

## Chapter 5

# Protecting Civilians: The Politics of Intervention and Non-Intervention in Africa

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Libya still captures headlines and we should recognise that the international response to its recent crisis and that of Côte d'Ivoire has deeper African roots than that of learning from Western-led interventions in Afghanistan or Iraq. Resolution 794 (1992) authorized the United Task Force, led by the U.S., to enter Somalia to ease the humanitarian crisis there (Operation Restore Hope), and Resolution 929 (1994) authorized the French-led Operation Turquoise to protect victims and targets of genocide that was underway in Rwanda.

### Shadows of Somalia and Rwanda

The memory of Somalia and Rwanda have framed Western thinking on intervention in Africa for nearly two decades. The Rwandan genocide in particular shifted the Organization of African Unity's policy of non-interference to the African Union's doctrine of non-difference. Africa has led the way; in west Africa, ECOWAS has sent forces and mediated with civilian protection partly in mind, Africans such as Francis Deng pioneered the concept of what is commonly now called the 'responsibility to protect,' or R2P, a principle unanimously adopted by UN member states at the 2005 World Summit and which the UN Security Council reaffirmed in Resolutions 1674 (2006) and 1894 (2009).

The response to the Libya crisis in 2011 was an evolution, drawing on these past developments. The decision to use force was enabled partly by the precedents of past resolutions, but

especially through fear that Qaddafi's forces would massacre civilians in Benghazi (initially calling them cockroaches and later rats). Some of the policymakers who pushed for such an intervention had held official positions during the Rwandan genocide and greatly feared a repeat of such history on African soil and again on their watch.

### Learning from Libya and Côte d'Ivoire

Each episode is distinct: resolution 1973 of March 2011 on Libya could happen because the Arab League supported it, the threats of massacre of Benghazi and the poor international standing of the Qaddafi regime, especially in the immediate region. Despite its apparent success, it is unlikely that a Libya-type operation will happen again anytime soon.

There are important insights to draw from what has happened in Côte d'Ivoire in 2011. The latest crisis in Côte d'Ivoire is not dissimilar to others in recent years in sub-Saharan Africa and drew from an internal conflict which ended in 2003 through an accord. To oversee this process, a UN peacekeeping mission—UNOCI—was mandated by the Council, supported in practice by several thousand French soldiers already stationed in Côte d'Ivoire. The UN peacekeepers were also mandated to use 'all necessary means' to protect civilians.

This crisis had deep roots. Following the death of former president Félix Houphouët-Boigny in

1993, the country succumbed to coups, chaos and ethnic division. The fighting in 2011 was the latest chapter since civil war erupted in 2002 and split the country. In March 2007, a deal mediated by neighboring Burkina Faso and approved by the African Union (AU) stipulated fresh elections, although these were delayed several times. Finally, two election rounds took place in 2010, with a run-off in November 2010.

Independent electoral oversight of elections is critical and united international endorsement of the legitimate winner from regional and continental bodies is essential. Visionary leadership and the ability to except electoral defeat with dignity, rather than dragging a country back to civil war as Laurent Gbagbo has achieved, is key.

Leadership of regional and continental bodies—such as ECOWAS and the AU in the Ivorian case is helpful. As we saw over Libya, Arab League support for a no-fly zone was instrumental in getting the approval by the UN Security Council. In a multipolar world, P-5 Security Council members do not automatically call the shots: Russia was forced to moderate from a pro-Gbagbo position because of an African common position that emerged that Ouattara was the rightful winner of the Ivorian presidential elections. The Economic Community of West African States (ECOWAS) and the AU suspended Côte d'Ivoire and threatened sanctions last December. ECOWAS, led by Nigeria, also threatened to use 'legitimate force' to depose Gbagbo, although in practice this would have been difficult to achieve without the full support of Ghana.

On March 30, 2011, Resolution 1975 (drafted jointly by France and Nigeria) recognized Ouattara as president and authorized UNOCI to 'use all necessary means' to protect civilians.' Over the next few days, support for

Gbagbo melted away and on April 4 UN and French helicopters assaulted military camps and destroyed heavy weapons and their stockpiles, turning a battle for Abidjan in Ouattara's favor, and finally on April 11 Laurent Gbagbo surrendered to Ouattara's forces.

As over Libya, there has been a fierce debate over whether there was mandate creep, and that the UN and French forces supported regime change, rather than civilian protection. This debate continues and Russia and China and South Africa have been especially vocal about their unease. Unlike Libya, where the African Union became sidelined and in dispute with the Arab League, on Côte d'Ivoire, ECOWAS and the AU despite differences, eventually reached a common position—an important lesson for the future.

## Non-Military Intervention

Although in 2003 the EU deployed the French-led Operation Artemis in response to a request by the then UN Secretary General for bridging troops in Democratic Republic of the Congo (DRC), a similar request in 2008 was rejected. Not intervening can, however, sometimes be a better option for reducing conflict, as the 2008 case of EU non-intervention in eastern DRC suggests. There are lessons from this episode about the efficacy of intervention and how as we have seen in the cases of Libya and Côte d'Ivoire the politics of the moment also counts. In 2003, Germany, France and Britain supported the UN after Operation Allied Force intervened in the Balkans without a UN mandate and they wished to rebuild their UN relationships. In 2008, as we see below, no European lead nation wanted to get involved—Britain, Germany and France. Indeed without French lead behind the scenes on Côte d'Ivoire or British, French and American lead on Libya, the outcomes discussed above would have been different.

## **Calls for EU Military Intervention in Eastern Congo in 2008**

In October and November 2008 the EU was split over whether to deploy into the area. “Unacceptable and murderous” were the words French foreign minister Bernard Kouchner chose to describe the situation in northeastern DRC at a press conference after the October monthly meeting of EU foreign ministers. In the following weeks, Laurent Nkunda’s Congrès National pour la Défense du Peuple (CNDP) rebels advanced on Goma, displacing up to 300,000 people; the Congolese army went on a spree of looting, rape and killing in that town; and there was a double massacre in Kiwanja on November 4. At the next meeting of EU foreign ministers, on November 10, 2008, the DRC was top of the agenda, and although EU military assistance was not explicitly ruled out in the agreed statement, the call for “reinforcement of cooperation between the EU, its member states and MONUC,” in practice meant it would not happen.

The EU appeared far from united. Kouchner was the first to call for EU military intervention in DRC: the then EU High Representative for the Common Foreign and Security Policy, Javier Solana, quickly rejected the idea, the Belgians came out in support, and the British sent mixed messages. Meanwhile, visits to the region by the EU special representative for the Great Lakes region, Roland van de Geer, EU commissioner Louis Michel, and Kouchner with the British Foreign Secretary David Miliband in early November left no impression of a unified front—Javier Solana was not even allowed to travel with Miliband and Kouchner on their plane. Equally telling was the absence during this crisis of pan-African leadership from Nigeria or South Africa. It was the foreign ministers of two ex-colonial powers (Britain and France), and the UN Secretary-General Ban Ki-Moon who filled the

vacuum in this early period. On November 20 the UN Security Council approved Resolution 1843, seeking to stabilize the situation by reinforcing MONUC with an additional 3,000 troops. On December 4 the Secretary-General officially requested that the EU dispatch an ESDP bridging force in eastern Congo prior to MONUC reinforcement.

## **European Divisions**

The formal request from the UN came too late to have much of an impact on EU politics. By November 10, 2008 it was evident that Germany and the UK firmly opposed deployment, although Belgium and Sweden remained interested. The French military were also telling the Quai d’Orsay that such an intervention was not feasible, while Germany was reluctant to get sucked back into the DRC, suspicious of French intentions after its experience with EUFOR DRC in 2006 and worried about cost given the slowdown of its economy. The British military, although technically responsible for one of the EU standby battlegroups for July–December 2008 (drawn from its Small Scale Intervention Battle Group or SSFIBG) was in reality badly overstretched by its Afghanistan commitments and had little surplus capacity for such a mission. Although the Foreign Office had raised expectations through David Miliband’s visit to Goma with his French counterpart Bernard Kouchner, the Ministry of Defence made it clear in Whitehall discussions that UK military deployment to DRC fell outside current UK national interests. British politicians found it difficult to spell out clearly to their EU partners and the general public why this was. In contrast, Spain and Italy were quite open about their inability to lead a DRC mission, as was the Netherlands in offering funds only. There was also confusion in London and Brussels over whether some other ad hoc EU deployment could occur if a standby battle group did not

deploy. Lessons need to be drawn from this lack of clarity.

## Understanding Regional Politics

The mixed messages sent out by the EU contributed to raising expectations on the part of NGOs in Europe and Congo that there might be a deployment. An NGO campaign for European military deployment in the DRC also fueled fears that NGOs would induce mandate creep, and this in turn contributed to increasing reluctance in some European capitals to become involved. Subsequent events in 2009 in eastern Congo and the arrest of rebel leader Laurent Nkunda suggest that EU boots on the ground would have made little difference and that a political response was the correct one in this case.

Europe could learn from events in late 2008 in the DRC's eastern provinces, which have been the crucible for conflict in the wider Great Lakes region since at least 1994, and have frustrated all attempts at building a sustainable peace. There had been repeated attempts to find a negotiated solution, most notably the Goma conference and associated peace process of January 2008; all have foundered on the incompatibility of the political demands and lack of good faith on both sides. Likewise, attempts at a military solution failed in spectacular fashion. MONUC, supported by considerable diplomatic resources, had not been able to unlock the situation. The conflict appeared to be entrenched, and doomed to repeat itself.

But the events of December 2008 and January 2009 confounded this expectation. General Nkunda was removed from the picture, and is now under some form of arrest in Rwanda. Nkunda's CNDP troops began operating in concert with the Congolese army, and Rwandan forces entered the DRC to take on

the Forces Democratiques de Liberation du Rwanda (FDLR), a Rwandan rebel group long present in the forests of the Congo. These developments represent a significant realignment of a hitherto settled regional system; and they would not have come about had Europeans intervened.

While MONUC had been able to prevent the escalation of the conflict and provide some humanitarian protection, it had not been able to engineer a political settlement, and was largely peripheral to these events. Mediators mandated by the UN and EU, along with former President Obasanjo of Nigeria and President Mkapa of Tanzania, were bypassed by Rwanda and the DRC in reaching their bilateral deal.

## Accountability and Aid

The diplomatic and financial tools available to the international community may have had an impact on those regional actors supporting insurgents. Rwanda had resisted years of pressure and lobbying from NGOs and activists. In December the Netherlands and Sweden, both key EU member state donors to Rwanda, publicly announced that they were suspending €3.5 million and \$10 million in aid to Rwanda respectively (and the UK privately signaled it was reviewing its aid). The Dutch and Swedish governments referred to a forensic UN Expert Group report containing evidence that the Rwandan authorities had been complicit in recruiting soldiers, including children, facilitated the supply of military equipment, and sent their own officers and units to the DRC to support the CNDP, and used this evidence to apply intense diplomatic pressure and call large sums of development aid into question. The AU also lobbied the Presidents in Kinshasa and Kigali directly. Rwandan policy appears to have changed. The reasons for this are complicated; but

in essence, the factors inclining Rwanda to support the CNDP—ethnic fellow-feeling, profit and security concerns—came to be outweighed by the potential damage to the Rwandan economy and national development goals that would ensue from sanction by the international community. The pragmatic cost-benefit calculation made by the Rwandan government altered; they suddenly had more to gain by resolving the North Kivu crisis than by allowing it to continue.

### **Accurate Intelligence**

Another lesson concerns the importance of accurate information in allowing such action by the international community to be calibrated and aimed. African war zones are notoriously difficult to assess; a scarcity of observers and patchy and ideologically driven media coverage means that international discourse is constantly at risk of being side-tracked by rumor, propaganda and misinformation. In this case the UN Expert Group aided international decision-making by providing a high-quality report. This came as a shock to regional actors, who had become complacent as a result of previous inaccurate and often substandard UN Expert Group reports of poor evidentiary standard. In the case of the Great Lakes region of Africa, with the ending on August 31, 2011 of an EU special representative for the region, the European External Action Service will need to build up capacity, possibly also deploying an officer in Goma as some of its member states have done. The EU has over recent years had impact in its support of regional and local mediation efforts in the Great Lakes, and can build upon that success.

North Kivu is of course unique in many ways. The conflict actor—in this case the CNDP—was sufficiently dependent on its external backer to change its stance; Rwanda offered a

singular combination of extreme vulnerability to donor pressure and a rational, unitary government capable of acting decisively on a sophisticated cost-benefit calculation; and the other state involved, the DRC, was also under huge pressure to find a resolution, though for domestic rather than international reasons.

The integration of the CNDP combatants into the Forces Armées de La République Démocratique du Congo (FARDC) began voluntarily in January 2009 and was formalized with a March accord, under which former CNDP soldiers would be integrated into FARDC and also into a new police force. The military operations by these joint forces against the FDLR in 2009 have been partially successful: FDLR combatants have been defecting at an increasing rate, and the FDLR has been temporarily removed from many of its bases and forced to regroup and recruit new fighters. However, in these operations the FARDC has often been accused of perpetrating civilian abuses, and after a full year of military offensives the Congolese authorities have failed to establish state sovereignty over both the North and South Kivu provinces. Several hundred thousand internally displaced persons remain afraid of returning to their area of origin because of insecurity.

MONUC (renamed MONUSCO—United Nations Organization Stabilisation Mission in the Democratic Republic of Congo—from July 2010) has put a strong emphasis on protection of civilians, common planning, and the conditionality of its support on respect of human rights by FARDC. Bringing peace in the east requires more than just military force, and MONUC/MONUSCO failed to capitalize properly on the opening provided by the realignment of regional alliances.



## Conclusion

The central point of the events of late 2008 and early 2009 is more widely applicable: namely, that state power is perhaps more suited to the persuasion or coercion of other states than to involvement in the detailed and frequently slow-moving milieu of local conflict resolution. Such action demands careful consideration of regional dynamics, and the likely

reaction of states subjected to it; it will by no means always be successful, and may indeed do harm. In many cases the best policy may be not to engage militarily. The chairman of the EU Military Committee, General Bentégeat, reflected shortly before his retirement: “In fact, when one looks with hindsight, our unintended absence facilitated the Congo Rwanda accord, which they reached. As it is military intervention is not always the best solution.”