Some view it as “the policy or doctrine of involving one’s country in international affairs, alliances, etc.” (Random House). Some others see it as “a national policy of treating the whole world as a proper sphere for political influence” (Merriam – Webster, 2013). The Oxford American Dictionary defines globalism as the “advocacy of the interpretation of planning of economic and foreign policy in relation to events and developments throughout the world”. The most extreme forms of expression of globalism involves the usage of phrases such as “one world”, “support for a single world government”, “world citizen or global citizen”, (Conservapedia, 2013; Oxford University Press, 2011). The conceptualization of globalism also involves the theory of a “global economy” in which the economic achievements and wellbeing of most if not all nation-states are interdependent upon those of other states due to international trade (Conservapedia, 2013). Scholars like Manfred Steger et al., and Paul Turpin to a lesser degree, view globalism as the ideology of globalization, that is, a term for the discourse advancing the political and economic processes of globalization. In the words of Turpin:

*Substantively, the content of globalism is the reemergence and increasing political dominance of ideas concerned with the individualism and market mechanism, characteristic of early liberalism, whose central goal is to eliminate protectionist tariffs and roll back much of the social program of the modern welfare state in the name of governmental fiscal austerity (Steger et al., 2004; Turpin, 2013).*

Despite the multiplicity of scholarly views on the concept of globalism, a solid deduction from the above discussion is that globalism is an integral component of globalization, which itself generally connotes the process by which domestic and local phenomena can transform into international and global phenomena.

Let us turn to the concept of humanitarian intervention. In December 2001, the report of the International Commission on Intervention and State Sovereignty (ICISS) was published. In September 2003, the United Nations (UN) General Assembly adopted the report and in April 2006 the UN Security Council (UNSC) via resolution 1674 re-affirmed the “Responsibility to Protect” doctrine. One of the cardinal principles of that report is germane to the theoretical conceptualization of humanitarian interventionism and, therefore, needs to be presented here:

*States sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself. Where a population is suffering serious harm as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principles of non-intervention yields to the international responsibility to protect. (ICISS, 2001; Lar, 2007/2008)*

The prime significance of the above declaration is that the UN legitimized the norm of military intervention by one or more states in local conflicts in another state on the grounds of protecting human rights whenever necessary, albeit under certain modalities outlined by the world body.

If the UN’s “Responsibility to Protect” document prescribed the circumstances that should warrant international intervention in local conflicts of sovereign states, what exactly does humanitarian intervention mean?. Although there exists quite a number of scholarly definitions of the concept, however, for the purpose of this present study, it connotes the threat or use of force across state borders by a state or group of states aimed at averting or halting widespread and grave violations of fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied (Holzgrefe, 2003).

Within the crucible of conceptual clarifications above, and using the 2010-2011 Cote D’Ivoire conflict as case study, this paper will argue that although the principle of humanitarian interventionism as a framework for protecting fundamental human rights during local conflicts has become a logical reality in the contemporary international system, in practice it is a mere pawn in the political, diplomatic and strategic chess game amongst the big powers. The paper argues that the “Responsibility to Protect” doctrine of the current global order is being operated by the super powers along the lines of deceitful discrimination in terms of where and when to intervene in local conflicts. We argue further that this double – standard approach to conflict management and resolution is informed by the desire of powerful states to protect and advance (their) key economic

and strategic interests in and around the theatres of conflict with little or no regard for international norms such as common humanity, global humanitarianism, and even the “Responsibility to Protect”. The paper concludes that these aforesaid standards of international behavior of states, if properly applied, will complement and strength other existing international mechanisms for conflict prevention, management, resolution and peacebuilding. The study proceeds in five sections, namely (a) Introduction / Setting the Context, (b) Background and Outbreak of the Second Cote D’Ivoire Civil War, (c) International Response to the Ivorian Conflict: Global Humanitarianism or National Interest, and (d) Conclusion.

### **Background and Outbreak of the Second Cote D’Ivoire Civil War**

Recall that prior to the conflict under consideration, Cote D’Ivoire had fought a civil war between the incumbent President Laurent Gbagbo and the rebel group under the name New Forces of Cote D’Ivoire, who were at the forefront of the resistance by Muslim Northerners against alleged discrimination by the politically dominant and largely Christian Southerners from September 2002 to late 2004. However, considerable tension remained in the country until the Linas – Marcoussis Peace agreement to end the conflict was signed on 4<sup>th</sup> March 2007. After several extensions of the transition timeline, elections were eventually held in October, 2010. Renewed tension and violence resumed on 24<sup>th</sup> February, 2011 following President Gbagbo’s rejection of the election results (on account of alleged widespread irregularities in the rebel – held North) that declared Northern candidate Allassane Ouattara winner and President – Elect. In response to the support and recognition given to Ouattara by the international community, particularly the UN, African Union (AU), Economic Community of West African States (ECOWAS), the European Union (EU), United States of America (USA), and Cote D’ Ivory’s erstwhile colonial master, France, Gbagbo had on 18<sup>th</sup> December, 2010 ordered all UN peacekeepers (earlier deployed during the previous conflict) to leave the country. The UN declined and instead, extended the mandate of the United Nations Mission in Cote D’ Ivories (UNOCI) to 30<sup>th</sup> June, 2011 (Fox News, 2010; Wikipedia, 2013).

Nonetheless, diplomatic efforts to settle the dispute recorded very little success. Thus, sporadic bouts of violence that emerged especially in Abidjan, in the wake of the disputed election escalated by early 2011. As an illustration, in western Cote D’Ivoire at the close of February fighting erupted between pro – Ouattara fighters and regime forces. In consequence, a number of towns were taken over by the New Forces in quick succession. On 25<sup>th</sup> February, they seized Zouan Hounien and Binhauye (near Liberia), on 7<sup>th</sup> March claimed nearby Touleplev, on 12<sup>th</sup> March captured Doke, while Blolequin fell on 21<sup>st</sup> March. On 28<sup>th</sup> March, the New Forces, under a new name – Republican Forces of Cote D’Ivoire (RFCI) launched a total onslaught against Gbagbo’s forces and supporters across the country resulting in the capture of towns like Daloa and Duekoue in the West as well as Bondoukav and Abengourou near Ghana in the East. By 31<sup>st</sup> March,

Cote d'Ivoire's administrative capital, Yamassoukro, the western town of Soubre, the port city of San Pedro (world's biggest cocoa exporting outlet) and the coastal town of Sassandra had all fallen to the RFCI while Gbagbo was arrested the following month (BBC, 2011; Daily Times, 2011; Vasilenkov, 2012).

From the preceding discussion on the background to the Second Ivorian Civil War, we can deduce that political, ethnic and religious differences were major precipitating factors in the outbreak of the conflict. However, it is apposite to point out that economic issues also constituted an important underlying factor in the conflict. Cote d'Ivoire, hitherto seen as a model African state in terms of political stability and economic progress lapsed into an acute political and economic crisis after 1998. The implacable economic crisis, ignited largely by a sharp plunge in the international prices of primary goods and the corruption of the patrimonialism system of the *Parti démocratique de Cote d'Ivoire* (PDCI) one - party government, greatly undermined the country's national unity and integration. The increasing problem of national indebtedness made the International Monetary Fund and the World Bank to impose a structural adjustment program (SAP) alongside its vicious austerity policy in return for financial aid. These policies had a debilitating impact on the workings of the state and society as well as on the standard of living of the majority of the people. It is significant to note that limited opportunities to access resources such as land, coupled with the problem of unemployment were factors that further deepened conflict between the supposed indigenous inhabitants and African economic immigrants in both the urban and rural areas of Cote d'Ivoire (Bovcon, 2009).

Moving forward, there is need to note that France has played a crucial role in shaping the political and socio-economic structure of Cote d'Ivoire since early 20<sup>th</sup> Century. As Gonnin puts it: "The common history of the people of Cote d'Ivoire as a single entity only began with the arrival of Europeans... in particular, French colonizers (Gonnin, 1998). Along the same line, Marshall-Fratani posits that the freeing up of labour and its subsequent categorization and compartmentalization, encompassing the creation of a hierarchy of ethnic categories among the local population, has been an all - important process of capitalist development and lies at the heart of the modern state. In the light of this, one cannot but allude to the view of Bovcon that France is partially culpable for the intractable Ivorian conflict (Marshall-Fratani, 2006; Bovcon, 2009).

This leads us to the issue concerning the role of economic globalization in the Ivorian conflict. A cursory look at the socio-economic condition prevalent in one of the forest regions of Cote d'Ivoire where the country's over one million cocoa farmers live would further illuminate causation regarding the outbreak of fighting again in 2011. For one thing, the deeply unfair international economic order that pays the Ivorian cocoa producers a pittance for their produce created communities bedeviled by acute unemployment and poverty, and a people ever prepared to fight one another over scarce resources. In this scenario, giant global commercial outfits such as the American Agri-

business cooperation, Cargill and Archer Daniels Midland (ADM), and Switzerland's Barry Colabout constitute a major part of the problem. This is better understood when one acknowledges the fact that Cote d'Ivoire is the world's leading producer of cocoa accounting for 35% of World production, and that many big global industries are cocoa-based. Aside the cocoa based corporations, a large number of big, medium and small French enterprises have always been active players in various sectors of the Ivorian economy. Examples of big French firm with access to big contracts in the country include Bougues (electricity and water), France Telecom (Telecommunication) or Bollore (transport) etc. To put it straight, France remains the leading economic partner of Cote d'Ivoire (Bovcon, 2009).

Back to the cocoa industry, the grievances of the Ivorian farmers are legion. First, they frown at a situation whereby Cargill, ADM, Barry Collabout and others purchased their produce at unstable rates far below the world price. Second, they had to pay huge taxes to the corrupt government of Gbagbo. The small farmers had to pay bribes at the numerous roadblocks that traversed the highway all the way down to the port at Abidjan. The farmers suffered from the dearth of financing at affordable interest rates as well as technological assistance. Added to these woes is the fact that the farmers live in rudimentary homes constructed of wood or bamboo, a complete misfit for people whom since the early 1900s have been the rubric of what has transformed into a multibillion-dollar global industry. They have neither a health clinic, nor a pharmacy, let alone a hospital, and their only school is a product of self-help. Yet, the Ivorian government, and Cargill, ADM and other big global enterprises continued to reap huge benefits in terms of tax revenues and profits respectively.

The entrenched crisis in the cocoa industry served as a major causative factor in the Ivorian conflict in at least two respects. In the first instance, abysmal poverty and socio-economic stagnation enthroned an atmosphere of serious discontent and aggressiveness among the people. Secondly, the ethnic frictions in the cocoa industry provided unscrupulous politicians with the opportunity to aggravate an already bad situation, for their personal ends. To elaborate, it is noteworthy that some selfish and unethical politicians exploited the economic crisis that began in the late 1980s to their own advantage at the expense of national peace and integration. Since they did not intend or were unable to challenge or stave off the exploitative international economic structures erected by capitalist globalism that constituted the fundamental basis of the problem, they resorted to the strategy of mobilizing their own ethnic followership by scapegoating and mudslinging others. As Ivorians are normally able to distinguish one another's ethnic origin by appearance, dressing and name, conflict began to brew in the racially mixed rural settlements and in the surrounding localities of Abidjan. The above discussion represents a picture of the socio-economic and political setting in Cote d'Ivoire on the eve of the outbreak of the Second Ivorian civil war.

## **International Military Intervention in the Cote d' Ivoire Civil War: Global Humanitarianism or National Interest?**

The international community responded to the Ivorian crisis in divergent ways. However, our discourse in this section will focus on the interventionist actions and inactions of the big actors, particularly France, USA, Britain, Russia, China and the UN.

By April 2011, the conflict had deteriorated so much that about three thousand persons had died, about a million had become refugees, while almost the entire population lived under deplorable human rights conditions. Evidence indicate that both the Gbagbo regime forces and those of the new president, Allassane Ouattara were culpable for inciting the conflict, and guilty of human rights violations including extra – judicial killings, rape and torture, etc. (Vasilenkov, 2012. In response, France and the UN launched a joint military intervention in the country with the stated objective of protecting lives and property and reversing the deteriorating human rights situation. As part of an alleged peacekeeping mission, the joint interventionist force attacked the presidential palace, captured Gbagbo and handed him over to the supporters of Ouattara.

However, on the basis of available evidence, France's claim of humanitarian concerns as the reason for intervening in Cote d'Ivoire is unconvincing. Indeed, France's intervention in the conflict can be better understood within the national interest context of foreign policy analysis vis a vis her age-old opportunistic and corrupted African policy. Historically, a major aspect of France's relations with her Francophone African allies has been in the realm of military and defense pacts. Since 1960 till date, France has operated at least twenty – three military technical assistance agreements and eight defense agreements with the Francophone African States as a unit and with some states such as Zaire, Zimbabwe, Burundi and Rwanda that are traditionally not part of her sphere of Influence within the continent. France has at least 8,650 soldiers deployed across Cote d'Ivoire, Central Africa Republic (CAR), Chad, Djibouti, Gabon, Senegal and Rwanda. About 960 French military advisers operate in twenty-three other African countries. Aside it's numerous military bases in Africa (now gradually being phased out) France had since 1983 established a Rapid Deployment Force (*Force d'Action Rapide*) comprised of five units aggregating 44,500 soldiers with the capacity to intervene at short notice in any part of Africa from its operational bases in France. Significantly, this elaborate mechanism of military and defense pacts has allowed France to intervene in Africa more than thirty-three times in about five decades since 1963. There is need to emphasize that these overwhelming military presence in Africa has been defined largely by the extent of France's economic and strategic interests, the number of French residents, and the network between her and the filling national elites. This explains why states such as Cote d'Ivoire, Senegal, Togo, Cameroun and Gabon that maintain very close defense and security ties with France are by coincidence the places were French's economic interests are most visible. In other words, France holds dealings more with major African

states where her economic interests are met. Without any doubt, the French – enforced political stability in many African countries over time has guaranteed France's access to the national wealth and resources of such states.

Cote d'Ivoire, in particular, is of maximum economic and geostrategic importance to France. Cote d'Ivoire is the economic powerhouse of Francophone West Africa and an immigration pull for less developed states in the hinterland. In addition, despite the sudden change in France-Cote d'Ivoire relations during the conflict, coupled with Gbagbo's propaganda alleging French neo-colonialism, France remained Cote d'Ivoire's foremost business partner. Hundreds of big, medium and small French companies continued to thrive in the country, accounting for about 30% of Gross Domestic Product (GDP) and 50% of fiscal revenue. A protracted war in Cote d'Ivoire was bound to have a pernicious effect upon the entire West African sub-region or beyond, and by extension France's economic and strategic interests there (Bovcon, 2009). It is the contention of this writer that France intervened in Cote d'Ivoire in 2011 to avert a long-drawn conflict thus protecting her massive commercial and strategic interests in the region, using UN support as diplomatic cover and humanitarian interventionism as justification.

The UN itself came under criticism for its role in the conflict. While the military intervention lasted, Russia's Foreign Minister Sergey Lavrov expressed open skepticism about the activities of the French forces in Cote d'Ivoire. Also, he declared his country's demand for an explanation as to why the UN soldiers engaged local law enforcement agencies in armed conflict, despite the mandate of impartiality. The UN has also been criticized for its opinion that the civil war was unleashed by the Gbagbo couple and also for taking sides in the conflict. According to an expert on West Africa and a member of Amnesty International, Gaetan Mutu: "both sides were guilty of inciting the conflict". The UN unilaterally identified the perpetrators, which is fundamentally wrong" (Vasilenkov, 2012).

The USA, United Kingdom (UK) and Germany, granted formal recognition to the new government of Allasana Ouattara. The USA also clapped international trade and financial sanctions on Gbagbo, his wife Sinone, and his close associates. In addition, the USA offered Gbagbo a "dignified exit", employment and residence abroad on the condition that he stepped down (BBC News Africa, 2011). It is significant to note that the UNSC permanent members, namely, USA, UK, Russia, France and China easily reached a 'rare consensus' to dismiss the validity of the Ivorian Constitutional Council's declaration of Gbagbo as winner of the disputed election and authorize an armed intervention in the conflict. The basis for this unanimity can be located in the fact that none of the big powers had economic and strategic interests which an international military intervention in Cote d'Ivoire could jeopardize substantially. Conversely, the international intervention was mutually beneficial to big power interests. This viewpoint is better appreciated when one considers the discordant tunes currently being played by the big powers at the UNSC over the protracted and deteriorating Syrian conflict that has

recorded human casualties and human rights violations that are far beyond what occurred in Cote d'Ivoire.

## **Conclusion**

We have shown in this paper that beyond anything else (humanitarian interventionism and the Responsibility to Protect inclusive), the strongest pull factor for international military intervention in the Second Cote d'Ivoire civil war was the combined forces of economic globalism and the national economic and strategic interests of powerful states, particularly France and the USA. In Cote d'Ivoire (like in Libya and Mali) it was very easy for the international community under the aegis of the UN to agree to intervene decisively on the platform of common humanity and the Responsibility to Protect because there were no fundamental differences among the big powers in terms of their strategic calculations in the Ivorian conflict. Whereas in Syria, where President Bashir Al-Assad continues to preside over the slaughter of tens of thousands of persons and some of the worst human rights violations ever known in modern history, the international community continues to vacillate simply because the strategic calculations of the western powers, the USA, UK and France are opposed to those of Russia and China. This double standard and 'discriminatory' approach to conflict management and resolution is gradually but consistently giving the UN the toga of a biased umpire in global affairs. The UN conflict management and resolution mechanism would function better and the world would become safer and more peaceful if the Responsibility to Protect doctrine is operated as a standard and 'constant' framework for international response to local conflicts in order to protect human lives, property and rights, instead of being applied in a 'discriminatory' manner according to big power interests.

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# Islam: Women Rights and Violence against Women – Islamic Issues and Economic Factors

Mohammed JAVED MIA

## Abstract.

*As women are often victims of violence of various kinds of reasons extending from unequal marriage to financial and intellectual property, the sole purpose of the article is to find out the grounds of violence against women and the relation to the religious issues and economic factors. How much freedom and rights have given to women under Islamic jurisdiction will be well addressed. Various rights of women given by Islam will be discussed with popular perceptions of divinely ordinations. Sources of violence will be one of the concerns of this article. And economic and social factors of domestic violence will be briefly analyzed. The flawed system of marriage and divorce in Islam is one of the reasons behind violence against women and this problem will also be focused in the article.*

**Keywords:** *Women, Violence, Rights, Islam, Jurisprudence.*

## Introduction

Islamic law by its nature has determined by the distinction between theory and practice. And the Quran is the center of all kinds of Islamic actions and thoughts. Islamic jurisprudence based on the doctrines and norms derived from the various verses of the Quran. Though there are other sources of law in Islamic Jurisprudence, the Quran is the divine one. The words and practices of the Prophet of Islam (Allah bless him and give him peace), which are called as *Sunnah* is another source of law, as this one is not completely divine but as important as Muslims has to follow it.

Islamic jurisprudential thoughts along with laws are functioning only to make the world

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in a better place. Though many believed that Islam does not consider both men and women equally, but the accusation is not entirely true. The doctrines and norms derived from various sources of Islamic law are not analyzed in a proper way. These laws are treated partially by both Islamists and critics of Islam. But it does not take away the blame of gender-based violence in Muslim societies.

There is a fundamental difference between basic norm and injunction of the law. The injunctions derived when basic norms failed, but it cannot produce as much value and dignity of a community as norms can do. Though Westerns and critics of Islam have the perfect weapon as the Muslim community has driven away from the principles of the Quran and *Sunnah* hence, partial and rough interpretations of Islamic laws have developed as some Islamists and ultra-secularist Muslims are both undermining Islamic laws and values.

Islamic Jurisprudence is a very balanced system of law. This legal system is based on some basic principles. *Adl* – (the divine justice or justice of God), *Insaf* – (justice or equity by judge) and *Ihsan* – (virtuous, pious, God-fearing and devoted to God) are normally the three main principles of Islamic jurisprudence. The absence of these innate qualities or characteristics would make the promulgation and propagation of Islamic injunctions inconsistent with divinely inspired goals. Many of the recent Muslim presentations of Islamic laws are dangerously flawed jurisprudentially and economically non-viable and socially unacceptable (Khan, 2008).

Gender-based violence or violence against women is one of the major problems in Islamic societies and countries. Many claim that the violence is the outcome of inequality and fewer rights of women given by the Islamic laws. There are four schools of law under Islamic law and the different interpretations of laws of schools and the customs of sects and countries are mainly responsible for the claim. Though Muslim feminists say that current clarification of Islamic laws that persist in oppressing women have no origin in Islam. They claim that man-made interpretations of sacred laws are the reason behind the oppression of women.

In any society, the violence against women is dependent on social and economic factors. But it relates some religious issues also. And Muslim societies have the same problem. Though for many decades the violence was triggered by religious issues, in the modern world the social and economic factors are also playable. Western observers and critics along with Muslim secularists give blame to the Islamic belief about its position about women. But the rulers and leaders of Islamic countries cannot explain the violence against women on religious issues. They rather describe the violence as the only outcome of immoral Western society and the system.

## **Rights and Freedom of Women Given by Islam**

In recent times, women all over the world demand equal rights as men. There are many interpretations of Islamic laws about the rights and the position of women. There are also some erroneous ideas about women's rights in Islam. In reality, among from all existing legal systems, the Islamic laws domain, guard and maintain the rights of women in the proper way. The common misconception about women's rights in Islam is their inferiority to men.

There are two types of arguments regarding the rights of women in Islamic laws. Firstly, as a human there is no distinction between men and women in Islam. They both had the same human rights and treated equally. Many Quranic verses support this. As God created both men and women from the same essence, only righteous deeds make them closer to God not gender.

“Whoever does righteousness, whether male or female, while he is a believer – We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do” (Al Quran, 16:97).

God only not treated men and women equally in the present life, but also in the afterlife and only believing men and women will get rewarded regarding their gender. The believing men and women have to protect each other. They have some rights and obligations over each other.

To get rewards and punishments, there is no gender-based distinction in Islamic laws. Whoever does good deeds will get rewarded. Also, whoever does any crime will get punished regarding their gender. God created men and women so that they can live in peace and tranquility with love and can fulfill each other. “They are clothing for you and you are clothing for them” ( Al Quran, 2:187).

Secondly, there are some rights which divided between men and women. In some particular rights, men have the superiority over women. But the arguments over the superiority of men over women in Islamic laws have some textual grounds both in the Quran and Hadith of Prophet.

“And due to the wives is similar to what is expected of them, according to what is reasonable. But the men have a degree over them [in responsibility and authority]. And Allah is Exalted in Might and Wise” (Al Quran, 2:228),

“Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth” (Al Quran, 4:34).

Narrated by Abu Bakra (RA), during the days (of the battle) of Al-Jamal, Allah benefited me with a word I had heard from Allah's Apostle after I had been about to join the Companions of Al-Jamal (i.e. the camel) and fight along with them. When Allah's Apostle was informed that the Persians had crowned the daughter of Khosrau as

their ruler, he said, "Such people as ruled by a lady will never be successful" (Hadith: Saheeh Bukhari Sharif, Volume 5, Book 59, Number 709)

From above textual references from the Quran and Hadith, the idea has emerged about the superiority of men over women. From the earlier discussion, it is clear that men and women have no distinction between them as human. The distinction between men and women are drawn in some particular cases. In case of responsibility and authority, men have superiority over women because, God has created men and women differently. Many Islamists argue that women are the only chance for survival of the human species because they are the cultivating ground. Women have to carry the next generation and for the reason of maternity, they have to be cared and protected for the sake of both the mother and the child. The growth of the human race depends on women. And as men are created physically stronger than women, the responsibility of protection of women has fallen upon them.

Women have the superiority over men in the case of maintenance. It is obligatory for men maintain his wife and children. There is no such obligation, for women. As the maintenance obligation is not mandatory, women do not need to work outside. Though in Islam, it is not forbidden for women to work, gain knowledge, to study or to manage her family.

According to Allameh Seyyed Mohammad Hossein Tabataba'i, equality is a natural prerequisite of social rights and duties, but equality that stems from social justice does not require that all social ranks be distributed among all members of the society. The prerequisite of social justice that can be interpreted as equality is for all to have their proper rights. Thus, equality between individuals and classes means only that every person should get what they are entitled to, without conflict between these entitlements. Quran 2:228 stresses equality in men's and women's rights and yet admits the natural differences between them (Kadivar, 2013, Translated by Ziba Mir-Hosseini).

The mere equality of men and women does not return justice to a society. The rights and duties of men and women have to be performed accordingly. And the rights and duties of men and women must be based on justice.

The above mentioned Hadith of Prophet has also some grounds of the superiority of men over women on leadership issues. To be a leader of a nation or a community one must be compatible with strong issues and must be capable of both physical and mental ways. And as women have some physical condition it is advised not to take an important responsibility of a community.

Inheritance is another issue where women are facing inequality of their counterpart men. In Islamic laws, a woman gets half of the shares of property from inheritance than men. But Islamic jurisprudence has the answer about this statement. From the earlier discussion, it is clear that the responsibility to maintain a family fallen upon men. Men

have the obligation to maintain his family. No such obligation for women. Men have to spend to maintain their family needs. This is the main reason behind the law of inheritance in Islam. The property which a woman gets from inheritance, she does not have any obligation to spend a single penny, but men have the obligation to spend for the maintenance of the family. But the Islamic law of inheritance has more criticized among various feminist groups and scholars in the world.

Nowadays, another misconception about Islam has grown up that it does not give any freedom to women. Westerns and Islamic secularists claim that Islam closes the gate of study and knowledge for women. This conception is not true. Islam does not forbid gathering knowledge or going outside of the house. It only gives that permission by taking proper *Hijab* (Women must cover her body and hair from the sight of non-mahram men). Here, one important thing has to be mentioned, that men also does have some responsibility over *Hijab* issues like it is forbidden for a man to look at the details of the face of a non-mahram women or her hands with sexual desire and vice versa.

Islam has given the right to women to choose her husband in marriage. Without the permission or consent of the girl or women, no marriage can take place. She is free from any coercion, and may accept the person or reject a proposal. But present Muslim societies do not follow this rule. They force their girls into marriage without their consent. As the Prophet of Islam himself has made this type of marriage (without the consent of bride) voids.

In Islamic laws, women have some particular rights as infants, child and daughters. Islam has ordered parents to take care of their children and their needs. Care and guardianship of children are most important to parents. The mother is entitled to the custody of her child regarding the child is a boy or girl. Islamic law orders that parents must care and pay attention to their children, especially girls for their special needs. Islam commands justice in all matters and this general ruling is applied to all children regardless of their sexes. There are many Quranic verses and Hadith of Prophet can be found supporting this.

Muslim women are granted all kinds of property rights. They have the absolute ownership over a property. They have the right to acquire new ownership and possession of a property.

“And do not wish for that by which Allah has made some of you exceed others. For men is a share of what they have earned, and for women is a share of what they have earned” (Al Quran, 4:32).

But in practice Muslim women are deprived of their rights of ownership and possession over a property. The deprivation started from her father’s family. The property distribution under inheritance laws in Islam is more critical. Also, the customs of Islamic societies are not in favor of a woman regarding the inheritance. But women have the

absolute ownership over the property which is either transferred or inherited. Though a woman inherited property, she has still the right of being maintained by her husband.

The absolute right over the property of a woman is significant because the largest religions in the world do not give the women absolute power over property. But they have overcome this problem by codifying rules and regulations. In this sense, Islam has given the women more rights over property than any other religion.

*Mahr* (dower) is a right of women given by Islam in marriage. This right is also absolute to women. A wife can claim money at the time of marriage and divorce from her husband. There is no limit of dower, but a wife can claim the amount of money what the bride and bridegroom have agreed upon the time of marriage. Dower has to be paid by the husband to his wife before and/or after the marriage. Dower is prompt money, which allows Muslim women to be economically independent.

Another important right that has given by Islam to women is the right to get divorced. Divorce is religiously and socially undesirable for any Muslim. But the permission of dissolution of marriage has given in case of unhappy or pitiful marriage. The property a woman has owned, or has possession at the time of marriage, she is entitled to keep almost all of it. The relation between husband and wife is very sacred in Islam.

Islamic jurisprudence permits the wife to have her marriage nullified upon her request if the husband abuses her physically or verbally. She is also entitled to have the marriage nullified for the following general reasons (Al Sheha, 1997):

- a. if the husband is impotent and cannot perform his marital duties;
- b. or if the husband for any reason, refuses to have sexual relations with his wife and fulfill her lawful needs;
- c. or is afflicted with a disabling terminal illness after the marriage;
- d. or contracts any type of venereal or reproductive disease that may harm the wife or make her lose her desire to be with her husband.

There are some conceptions and misconceptions about the rights of women given by Islamic laws. Apart from the complex inheritance laws and superiority issue, the women have enjoyed much right and freedom, but in a proper way or under the guidance of Islam.

### **Violence against Women in Islamic Societies**

Any type of violence in any society is not permissible. Violence against women in any society is caused for many reasons. There are some social and economic factors as well as some religious issues. In Islamic societies, the violence against women has those factors. In the pre-Islamic era, women were not treated as human. Female infanticide was common practice. They had no legal rights even human rights. They were treated as goods. But Islam has changed the idea of treating women as goods and for sexual

desires only. Islam gave women legal rights and human rights also. Female infanticide has prohibited and it has recognized as one of the hatred crime.

But after the Islamic golden period, the situation has changed rapidly. In Islamic societies, women are now facing violence which is prohibited in Islamic laws. As mentioned earlier the absence of the basic three principles of Islamic jurisprudence *adl*, *insaf* and *ihsan*, the Muslim societies have stumbled. However, the most violence against women has lessened from particularly religious standards. In recent paced world women are engaging in workplaces, studying or outside of the home. They have also been struggling to get equitable treatment from home. Western observers and Muslim secularists too easily are likely to lay all the blame on Islamic beliefs.

Wife and daughter beating are commonly practiced in Islamic societies. Over 90 percent of Pakistani wives, for instance, have been struck, beaten, or abused sexually – for offenses like cooking an unsatisfactory meal, or for failing to give birth to a male child (Amnesty International, 2002). Women who are raped in Muslim countries often end up being punished while the rapist gets off free (Sisters in Islam, 2000). Many little Muslim girls have their genitals cut out – without anesthesia – in order to destroy their sexuality and make them “pure” (Ayaan, 2007). These are some example of violence against women in Islamic societies. But it has to be cleared that, there is no place of violence against women in Islam. From the readings of the Quran and Hadiths, it will be clear that there is no such place of violence in Islam.

There are two types of violence, private violence and public violence. Private violence includes violence at home including spousal abuse, wife beating, dowry-related violence, torture by in-laws and family members, polygamy, marital rape, risky pregnancy, incest and rape by family members or friends and in some cases honor crimes like honor killing. Public violence includes sexual harassment, eve-teasing, rape, trafficking, murder, *fatwa* violence acid throwing, forced suicides, etc.

Violence against women and girls perpetrated by their intimate partners is a global phenomenon experienced by at least one in three women during their lifetime (World Health Organization, 2014). Violence against women can be looked from two extensive views, at home, or domestic violence, and at workplace. But the basic characteristics of the violence are same. Mismatched marriage, financial dependence and the absence of social and legal safety are the main causes behind the violence against women.

### **Mismatched Marriage, Polygamy and Divorce**

In Islamic laws, marriage is only a civil contract. It is not any kind of sacrament. An Islamic marriage has three types of aspects: legal, social and religious. Legally, marriage is a civil contract. A woman’s social status has increased after marriage. And religiously, marriage is a fort where the bride and bridegroom save each other from evil. In Islamic

jurisprudence, marriage is the base of a society where husband and wife live happily and save each other from all evil things.

But this marriage can be a burden upon husband or wife if it is mismatched. When the social status of the bride or bridegroom does not match, when the bride or bridegroom does not like one another or they have another preference, when the ideology of two families differs, they causes mismatched marriage and they lead the path of unhappiness and violence. The most important paramounts of a family life are peace, happiness and tranquility. But domestic violence destroys thehappinessof a family. Children witness the violent act of their parents and it will affect their future in negatively.

In a marriage, there are some jurisprudential principles. A woman cannot marry someone without permission of *wali* – the legal guardian (Al-Tirmidhi, 1101; Abu Dawood, 2085; Ibn Maajah, 1881) because, when something bad happens in a marriage, a woman has to return to her father’s family. But nowadays many marriages took place without the permission of *wali*. Women are more emotional than men, and that’s why their decision cannot always be good for their own. And on the other hand, a woman has the absolute right to choose her husband. The consent of the bride has to be free without any coercion. But this principle is also ignored. Many families force their girls for marriage. The absence of these two principles in a marriage leads to mismatched marriage. And it leads the path of violence against women.

The social and economic status of the bride and bridegroom has to be equal in a marriage. But this is also ignored by Muslim societies. The complicated extended family system and economic adversity create pressures in a family and it causes violence. Only husbands are duty bound to maintain the family and all its responsibilities. But the wife has no such bindings. The lifestyle and economic capabilities of two families must be equal to lead a happy marriage.

The wife has to live as her husband tells her without any *haram* (prohibited) things to do. The problem is Muslim men thinks that this principle gives them the right to beat their wives. Though Islam has given permission on certain grounds to beat wife e.g. if the wife does not hear any words of her husband. This beating also has some rules like a husband cannot beat his wife’s face or cannot beat like which causes injury. But Muslim societies practice this generally. They beat their wives like a daily routine. They do not follow the rules and grounds.

Islamic laws always give husbands orders to maintain their wives as equals. Prophet of Islam orders husbands to act kindly towards women (Saheeh Muslim, Book 008, Number 3468). Islamic laws also command to give wives food and clothes as the same standards as husbands and not to beat wives (Sunan Abu-Dawud, Book 11, Number 2139). Do not angry and furious towards wives (Saheeh Bukhari, Volume 8, Book 73, Number 137).

“Women impure for men impure. And women of purity for men of purity. These are not affected by what people say. For them is forgiveness and an honorable provision” (Al Quran, 24:26).

So there are divine texts about behaving with goodness and kindness towards wives. But in Islamic societies, the absence of basic principles of Islam causes serious problems and this causes violence and other evil things.

Polygamy is another matter which leads domestic violence in Muslim societies. Polygamy is permitted for men and prohibited for women. In this issue also, Islamic jurisprudence has some principles. The permission to take more than one wife also has some rules. If any husband cannot maintain equality or keep justice among his wives, then the polygamy is prohibited.

“And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]” (Al Quran, 4:3).

But in Muslim societies this law is also absent. They take more than one wife as their own ways and do injustice towards them. They use the system of polygamy to abuse wives and children.

The complication of divorce for women is another reason for domestic violence. However, Islamic laws do not prohibit divorce. If a husband ill-treated his wife, does not maintain her, or have some extra-marital relation, a woman can get divorced. There are also some other grounds where a Muslim woman can get a divorce which has discussed earlier.

### **Economic and Social Factors**

The social status of a woman is ignored in many Islamic societies. Though the status has been given by Islam, many social and economic factors are causing disturbance in the life of a woman. Many Western observers and Islamic secularists argue that the lack of opportunity to gain knowledge and education and economic dependence are the reasons behind violence against women. And they questioned Islamic laws about this. They have argued that Islam keeps women in the house and it causes all problems.

One can observe that most Western and Muslim secular writings indicate that Quranic or Islamic laws are the main culprits behind all kinds of violence against women in the Muslim world. In reality, there cannot be found any codified comprehensive normative legal system in Islam that could be held responsible for endemic violence against women in the Muslim world (Khan, 2008).

The textual references in Islamic laws have supported that it does not close the gates for women. Women have the permission to go out for their needs (Saheeh Bukhari,

Books: 6, Volume: 60, Hadith: 318). Though the best place for women is home, where she is closer to Allah. Women should take permission of her father or her husband before going out. And they have to go out in the prescribed manner which Islam allows. But in many Islamic societies, men do not allow women to go out. But the scenario has changed. Women are now going out to study or work. But this does not solve the problem which Westerns and secularists have argued. Rather the violence at academic institutions and the workplace has arisen against women like rape, sexual harassment, acid violence, murder, etc.

The reason behind the violence outside of home has some reasons also. There are some rules and regulations about the behavior of both men and women prescribed in Islamic laws. For example, a man cannot look at non-mahram woman's face or body; a man cannot touch any other women other than who is permitted. So there is no chance of doing a violent act if anyone follows the rules of Islamic laws. A woman must cover her body and hair from the sight of non-mahram man; it is prohibited to women regarding putting perfumes when going out; it is prohibited to women regarding showing her charms when going out etc.

In Islamic societies, women are deprived of their property rights. There are so many examples where a woman are deprived of her inherited share of property. After the death of her father, she cannot take away her property which she inherited. Many Islamic societies prefer sons over girls. They discriminate between boys and girls in early family life. These customs must be changed in Islamic societies. Prophet of Islam strictly prohibited such discrimination in a family. He also states that well treatment of girls will save parents from hellfire.

Dowry system is another setback for Muslim societies. This is another issue for which women have faced torture (both physically and mentally). In many Muslim societies this system is practiced by the family of the husband. This system of taking money after marriage from wife's family is completely forbidden in Islam.

Sexual harassment or assault at workplace is caused for many reasons. The working environments in many Muslim countries are not favorable for women. Women's rights in working places are not protected by laws. A huge number of populations in the Muslim world are poor and there is a large portion of women. The modern economic fluctuations make these populations vulnerable. They need foods and money, and to manage their family's responsibility and maintenance women have to go out for work. But Muslim societies do not accept women in working place easily yet. So it is very tough for them to survive in such hard situation. And in many families this causes problems between husband and wife. And it occurs, violence against women.

Islamic countries have to take some steps towards the solution of economic and social problems. The poverty alleviation of women and economic dependence, enough earn-

ing and ensuring the entitlement of rights which has given by Islamic laws like right to get inherited property, legal safety of women at workplace and institutions, ensuring the opportunity to get education, human rights and medical treatment will be the first priority for countries and societies.

## **Conclusion**

The Muslim scholars and jurists want to add some new principles in Islamic legal system that could cover the norms and principles which cannot be found in the Quran and Hadith. The Islamic schools have also their own civil and criminal legal system based on Islamic jurisprudence. This is actually not a bad idea because every day new problems have risen and Islamic legal system has to cope with it. But there is no precedent system and codified laws in the Islamic legal system which can be followed by the court.

In the absence of codified laws and precedent system, the Islamic societies have faced with some evil customs like honor killing or rape. The causes of violence against women vary from country to country. But the victims are same in every society. Different customs and economic status of countries make a huge gap between Islamic societies.

About the rights of women given by Islam, many Islamic countries are in confusion. And in most of the time Islamic societies give priority to customs rather than Islamic laws. They followed the customs in place of the rules of the Quran or practice of the Prophet.

Islamic extremists and moderates have to both understand the jurisprudential explanation of Islamic laws and rules. The violence against women and children is a social disease. Without understanding the natural way of living and wisdom, Muslim societies cannot win against the fight of violence against women. Women have to understand that in the name of modernism, they cannot throw away the natural way of living. And the natural way living is what Islamic laws suggest and prescribes.

Women have to acknowledge their rights in Islam and have to earn it by the way Islam prescribes. And the jurists and scholars have to use up-to-date procedures in enforcing laws. It will help Islamic precepts to save women's legitimate rights and from abuse. It is a very tough challenge to find out a balanced middle path to protect the rights of women and to protect them from violence. But if both men and women and leaders in a society follow the natural way of living and *hikma* (wisdom), then it can be possible.

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