



Intersection between human rights and peacebuilding in Africa: Examination of the United Nations' successful stratagems

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Abstract

Africa has recently experienced heightened vulnerability to internal conflicts. This has led to the insinuation that the continent's defining feature is the regularity of conflicts and wars that are often internationalised. These conflicts are responsible for humanitarian crises, systematic human rights abuses and violations, including killings, and conflict-related sexual violence. The UN is entrusted with the maintenance of international peace and security, as well as the promotion of development and the protection of human rights. Therefore, this paper seeks to establish, through the United Nations Charter, the intersection between human rights and peacebuilding in Africa. The paper argues that the UN Charter, particularly under Chapter VII, establishes a framework in which human rights and peacebuilding converge within UN peacekeeping missions. It concludes, however, that the missions tend to prioritise short-term stability over long-term justice and sustainable peace.

Keywords: Human rights, Peace Building, peacekeeping, International Law, United Nations Charter

Introduction

Existing literature shows that international law remains the foundation for interventions by the United Nations (UN) in armed conflicts, as armed groups often disregard international conventions that regulate the conduct of warfare. This disregard poses a challenge to the global peace, security, and stability (Hillert, 2024; Caracciolo, 2019; Davis, 2020), with early peacebuilding processes prioritising ceasefire monitoring within the conflict cycle with limited human rights engagement.

Africa has recently been vulnerable to internal conflicts, whether non-state armed actors or state-induced conflict. This has led to the perception that the continent's defining feature is the 'regularity of conflicts and wars' that are internationalised (Aremu, 2010, p. 549; Chingono, 2015). In this context, data from the Geneva Academy (2025) highlight that Africa has more than 35 non-international armed conflicts, with various armed groups engaged in battles against government forces, placing it second only to the Middle East in terms of conflict prevalence. These conflicts are deeply rooted in a complex mix of local grievances, marginalisation, contested political transitions, discrimination, identity issues, deep ethnic divides, limited access to and management of

natural resources, and economic hardships that serve as key drivers (Gluhbegovic, 2016, p. 15).

Many fatalities from these armed conflicts have increased exponentially due to three interconnected factors: inter-communal violence, confrontations between armed Islamist and ethnic organisations, and the state-led warfare against armed groups (Twagiramungu et al., 2019). The Africa Centre for Strategic Studies (2024) notes that over 3.2 million Africans have been internally displaced due to conflict in 2024, with an estimated total of 40 million displaced over the past years. In particular, armed groups have been responsible for humanitarian crises. Systematic human rights abuses and violations, including killings, conflict-related sexual violence, torture, and abduction, were reported in 26 African countries by Human Rights Watch (HRW) in 2022, with 11,200 deaths in the Sahel and 6,590 in Somalia, all occurring in 2024 (Africa Centre for Strategic Studies, 2024).

This has prompted numerous actions such as the use of mediation, preventive diplomacy, deploying peace support mission or collective military actions by sub-regional organisations such as the Economic Community of West African States (ECOWAS), Intergovernmental

Authority for Development (IGAD), regional organisations such as the African Union (AU) or international organisations to create conditions for peace, protect civilian population and create the conditions for the delivery of humanitarian assistance. The United Nations (UN), as an international organisation was established for the core purpose of maintaining international peace and security, as well as promoting development and the protection of human rights. Over time, the UN's peace and security mandate has evolved to focus on intra-state conflicts that threaten the peace and security of the international community. Given the evolving global security landscape, and in some cases where the sub-regional and regional organisations peace support operations and security frameworks may be unsuitable due to differing doctrines from those of the UN, it is crucial to recognise how the UN charter, through its peace support operations and security frameworks, including humanitarian interventions, promotes regional peacebuilding efforts, as well as the prevention, protection of human rights and resolution of conflicts in Africa. This study, therefore, explores the intersection between the UN Charter, human rights, and peacebuilding in Africa

The study starts by presenting the methodological framework. Secondly, it addresses the existing conflict between human rights and peacebuilding by reviewing the relevant literature. Subsequently, the study explains the UN Charter as a legal and normative text upon which the research relies as the primary analytical unit. Finally, the paper examines peacekeeping and intervention missions as a key intersection between human rights and peacebuilding under the UN charter and its legality.

Methodology

This study is anchored on the doctrinal foundation for legal research. Doctrinal research seeks to analyse legal rules, principles that are found in statutes and case law. Therefore, this research investigates the UN Charter through the analysis of its statutory provisions and principles (Vibhute & Aynalem, 2009, p. 71).

Furthermore, it is qualitative research by nature, as it is non-numerical and concerned with textual legal data (Dobinson & Johns, 2017, p. 19; McConville & Chui, 2017, p. 4). The primary data consists of information from the UN Charter. Statutory materials, including subordinate legal texts such as Security Council Resolutions, the human rights charter, and reports from special

rapporteurs, were also employed. Secondary data, such as textbooks, legal commentaries on statutes, technical reports, journals, newspapers, legal periodicals, supplemented the UN documents. These sources were used to improve the coherence, consistency, and legal soundness of the primary source or to identify interpretive gaps.

Content analysis was employed to analyse the UN charter and secondary materials. The comprehension of the Charter was guided both epistemically and volitionally in the analysis (Busse, 2008). To enhance the coherence of the analysis, the study focuses on documents pertaining to two country cases—Somalia and Libya. Examining two case studies instead of documents from various contexts enables a more thorough investigation, thereby underscoring the differences between the two cases and incorporating data spanning several years. Two criteria were established for selecting the countries: (i) the country must be on the UN Security Council agenda due to its human rights situation or conflict, and (ii) the Council should have established special mechanisms and mandates, such as fact-finding missions, and special peace missions to address the country's human rights situation.

Resolving the conflict between human rights and peace-building

The concepts of peacebuilding and human rights are closely interconnected and often overlap. However, in practice, these concepts are frequently conceived and pursued independently in conflict and post-conflict societies, with those involved operating under the assumption that the realisation of one will inevitably reinforce and facilitate the realisation of the other (Shaw & Selvarajah, 2019). Since the early 2000s, there has been increasing recognition of the intricate connection between peacebuilding and human rights (Parlevliet 2002; Lutz et al., 2003). However, later researchers, such as Parlevliet (2017, 2019), focused on debates regarding the theoretical and practical distinctions between peacebuilding and human rights, as well as how human rights can be integrated into the peacebuilding process geared towards reconciling conflicting parties. Peace is a vital component of any peace-building process and a prerequisite for the protection of human rights, which are defined in treaties, conventions, and international law. These laws are outlined as universal, indivisible, and critical for sustainable peace (Bell, 2013).

Human rights violations can trigger conflict, with brutal treatment escalating tensions and fuelling the desire to

continue the conflict, even to exact retribution. This indiscriminate and extreme use of violence aimed at intimidating and overwhelming the enemy, often proves counterproductive, exponentially escalating the conflict and complicating the achievement of peace (Mertus & Helsing, 2006:4). In this regard, Bell (2013) points out that human rights violations and abuses are structural causes, symptoms, and consequences of conflict; addressing these violations is essential for any peacebuilding initiative.

Therefore, the effectiveness of human rights is closely dependent on the structural and operational pathways implemented following the cessation of hostilities as a result of the peacebuilding process. This can be achieved through peacekeeping mechanisms, since peacekeeping has expanded to include the employment of non-military personnel to perform tasks essential for supporting the implementation of peace accords, such as human rights monitoring and capacity-building programmes (Campbell, 2020; Hatto, 2013).

Peacebuilding encompasses a range of activities—economic, cultural, social, judicial, and political at local, national, and global levels, that aim to prevent the outbreak, escalation, continuation, and resumption of violent conflict while transforming its structural, relational,

cultural roots and prioritise stability and conflict resolution (Aggestam & Björkdahl, 2012; Parlevliet, 2017).

Increasingly, Mertus and Helsing (2006, p. 5) argue that while there are various ways in which human rights and conflict intersect, they can be distilled into three theoretical strands. Firstly, the human rights perspective seeks to rectify injustice by safeguarding vulnerable groups and individuals, advancing respect for human dignity, and actualising the human rights articulated in the Universal Declaration of Human Rights (UDHR) (Fuentes-Julio & Ibrahim, 2019).

Secondly, the conflict resolution perspective aims to manage, prevent, and transform violent conflict through military force and other coercive methods, mediation, or negotiation. Thirdly, the humanitarian law perspective, which focuses on aiding local populations affected by violent conflict, is driven by international humanitarian laws governing the conduct of war and the protection of civilians during armed conflict. In essence, integrating human rights into the peace process fosters trust and constructive conflict resolution as both human rights and peacebuilding approaches are motivated by the quest for social justice and peace, which entails addressing injustice and grievances (UN

Office of the High Commissioner for Human Rights, 2020).

Within the context of peacebuilding, O'Flaherty (2003) outlines three distinct programmes for human rights protection: programmatic initiatives, enforcement and accountability mechanisms, and normative measures. Facilitating a participatory process that incorporates local approaches to human rights and peacebuilding through programmes such as rehabilitation, reconstruction, reconciliation, and capacity building constitutes programmatic initiatives. This is supported by international organisations that actively participate in resolving conflicts as negotiators, peacekeepers, peacemakers, and humanitarian ambassadors (Cahill-Ripley, 2016). Enforcement and accountability measures involve establishing national human rights institutions alongside their ratification and implementation, such as those outlined in the UN Charter. Normative measures include the incorporation of international treaties and laws, like the charter, into a nation's domestic legal frameworks through national legislation or constitutional provisions (Cahill-Ripley, 2016).

Moreover, various theoretical orientations have been proposed to elucidate peacebuilding concepts. The liberal

perspective posits that the peacebuilding process focuses on international security and the "containment" of conflict, aiming to terminate overt and direct violence, which is deemed "negative peace" (Galtung, 1969), while striving for "positive peace" and human security, which encompasses human rights (Cahill-Ripley, 2016, p. 224). To attain positive peace, international law serves as a significant instrument as it seeks to mitigate the excesses of conflict and protect civilians and other vulnerable populations (Hillert, 2024). This process is frequently employed in conflict-prone, transitional, or post-conflict societies to foster a durable and self-sustaining peace that deters the escalation and recurrence of violent conflict (Newman, 2011).

However, Galtung (1976) and Boutros-Ghali (1992) maintain that peacebuilding should be regarded as 'operationally distinct from the procedure of war/conflict resolution', rather than a peace-making process that encompasses legal advancements such as human rights and various constitutional provisions, peace accords, reconciliation endeavours, post-conflict reconstruction initiatives, and negotiations. Additionally, as an

alternative to liberal peacebuilding, a human security approach is advocated, which is transformative in character and

focuses on addressing the root causes of conflict and human rights violations rather than transient negative peace and containment. As Schirch (2006) states, human security peacebuilding "transforms," prevents, reduces, and assists people in recovering from violence of all kinds, thereby promoting reconciliation and establishing structural justice. Thus, peacebuilding seeks a just peace that recognises that pursuing justice through violence only perpetuates injustice and human rights violations, and that true peace cannot satisfy people's needs without justice. Therefore, genuine peace exists when there is no structural or direct violence, alongside a process that safeguards human rights and enables individuals to fulfil their basic needs (Aggestam & Björkdahl, 2012).

Transitional justice forms the foundation of both post-conflict peacebuilding and responses to systematic human rights abuses. It addresses serious human rights violations that have occurred in the past, providing victims with recognition and fostering possibilities for peacemaking (Arthur, 2009). Peace-making efforts should include the establishment of human rights protection mechanisms and institutions that offer long-term guarantees.

Kantowitz (2020) warns of six challenges that impede greater cohesion between human rights and peacebuilding. These include a focus on civil and political rights at the expense of economic, social, and cultural rights; a lack of cohesive global leadership in advancing human rights and preventing armed conflict; disorganised efforts in both fields; conflicts between national and international discourse and practices in both areas; the normative operationalisation of human rights, often perceived as rigid and top-down, as well as peculiar difficulties faced by each field.

Despite Kantowitz's cautions, Ojulu (2023) firmly argues that human rights must be incorporated into peacebuilding initiatives, both in response to ongoing and emerging conflicts worldwide and to help resolve the complex issues relating to rights and conflicts (Parlevliet, 2017). Promoting and defending human rights lies at the core of peacebuilding, conflict prevention, and resolution, particularly in addressing abuses and strengthening institutions that uphold the rule of law.

Analytic framework

This study is grounded in the United Nations Charter of 1945, which was established as a blueprint for the post-war period at the United Nations

Conference on International Organisations (UNCIO), in response to the devastating effects of the Second World War. The Charter is contractual in nature, particularly in its provisions regarding signing, amendments, and ratification. It entered into force following the ratification by the five countries considered 'great powers' Britain, USA, China, Russia, and France, alongside 51 States (Schrijver, 2006, p. 3).

For McDonald (2000), the Charter represents a complex legal structure that integrates various sets of provisions to offer constitutional guidance in the normative evaluation of conflicts. These clauses outline general principles widely acknowledged by states and doctrines as obligations valid 'erga omnes' (obligations owed to all), while other provisions possess a 'jus cogens' (compelling law) character (Macdonald, 2000, p. 264). Many of the clauses are "technical in nature," aimed at shaping the UN constitutional framework to enable it to play a fundamental or, in some instances, dominant role in the global community.

The Charter is constitutive in terms of its organisational structure and membership, establishing a governing structure and a general framework for the UN system by being normative concerning its objectives

and principles (Schrijver, 2006, p. 5). The UN's objectives and purpose, which is maintaining world peace and security while upholding human rights, are encapsulated in the preamble. The UN engages in effective collective action to prevent and eliminate threats to peace and offers peaceful conflict resolution methods that align with the Charter's tenets (Musayev & Sadigbayli, 2018), with Article 24 empowering the UN Security Council to bear the responsibility for achieving global peace and security.

According to Article 1, the Charter establishes seven principles, which include: (i) the sovereign equality of states (Peilert, 2014, p. 207); (ii) the obligation of members to fulfil their obligations in good faith under the Charter; (iii) the peaceful resolution of international conflicts to prevent threats to global peace and security; (iv) the obligation of every member to refrain, in international relations, from using or threatening to use force against the political independence or territorial integrity of any state, or in any way that contradicts the purposes of the UN (Dörr & Randelzhofer, 2012); (v) every member shall assist the UN in any action it takes in accordance with the Charter; (vi) the Organisation shall ensure that non-member states act in line with its principles for the maintenance of

international peace and security; (vii) the UN is not permitted to intervene in matters that are primarily under the domestic jurisdiction of any state (Art. 2 I-VII) (Bentwich & Martin, 2024).

As a legal document, the Charter is regarded as the "constitution of the international community" (Fassbender, 2009), with a universal perspective and a level of supremacy unparalleled by any other international agreement (Art. 103). Notably, the Charter serves as the foundation for all international law and represents the highest standard of international legal norms (Liivoja, 2008, p. 584). Furthermore, all states are bound by the Charter in matters of peace and security, and it is permanent and cannot be revoked by its members (Doyle, 2009, p. 115). Additionally, the Charter introduces the supranational concept, allowing for authoritative decisions to be made without continuous approval and beyond national borders (Doyle, 2009, p. 115), thereby enabling the UN to undertake responsibilities and act on behalf of its membership. Its interpretation is teleological and objective, adhering to the treaty's terms as they are in common usage, while focusing on the doctrine of "implied powers" and the rule of effectiveness (*effet utile*) (Schrijver, 2006, pp. 5–6). Therefore, the Charter will serve as the

analytical framework applied in the next section.

Operationalising the intersection of human rights and peacebuilding in Africa within the UN charter

The UN Secretary-General avers that human rights are a "critical foundation of sustaining peace." Essentially, the UN prioritises the human rights dimension within the peacebuilding framework (United Nations, 2018). The resolution (A/RES/70/262-S/RES/2282) on sustaining peace reaffirms that "development, peace and security, and human rights are interlinked and mutually reinforcing," highlighting a holistic approach to sustaining peace, wherein "respect for and protection of human rights and fundamental freedoms" are integral components.

It is on this basis that interventions such as peacemaking, peacekeeping, and enforcement by the UN are instituted. Peace support operations are central to the understanding of the interlink between human rights and the peacebuilding process, with the UN Security Council providing peacekeeping forces with a robust mandate to protect civilian populations (Campbell, 2020). In this respect, the concept of the responsibility to protect, or R2P, is a principle that holds that the international

community has an obligation to protect civilian populations from grave human rights violations when a sovereign state fails to protect its citizens. Accordingly, Article 24 of the UN charter implies that R2P is the UN encompasses capacity to exercise caution, develop effective prevention policies, and, when necessary, mobilise an efficient response. This is expressed in three interrelated responsibilities: to prevent, react, and rebuild. (Grasa & Martin, 2010, p. 22). Conversely, this peacekeeping approach aligns with the liberal peace framework favoured by the UN in addressing contemporary conflicts by (i) collaborating with other international partners and national counterparts to define peacebuilding priorities and offer strategic direction ;(ii) helping to create an environment that enables peacebuilding activities; and (iii) implementing peacebuilding tasks directly (Hearn et al., 2015, p. 8). Hence, this paper will focus on two notable interventions: the UN mission in Libya and Somalia.

UN Mission in Libya

The UN Support Mission in Libya (UNSMIL) was instituted in 2011 under Security Council Resolution 2009 as an integrated special political mission. The mission was guided by the idea of local ownership, which involves support from a

wide range of domestic actors (UNSMIL, 2011). Human Rights Watch (2011) notes that the mission was the outcome of protests that began in January 2011. The Gadhafi government's response to the demonstrations was repressive. This escalated the crisis, which resulted in military aircraft firing on unarmed civilians and protesters (Kirkpatrick, 2011).

This led to the building of a coalition of opposition forces, comprising members of the armed forces and former Gaddafi's government who defected from his government. Hence, this birthed the National Transitional Council, asserted to be the legitimate representative of the populace in Libya (Shadid & Fahim, 2011). The UN voiced its concern through Secretary-General Ban Ki Moon referred to "allegations of indiscriminate killings, arbitrary arrest, shooting of peaceful demonstrators, the detention and torture of the opposition, and the use of foreign mercenaries" based on the reports, which were found to be credible and substantiated (United Nations, 2011). The UN High Commissioner for Human Rights and the Security Council both denounced the excessive use of force and human rights abuses (United Nations Security Council, 2011; United Nations High Commissioner for Human Rights, 2011).

These grave violations of human rights eventually led to the Security Council's adoption of Resolution 1970 on February 26th, 2011 (see Table 1). The Security Council relied on Chapter VII to invoke measures under Article 41, as they had determined that violations of human rights were a threat to peace under Article 39 (Payandeh, 2011). In addition to calling for an immediate end to the violence and urging Libya to uphold its responsibilities under international law, the Council also imposed a series of sanctions on the Gadhafi regime, including travel bans, asset freezes, and an arms embargo. Furthermore, the

Security Council, as a result of the deterioration of the humanitarian situation, took further action by adopting resolution 1973 on March 17, 2011, given that the situation in Libya constituted a threat to international peace and security. To help protect the civilian population, it established a no-fly zone, prohibiting all flights in Libyan airspace; called for an immediate ceasefire and an end to attacks on civilians; and prohibited any kind of foreign occupation force, but encouraged member states to take all necessary measures to protect civilian-populated areas.

Table 1: Timeline of UNSMIL mission and mandates

| S/N | Security Council Resolutions number | Year of Renewal | Mandate |
|-----|-------------------------------------|-----------------------------------|---|
| 1 | 1970 | 26 th , February, 2011 | Protection of civilians and civilian populated areas, |
| 2 | 1973 | 17 th , March, 2011 | Protection of civilians and civilian populated areas, establishment of a no-fly zone, and enforcement of the arms embargo |
| 3 | 2022 | December, 2011 | Promote and protect human rights; restore public security; inclusive political dialogue. |

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| 4 | 2040 | 12 th , March, 2012 | Manage the process of democratic transitions; restore public security, monitor human rights violations, and promote the rule of law. |
| 5 | 2095 | 14 th , March, 2013 | Counter and illicit proliferation of arms; control unsecured arms; promote national reconciliations; restore public security; monitor human rights violations; promote the rule of law. |
| 6 | 2144 | 14 th , March, 2014 | Extension based on the resolution 2095 |
| 7 | 2208 | 5 th , March, 2015 | Extension based on the resolution 2095 |
| 8 | 2213 | 27 th , March, 2015 | Support key Libyan institutions; support the provision of essential services based on request; human rights violations; control unsecured arms; coordination of international assistance; consolidation of governance, security and economic arrangement. |
| 9 | 2238 | 10 th September, 2015 | Extension based on the resolution 2213 |
| 10 | 2273 | 15 th March, 2016 | Extension based on the resolution 2213 |
| 11 | 2291 | 13 th June, 2016 | Extension based on the resolution 2213 |
| 12 | 2323 | 13 th December, 2016 | Extension based on the resolution 2213 |
| 13 | 2376 | 14 th September, 2017 | Extension based on the resolution 2213 |
| 14 | 2434 | 13 th September, 2018 | Extension based on the resolution 2213 |
| 15 | 2486 | 12 th September, 2019 | Extension based on the resolution 2213 |
| 16 | 2542 | 15 th September, 2020 | Support the government of National Accord to stabilise post-conflict areas; |

| | | | |
|-----------|------|----------------------------------|--|
| | | | support the implementation of the Libyan political agreement; support key Libyan institutions; support the provision of essential services based on request; monitor human rights violations. |
| 17 | 2595 | 15 th September, 2021 | Extension based on the resolution 2542 |
| 18 | 2599 | 31 st September, 2022 | Extension based on the resolution 2542 |
| 19 | 2619 | 31 st January, 2022 | Support the government of National Accord to stabilise post-conflict areas; support the implementation of the Libyan political agreement; support key Libyan institutions; support the provision of essential services based on request; monitor human rights violations; provide support to the 5+5 Joint Military Commission and the Libyan-led and Libyan-owned ceasefire monitoring mechanism (LCMM) |
| 20 | 2629 | 29 th April, 2022 | Extension based on the resolution 2626 |
| 21 | 2647 | 28 th July, 2022 | Extension based on the resolution 2626 |
| 22 | 2656 | 28 th October, 2022 | Extension based on the resolution 2626 |
| 23 | 2702 | 31 st October, 2023 | Extension based on the resolution 2626 |
| 24 | 2755 | 31 st October, 2024 | Further, an inclusive political process; deliver free, fair and transparent elections; dialogue and reconciliation; monitor and report human rights violations and abuse; provide support to the 5+5 Joint Military Commission and |

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| | | | the Libyan-led and Libyan-owned ceasefire monitoring mechanism (LCMM) |
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Note: <https://unsmil.unmissions.org/background>

A major part of the continued resolutions was the Security Council's use of technical rollovers to the mandates, which included human rights monitoring and reporting. After Resolutions 1970, the Libyan government announced a ceasefire, which it promptly reneged on by attacking Benghazi (The Guardian, 2011). As a result, NATO launched airstrikes and missiles against Libyan air defence systems, destroying them and initiating military intervention in Libya. Over the course of eight months from April to October 2011, NATO carried out attacks and counterattacks, killing one of Gadhafi's sons, demolishing his command and control centre and helping the National Transitional Council reclaim the capital city of Tripoli (Fahim & Kirkpatrick, 2011).

The scope, limits and legal foundation for Security Council Resolution 1973

Public discourse on the security environment in Libya prompted the

adoption of the Security Council Resolution 1973. Regarding the resolution scope, the Security Council urges member states to take any

necessary measures to protect areas populated by civilians. Therefore, Chapter VII of the UN charter, which authorises the use of force, serves as the foundation for the resolution (Henderson, 2011). However, this authorisation was limited by the resolution mandate that a foreign occupation force of any form was not allowed in any part of Libya. Moreover, the resolution is not limited by time or the achievement of a particular milestone stone relation to its objective. In light of the above, the authorisation is valid provided there is a threat to civilian populated areas (Payandeh, 2011).

In terms of limitations, the authorisation of member states to take any necessary measures was recognised from a constitutional right doctrine that emphasises the proportionality

requirement (Sweet & Mathews, 2008). In context, the authorisation has some limitations as the intervening member states are required to demonstrate that every action taken was aimed at protecting civilian-populated areas. This is a divergent position from the previous use of the term 'any necessary measure'

by the Security Council (Payandeh, 2011). In some cases, the use of force is admissible based on the Security Council resolution of Article 51 of the UN charter, and the use of force must be proportional to the intended objective to be achieved and not excessive. A foreign occupation force of any kind is expressly prohibited from occupying Libya under the 1973 resolution, which also explicitly forbids the use of ground forces (UN Security Council, 2011). Given this, Francioni and Bakker (2013) point out that the Security Council technically used the term 'occupation force' rather than 'ground force' because, under international law, occupation entails a state exercising effective control over another state's territory (Lieblich & Benvenisti, 2023); however, a state does not acquire control of another state by simply using ground force. Similarly, international humanitarian law was pivotal in the authorisation because it forbids assaults on civilians while permitting attacks on combatants.

The legal foundation is anchored on the principles as enshrined in Chapter VII of the charter, empowering the Security Council to take actions in accordance with Article 39, which provides for the determination that a threat to peace exists (Charter of the United Nations,

1945). The UN system lacks comprehensive guidelines for evaluating the legality of actions taken by UN bodies. This grants the Security Council considerable latitude in deciding what to do under Chapter VII, as it can label the widespread abuses of human rights against civilian populations reported by the media, human rights organisations, and other UN bodies as threats to peace. Lastly, the intervention in Libya essentially highlights the human rights-based approach to peacebuilding, as the justification for the military intervention, as authorised by the Security Council, was based on measures aimed at protecting human rights.

UN mission in Somalia

The UN Assistance Mission in Somalia (UNSOM) was instituted in 2013 under Security Council resolutions 2102 as a special political mission for the establishment of the Federal Government of Somalia. Unlike the Libya mission, UNSOM was undertaken under very strenuous and challenging circumstances. The conflict over the years in Somalia was deep, complex, and protracted, with the root causes extending as far back as the first UN mission in Somalia in 1992. The mission is embedded in the principle of local ownership, which entails buy-in from a broad spectrum of domestic actors

such as the IGAD, the African Union Transition Mission in Somalia (ATMIS), and the government of Somalia (UNSOM, 2013).

This mission was the result of the expiration of the United Nations Political Office for Somalia (UNPOS) in June 2013, and the gains recorded in advancing peace and reconciliation through contacts with domestic actors such as the Somali leaders, civic organisations, and other concerned stakeholders (UNPOS, 1995). Before now, Somalia was a fragile state and did not have a central government to uphold human rights as a result of the armed conflict that broke out, leading to Barre's regime in 1991. This armed conflict was between the different clans' factions, militias, especially al-Shabab, battling for supremacy and control of state power, which formed the basis for the first UN mission in Somalia (UNISOM I) (Ononogbu & Nwangwu, 2018). The mission had the mandate of restoring peace and the protection of human rights, with the UN Security Council adopting resolutions 733 and 746 to institute a ceasefire. However, the mission faced a lot of challenges, such as opposition to the resolution from different factions within the Council, limited resources, and the supply of arms

to the Mahdi militias via Russian planes marked with UN insignia (Nyabicha, 2022).

The failure of the UNISOM I led to the authorisation of the United Task Force (UNITAF) as a peace enforcement mission in support of the UNISOM I. Hence, the UN Security Council adopted Resolution 794, admonishing member states to take any necessary measures to create a secure environment in Somalia for humanitarian activities (Bush, 1997). UNITAF was made up of forces from 24 different countries, with the United States of America contributing the largest number of forces. The mission had three phases such as securing the capital city of Mogadishu, assisting in the distribution of humanitarian relief, and advocating for the creation of a political authority to facilitate law and order (Clarke & Herbst, 1997). In some parts, the mission was successful in achieving its mandate as it demilitarised areas around humanitarian relief operations; nonetheless, its withdrawal from Somalia gave way to conflict again (Nyabicha, 2022).

Moreover, with the UNITAF withdrawal, its mandate was handed over to the United Nations Operations in Somalia II (UNOSOM II) in 1993 under resolution 814. The UNOSOM II was allowed to use

force as prescribed by the UN charter in Chapter VII. The mandate of the mission was to lead the way for reconciliation, disarmament, and restoration of law, order, and stability. The mission was regarded as the most expensive UN mission as it recorded an operational cost of \$1.5 billion (Bush, 1997). However, the

mission faced problems of budget constraints, reduced number of troops, lack of commitment to peace by the factions involved in the conflict, and insufficient political will by member states as America dominated the operations (Bush, 1997)

Table 2: Timeline of UNSOM mission and mandates

| S/N | Security Council Resolutions number | Year of Renewal | Mandate |
|-----|-------------------------------------|------------------------------|--|
| 1 | 2102 | 3 rd , June, 2013 | Providing policy advice to the federal government of Somalia and the African Union Mission in Somalia on peacebuilding and state-building; monitoring and reporting human violations; supporting the federal government of Somalia's reconciliation and peace process; coordinating international donor support. |
| 2 | 2158 | 29 th May, 2014 | Providing policy advice to the federal government of Somalia and the African Union Mission in Somalia on peacebuilding and state-building; monitoring and reporting human violations; supporting the federal government of Somalia's reconciliation and peace process; coordinating international donor support. |

| | | | |
|-----------|------|-------------------------------|---|
| 3 | 2221 | 26 th May 2015 | Extension based on the resolution 2158, Paragraph 1 |
| 4 | 2232 | 28 th July 2015 | Extension based on the resolution 2158, Paragraph 1 |
| 5 | 2275 | 24 th March 2016 | Extension based on the resolution 2158, Paragraph 1 |
| 6 | 2358 | 14 th June 2017 | Extension based on the resolution 2158, Paragraph 1 |
| 7 | 2408 | 27 th March 2018 | Extension based on the resolution 2158, Paragraph 1 |
| 8 | 2461 | 27 th March 2019 | Extension based on the resolution 2158, Paragraph 1 |
| 9 | 2516 | 30 th March 2020 | Extension based on the resolution 2158, Paragraph 1 |
| 10 | 2527 | 22 June 2020 | Extension based on the resolution 2158, Paragraph 1 |
| 11 | 2540 | 28 th August 2020 | Extension based on the resolution 2158, Paragraph 1 |
| 12 | 2592 | 30 th August 2021 | Extension based on the resolution 2158, Paragraph 1 |
| 13 | 2632 | 26 th May 2022 | Extension based on the resolution 2158, Paragraph 1 |
| 14 | 2657 | 31 st October 2022 | Extension based on the resolution 2158, Paragraph 1 |
| 15 | 2705 | 31 st October 2023 | Extension based on the resolution 2158, Paragraph 1 |

Note: <https://unsom.unmissions.org/mandate>

The transition to the United Nations Political Office for Somalia (UNPOS) was invoked by the Security Council in 1995,

through the adoption of a presidential statement in advancing peace and reconciliation through contacts with

domestic actors such as the Somali leaders, civic organisations, and other concerned stakeholders (UNPOS, 1995). This mission has supported numerous initiatives aimed at promoting peace and national reconciliation in Somalia. From 2002 to 2004, UNPOS was able to facilitate the Somalia national reconciliation conference under the umbrella of the IGAD, leading to the formation of the Transitional Federal Government (TGF). This culminated in the presidential and parliamentary elections in September 2012. This mission was succeeded by the UNSOM in 2013, which provided policy advice to the federal government of Somalia and the African Union Mission in Somalia on peacebuilding and state building, monitoring and reporting human violations, and coordinating international donor support with particular emphasis on maritime security and other sectors of security assistance. A major part of the continued resolutions involved the Security Council employing technical rollovers to execute their mandates.

The scope, limits and legal foundation for Security Council resolution 2102

The adoption of Security Council resolution 2102 was to help provide policy advice to the federal government of Somalia and the African Union Mission in Somalia (AMISOM) on peacebuilding

and state building, monitor and report human violations, support the reconciliation and peace process, coordinate international donor support, prepare for an election and constitutional review (UNSOM, 2013). The Security Council presented a background and motive to the basis of the new resolution with the previous resolution 2093, which mandated the AMISOM to act under Chapter VII of the charter, having determined that the situation in Somalia constitutes a threat to international security and peace (United Nations, 2012). The member states of the African Union authorised the mission to take any necessary measures to establish a guard force of appropriate size (United Nations Security Council, 2013). In terms of the scope of Resolution 2102, the Security Council urges member states to take any necessary actions to protect civilian populated areas (United Nations Security Council, 2013). The authorisation, just like that of Libya, has a limitation: a foreign occupation force of any form was not allowed in any part of Somalia

In terms of the limitations, the mission was to facilitate reconciliation in Somalia, which limits the mission only to an advisory role. This also stresses the importance of the local peacebuilding process (United Nations Security Council Resolution S/RES/2102, 2013). Similarly,

the legal foundation is anchored on the rules outlined in Chapter VII of the charter, empowering the Security Council to take actions (Charter of the United Nations, 1945). Lastly, the UNSOM essentially highlights the conflict resolution to peacebuilding as the justification for the mission as authorised by the Security Council with a view to enabling reconciliation and peacebuilding processes alongside facilitating the democratic process of Somalia.

Conclusion

This paper argues that the UN charter creates an intersection of human rights and peacebuilding within the framework of UN peacekeeping missions. The complex dynamics associated with conflict and human rights underscore the interdependence of both fields. Moreover, in Libya, the government's response to the demonstrations was repressive, which led to the execution of the unarmed civilians. Hence, the UN intervened to protect the civilian population. Similarly, in Somalia, the protracted conflict and the continuous human rights abuse accounted for the institution of the political mission to safeguard the lives of

civilians. In both accounts, these missions were instituted as a result of human rights violations, given that the international community has an obligation to protect civilian populations from grave human rights violations when a sovereign state fails to protect its citizens (Grasa & Martín, 2010, p. 22).

The findings show that UN interventions in Libya and Somalia are anchored on principles enshrined in Chapter VII of the charter, empowering the Security Council to take actions in accordance with Article 39, which is the determination that a threat to peace and the civilian population exists (Odoemena & Nwodo, 2025). But, for these missions to be effective, they must allow the various local communities to lead the process. This entails the buy-in, support, and strong commitment of the domestic stakeholders to an enduring peacebuilding process (Cahill-Ripley, 2016). Therefore, since the UN Missions are only concerned about safeguarding the rights of the civilian populations, they prioritise the short-term stability rather than the long-term justice process.

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