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Humanitarian Intervention and International Society: Lessons from Africa

James Mayall

Africa was the last part of the world to be enclosed by European imperialism, and amongst the last to acquire independence. Perhaps, for this reason, African countries have always had a special relationship with the UN. Looking back on the often heated debates of the 1950s and early 1960s about decolonization, it seems to me that at the time many on the left saw the continent (absurdly as it turned out) as a kind of blank slate on which to inscribe the new constitution of liberation and social justice; those on the right insisted on the contrary that, with the withdrawal of European power, anarchy would reassert itself and that African traditional cultures were inherently resistant to modernization. No doubt this is a caricature, but it catches something of the incomprehension with which liberal internationalists and latter day imperialists viewed one another when they were both caught off guard by the speed of imperial withdrawal. Robert Jackson has provided a more sober assessment of Africa's predicament. In an influential book, he argued that many African states possessed only 'juridical' sovereignty, and that their entry into international society on this basis, virtually as its wards, represented a new and problematic development in world affairs.[1]

In Africa itself, after an initial period of political quarrelling over the concept of unity, African governments emerged as the most enthusiastic supporters of the 'pluralist' conception of international society—that is, a society of sovereign states.[2] Their theoretical commitment to territorial integrity and non-interference in domestic affairs was buttressed by the Organization of African Unity's (OAU's) adoption in 1964 of the principle of *uti possidetis, ita possideatis*: 'as you possess so you may possess'. This principle originated in nineteenth century Latin America, but was revived by African states in the twentieth and later accepted by the international community as a whole in their efforts to confine self-determination to European decolonization and to deny the legitimacy of secession (Jackson 2000: 325–8).

Having played a defining role in the attempt to freeze the political map after the transfer of power, it was not surprising that after the cold war Africa was seen, in the West if not in Africa itself, as a testing ground for the argument that international society was evolving in a solidarist direction—that is, towards a society of peoples in which sovereignty would not be regarded as absolute and where, when necessary, the international community would intervene for humanitarian reasons and to protect the victims of massive and sustained human rights abuse.[3] The experience of the last decade initially seemed to support the optimists on this issue, but then confirmed the views of the pessimists. The jury is still out on whether a more balanced and realistic set of expectations about the prospects for honest government and the protection of human rights is now emerging. This chapter will seek to answer two questions. First, to what extent are the problems that have confronted the international community in Africa a result of the contradictions inherent in the concept of humanitarian intervention itself, and to what extent of the particular complexity of African conflicts? Second, are there specific lessons to be learned from African experience about the prospects for, and limitations of, humanitarian intervention?

7.1   Debates about humanitarian intervention: 1945–90

The idea that force can or should be used for humanitarian purposes raises difficult questions of definition, since action intended for other purposes may turn out to have humanitarian consequences, and vice versa. For the purposes of the present discussion, I shall adopt the definition employed by other authors in this volume, namely that humanitarian intervention consists of coercive (military) interference in the internal affairs of a state with the purpose of addressing massive human rights violations or relieving widespread human suffering.

It is helpful to start by sketching how African governments viewed the subject before the end of the cold war. It is no exaggeration to say that they were vehemently opposed to military intervention in independent Africa under any guise. They would have supported military intervention to overthrow white minority rule in the Portuguese colonies, Rhodesia (Zimbabwe), Namibia, and South Africa, but since all attempts to persuade the Security Council to take effective action against these regimes were vetoed by one or more of the Western powers, they knew that this was not a realistic option. When the Security Council eventually imposed comprehensive mandatory sanctions against Rhodesia, following Ian Smith's Unilateral Declaration of Independence in 1965, it was at Britain's request and the sanctions were deliberately adopted as an alternative to force, not as a preliminary to

enforcement action. In the case of South Africa, the Western powers resisted the imposition of comprehensive sanctions to the end, arguing that the only way to bring about change was through quiet diplomacy.

It is not surprising, therefore, that many first generation African leaders viewed all forms of intervention with deep suspicion. The exceptions were the Francophone leaders, most of whom came to power having signed defence agreements with France, which in some cases allowed France to maintain troops in their countries on a permanent basis. But even they did not challenge Kwame Nkrumah's assertion that Africa would not be secure until the continent as a whole was freed from colonialism. Nor did they initially oppose Patrice Lumumbas's triple approach to the UN Secretary-General and the US and Soviet governments, after the Congolese army had mutinied three weeks after independence in 1960 and the Belgian government had sent in troops to cover the evacuation of Belgian citizens. Almost simultaneously, the British were persuaded to abrogate their defence treaty with newly independent Nigeria after the opposition had used this aspect of the independence settlement to accuse the Nigerian government of putting the country's independence at risk with a neo-colonial agreement. Independence was seen as an end in itself; it was, therefore, self-evident that African rights would be better protected under indigenous than under alien and/or racist rule. Indeed, one of the main reasons for establishing the OAU in 1963 was to reduce the vulnerability of African states to external intervention. In the rhetoric of the early independence period, inter-African conflicts were invariably a product of external interference.[4] African nationalists believed that, left to themselves, Pan-African solidarity would enable them to create a *Pax Africana* under which appropriate African solutions would be sought to African problems.

The reality was rather different. In most cases, constitutional government and democratic institutions were grafted onto authoritarian patterns of colonial rule very late in the day. The problems that this would pose were not immediately apparent as ethnic, religious, and other political divisions had mostly been subordinated to the common anti-colonial struggle. Everything changed after independence, when most African governments regarded opposition as treason. Those who lost out in the competition to control the post-colonial state—and who found themselves stigmatized in this way—sensibly went into exile in neighbouring countries in order to avoid persecution at home. Since many ethnic groups straddled the political boundaries between states that had been drawn during the nineteenth-century scramble for Africa, they frequently found a ready-made political constituency, which could be mobilized against the exile politician's own state. The result of this 'export–import business' in opposition politicians was widespread political instability, an environment in which governments were vulnerable to externally organized subversion, regardless of their formal ideological

commitments. It was to overcome this locally generated insecurity that, under the OAU Charter, African leaders proscribed interference in the domestic affairs of other states, subversion, and political assassination.

For a time, what the press called the 'spirit of Addis Ababa' appeared to constrain the internecine conflicts that had flared up in many parts of the continent in the early 1960s. It did so, however, at the price of insulating African leaders from international criticism. The OAU was regarded by its critics as little more than a trade union for African leaders. By this, they meant that it provided equal protection for rulers who had seized power by force, or who had established single party states and had themselves declared 'President for Life', as it did for those who had led their countries to independence and whose rule rested on a solid basis of domestic support. As the years passed, the list of those in the former category rose precipitately. Their leaders justified the establishment of one party states on the grounds that, for countries in need of rapid economic development, inter-party competition was a wasteful distraction. Whenever it seized power, the military claimed that as the only genuinely national institution, it was uniquely well placed to purge government of the corruption and ethnic rivalry that had become the trademark of civilian governments throughout the continent. In no case did the new rulers pay much attention to protecting the individual freedoms of the people. Even in countries whose governments were genuinely committed to improving their welfare such as Tanzania the security forces could be a law unto themselves, frequently arresting people on suspicion and imprisoning them without trial.[5] The non-interference principle inscribed in the OAU Charter ensured that African governments refrained from criticizing each other's domestic policies. And until the mid-1980s, Western governments were similarly cautious, accepting the argument that to attach political conditions to foreign aid would amount to an infringement of sovereignty.

The OAU may have been more concerned to buttress the external authority of governments than to protect the rights of African peoples, but it was not totally immune from internal criticism on its humanitarian record. On three occasions, Julius Nyerere, the first President of Tanzania, challenged the Organization over its refusal to impose criteria for membership. The first was over its refusal to expel Malawi, after President Hastings Banda had recognized South Africa and established a diplomatic mission in Pretoria in 1967. Opposition to apartheid was a constitutive principle of the Organization. Nyerere argued that since its members had committed themselves to a policy of economic and military confrontation with South Africa and the other white minority regimes in the region, Malawi was in breach of the Charter. During the Nigerian civil war (1967–70) Tanzania itself breached the Charter by recognizing the breakaway state of Biafra. In 1969, Nyerere circulated a memorandum to his fellow OAU Heads of State arguing that since a substantial proportion of the Nigerian population believed itself to be threatened by

genocide, the contract between government and people had lapsed.[6] Although he had himself proposed the 1964 resolution, under which African governments accepted the boundaries inherited at independence, on this occasion he maintained Pan-African solidarity required that the interests of the Ibo population of Biafra have priority over those of the Nigerian Federal Government. Nyerere again pressed for the expulsion of an OAU member state in the 1970s—this time Idi Amin's Uganda—in opposition to his expulsion of the Ugandan Asian community and murderous persecution of his Ugandan opponents. He argued that Africans could not consistently call for the overthrow of the South African government, on account of its racist ideology and denial of rights to the African majority, while simultaneously tolerating a fascist regime within the OAU.

Nyerere failed in his attempt to establish an 'ethical' foundation for the OAU. Malawi was allowed to continue its membership; although Zambia, Ivory Coast, and Gabon joined Tanzania in recognizing Biafra, the Lagos government won the diplomatic battle within the OAU and there were no further defections; and after a year's delay, Idi Amin was allowed to host the OAU summit and serve his term as its Chairman. It is unlikely, however, that Tanzania's policy had no impact at all. Malawi, although not formally expelled, was not a member of the frontline states (an informal cooperative arrangement of the group of states most actively involved in providing sanctuary and other support to the Southern African liberation movements) and was ostracized within African diplomatic circles. Tanzania's policy in the Nigerian civil war reinforced humanitarian pressure on the Lagos government from outside Africa, notably though the Commonwealth. Consequently, while Nigeria recovered from its early reverses in the propaganda war and was able to insist that no third party could have contact with Biafra, unless they first accepted the principle of Nigerian unity, it was forced to concede the legitimacy of outside concern about the humanitarian aspects of the conflict. In Uganda, when finally the Tanzanians responded to a border incursion by Amin's forces, not merely by hot pursuit in the border area but by allowing the Tanzanian army to take Kampala and overthrow the regime, the action was formally condemned by the OAU but greeted with considerable relief in private. The principle of sovereignty may have been upheld, but the policies of several OAU member states had been exposed to unprecedented public scrutiny.

How exceptional was Africa in this regard? Not very, it seems. The particular civil conflicts that led to international debate and, from some quarters, calls for humanitarian intervention, were unique, but in resisting them, African governments were upholding accepted international norms and standards. The international political landscape of the late 1970s contained a number of confusing features. On the one hand, US President Jimmy Carter had attempted to base American foreign policy on the promotion and

protection of human rights. On the other, the collapse of Portugal's African empire led to an intensification of cold war competition in Southern Africa and the Horn in particular. African governments welcomed the Carter human rights policy since they believed that it implied a more active US engagement in attempts to resolve the outstanding problems of white minority rule in Rhodesia, South Africa's continued control of Namibia in defiance of the United Nations, and above all, apartheid itself. In response to the policy, they also adopted the African Charter of Human Rights. At the same time, the emergence of a group of states—Angola, Ethiopia, and Mozambique—that were linked to the Soviet Union by treaty, and of another—Kenya, Somalia, and Sudan—that provided the United States with facilities for the Rapid Deployment Force created in response to the Soviet occupation of Afghanistan, meant that African states were increasingly drawn into a cold war pattern of patron client relationships.

The intensification of regional conflicts in the Horn and Southern Africa resulted in a massive increase in the number of refugees and internally displaced persons, a development to which African host countries, with the help of the UNHCR, generally responded positively. The late 1970s also witnessed an increase in the scale of NGO activity in bringing relief to communities caught in the crossfire. Unlike governments, NGOs could negotiate access with the local authorities without infringing the non-interference principle. Indeed, for this reason their work was often supported unofficially by Western governments, which were already vulnerable to public demands that 'something must be done' whenever famines and other humanitarian catastrophes caught the attention of the media. One example of this approach was Ethiopia in the famine-stricken years after the Revolution and during the long civil war with Eritrea.

With hindsight, it is clear that the groundwork for the humanitarian interventions of the 1990s was prepared well before the cold war ended. In particular, reliance on NGOs was probably unsustainable as a long-term policy, and certainly ineffective. Not only are these organizations, unlike governments, not accountable, but also they will do whatever is necessary for them to operate, even if this means, as in Somalia, buying protection and so feeding the conflict that led eventually to the collapse of the state and its accompanying humanitarian catastrophe. But, as Adam Roberts argues in Chapter 5, these trends were not confined to Africa. Tanzania could have argued for a right of humanitarian intervention in justification for its invasion of Uganda, but did not. Nor did Vietnam in overthrowing Pol Pot in Cambodia or India in intervening in East Pakistan to defeat the Pakistani army and help decisively in the creation of Bangladesh. Throughout the cold war period, in other words, the salience of human rights and humanitarian issues rose in international politics, but no government, within Africa or elsewhere, was prepared to contemplate a general right of humanitarian intervention in the sense of the

definition offered earlier. Nor, so long as the cold war persisted, did the UN contemplate intervening in civil conflicts for humanitarian purposes but without asserting such a right. In Cambodia, East Pakistan, and Uganda, the three cases that are normally cited as precedents for humanitarian intervention, the intervening state had a clear objective, which it defined in other terms and which it achieved. These cases are of limited use, therefore, in answering the first question posed at the beginning of this chapter, namely whether the problems faced by the international community in the humanitarian interventions of the 1990s were a result of the contradictions inherent in the concept itself, or arose from circumstances peculiar to Africa. The cold war evidence would seem to rule against African exceptionalism.

The case for humanitarian intervention, like the case for universal human rights that underpins it, is not in principle culture- or region-specific. Nor are the problems posed by such intervention. The arguments for and against humanitarian intervention are general. If there is a case against intervention, it rests on general principles of international law and diplomatic practice: respect for sovereignty and territorial integrity; of prudence, that is, doubts about whether intervention is likely to be successful; and of incoherence since the decision to use force necessarily involves political and strategic calculations that may cut across humanitarian objectives. By contrast, as the authors in Part One of this book argue, if despite these objections, such a case is to be made, it can only rest on the assertion that humanitarian catastrophes demand an exceptional response; or that there are definable circumstances under which sovereignty can be said to have lapsed and the international community to have acquired a duty to intervene. Chapter VII of the UN Charter provides a basis on which intervention can be sanctioned but only if the Security Council determines that a threat to international peace and security exists. It is significant that in his report to the Security Council—*The causes of conflict and the promotion of durable peace and sustainable development in Africa*—Secretary-General Kofi Annan repeatedly refers to the problems of humanitarian intervention and peacekeeping in broad international terms (Secretary-General's Report to the Security Council, 16 April 1998).

7.2 The African context in the post-cold war era

The case against African exceptionalism is persuasive. There are, nonetheless, four reasons why Africa has been—and seems likely to continue to be—the testing ground for the theory and practice of humanitarian intervention. Let us consider them in turn. The first is the sheer scale of Africa's humanitarian crisis. The Secretary-General's report opens with some melancholy statistics:

Since 1970, more than 30 wars have been fought in Africa, the vast majority of them intra-state in origin. In 1996 alone, 14 of the 53 countries of Africa

were afflicted by armed conflicts, accounting for more than half of all war-related deaths world wide and resulting in more than 8 million 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 peoples (para 4).

The HIV/Aids pandemic, along with the long-term consequences of post conflict traumatization and of the employment of child soldiers in several countries, merely reinforces his conclusion. It would be possible to deny the relevance of these facts and figures to the issue of intervention. Traditional international society was a self-help system: governments were entitled to defend their own interests and might therefore be expected to take steps to prevent the consequences of a nearby conflict spilling over their own frontiers, for example, through an uninvited influx of refugees. But, on this view, there is no broader obligation to assist the welfare and development of foreign countries (cf. Jackson 2000: 169–75).

It is still possible to argue in this way, but given the interdependence of the modern world economy and the impressive array of international agreements that governments have entered into since 1945—both within the UN and outside it—it is difficult. These agreements are based on the assumption of the desirability of international cooperation in pursuit of common objectives, if not of international solidarity. From the start, the UN was deeply influenced by the values of the Western democracies, and, in particular, by their insistence on the importance of entrenched human rights. The strategic imperatives of the cold war often pushed such considerations into the shadows—and certainly provided ammunition for their critics, who argued that the West was both selective in the assistance it offered to the rest of the world and hypocritical in its attitude towards the human rights policies of many of its strategic clients.

After 1989, however, the 'model' of plural democracy was unchallenged at the international level. There were two consequences of this apparent triumph. One was that the resurgence of ethnic and other conflicts in Africa and elsewhere was widely viewed as an impediment to the transition to democracy, even if the attempted transition was sometimes amongst the causes of conflict. The other was that, in the absence of any obvious strategic danger, the governments of the industrial democracies found it increasingly hard to resist demands for remedial action.

The second reason for Africa's prominence in debates about the legitimacy of humanitarian intervention is that, in many parts of the continent, the state itself is in crisis. Most African states are extremely fragile, partly because control of state institutions is regarded as a prize in a ferocious competition, where the stakes are high and the players employ ruthless methods. Traditionally, African politics have been characterized by 'winner takes all' assumptions, and in few cases has democratization made much difference. It might reasonably be argued that humanitarian intervention will deny

the state time to consolidate itself and to develop a political culture that reflects local rather than imported values.[7] It is true that the imposition of structural adjustment programmes, at the insistence of the IMF and World Bank from the early 1980s onwards, was aimed at reducing the size of bureaucracies that had often become grotesquely inflated. But rolling back the state in circumstances where politics were essentially patrimonial in character, threatened to roll it out of existence altogether. In some countries, such as Somalia, the state itself is an exotic import that has failed to strike roots. In others, such as Liberia and Sierra Leone, local warlords have regarded it as dispensable. The trouble with arguments that plead for time is that the damage has already been done. Perhaps, left to themselves, some African countries would in time develop viable systems that respect both the individual and collective rights of their citizens. This was the case successfully advanced by President Museveni of Uganda against Western pressure that he should replace his system of no-party democracy with multi-party competition. But, on the evidence of Angola, Liberia, and Sierra Leone since the end of the cold war, the Ugandan case looks more like the exception than the rule. When the state fails, it not only creates the preconditions for recurrent humanitarian catastrophes—and hence the demand for international action—but also compounds the difficulties of intervention because of the lack of a stable and/or legitimate interlocutor for the international community.

Third, there is a disturbing absence of fit between Western interests and African needs. With the end of the cold war, no sub-Saharan African country figures prominently in the geo-strategic priorities of any of the major powers, even though their governments regularly argue in favour of policies aimed at promoting the conditions of international stability generally, and have become increasingly concerned at the prospect of state failure as a potential breeding ground for international terrorism. Local powers do have a strong interest in containing the spillover of local conflicts. Indeed, in the Charter of the African Union two new principles were added to those taken over from the OAU, which it replaced in July 2000. Article 4(h) allows the Union to intervene 'in respect of grave crises namely: war crimes, genocide and crimes against humanity', and Article 4(j) gives the member states the 'right to request intervention from the Union in order to restore peace and stability'. Nonetheless, while one purpose of the new Union is to promote self-reliance (Article 4(k)), they mostly lack the capacity to intervene effectively without outside support.

This mismatch of interest and need is the primary explanation of the double standards of which Africans complain in relation to the international response to international crises in other parts of the world. The International Commission on Intervention and State Sovereignty (ICISS) has attempted to establish a set of political criteria for establishing 'a responsibility to react to situations of compelling need for human protection' (ICISS 2001*a*: 29). The Report is both admirably clear and judicious in its recommendations. We do

not yet know, however, how generally they will be followed. Meanwhile, in most of the recent cases of international enforcement, a lead country or organization identified a major political interest to drive the military action forward—NATO in Kosovo, Australia in East Timor, and the United States in Afghanistan. The intervention in Kosovo confirmed the worst fears of many African and Asian countries about Western motives in seeking to impose their hegemony under cover of humanitarian concern.[8] At the same time, after the failure of the UN-sanctioned American intervention in Somalia (see pp. 132–5) it became increasingly clear that without a strong political interest it would be difficult to generate decisive external support for peace enforcement operations in Africa.

The Somali intervention also revealed the extent of African schizophrenia on the subject of humanitarian intervention. In 1991 Zimbabwe and India as non-permanent members of the Security Council were opposed to western enforcement of safe areas for the Iraqi Kurds and Shiites. Following the NATO intervention in Kosovo, the Non-Aligned Movement (NAM), to which all OAU members belong, issued a public statement in April 2000, reaffirming 'the distinction between humanitarian action and UN peacekeeping and peace enforcement operations'. They also rejected 'the so called "right" of humanitarian intervention which has no legal basis in the UN Charter or in the general principles of international law'.[9] On the other hand, African states had previously accepted that the total collapse of the Somali state had created a crisis that called for an exceptional response; and after the failure of the Somali operation, in 1993 the OAU itself established a Mechanism for Conflict Prevention, Management, and Resolution.[10] The Declaration under which the mechanism was established does not refer to humanitarian intervention, but while placing the emphasis firmly on the need to address the socio-economic concerns of African peoples, it does concede that no single internal factor has contributed more to these problems 'than the scourge of conflicts within and between our countries. Conflicts have forced millions of our people into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope' (para 9). The Declaration echoes the determination of the Founding Fathers of the OAU to 'promote understanding between the African peoples and cooperation among the African States, and to rekindle the aspirations of the African people for brotherhood and solidarity in a larger unity transcending linguistic, ideological, ethnic and national differences' (para 1). In the spirit of African solidarity—and recognizing the chronic resource constraints under which African governments operate—the Heads of State emphasized conflict prevention. They recognized, however, that in some cases conflicts might degenerate to a point where they required international intervention and policing. In these cases, 'the assistance or where necessary the services of the United Nations will be sought under the general terms of the Charter' (para 16), with the African states themselves considering how best they might contribute to effective UN

peacekeeping. By reasserting the principle of continental self-help, the African Union has arguably attempted to soften official African opposition to humanitarian intervention, providing it is instigated by the Union and remains under African control. In practice, capacity constraints mean that African countries will not easily be able to escape the dilemmas of dependence on the outside world.

The final reason why Africa seems likely to remain the testing ground for the evolving theory and practice of humanitarian intervention is that, in the absence of strong external interests, the running is likely to be left to the UN and regional organizations such as the Economic Community of West African States (ECOWAS) and the Southern African Development Conference (SADC). The continuing if residual interest of the former imperial powers, Britain and France, at first sight might seem to contradict this proposition, but both have been anxious to justify their continued permanent membership of the Security Council and both are at the centre of post-colonial international organizations, the Commonwealth and La Francophonie, respectively. The French were not prepared to act in Rwanda without the blessing of the Security Council and although Britain has remained outside the UN operation in Sierra Leone, British Ministers have repeatedly insisted that they are acting in support of the world body. On the African side, the significance of the 1993 Declaration establishing the new Mechanism is the care it took to establish the continuity rather than the change in African policy. The Mechanism was not only firmly based on the OAU Charter and its bedrock principles of sovereignty, non-interference, and territorial integrity, but intervention was only to be contemplated in association with the UN.

African governments have always looked to the UN as the guarantor of their independence. Nor have they always been unsuccessful in attracting its support. The 1990s opened with the Somali intervention, the largest deployment of UN peacekeepers up to that time, and in 2002, the largest operation was again in Africa, this time in Sierra Leone. From the mid 1990s, the Americans, British, and French all took initiatives aimed at strengthening African capacities to take the lead in local peace-building as a way of reducing pressures on themselves for direct intervention. These programmes have been generally although not universally welcomed. Several African countries, for example Botswana, Ghana, and Senegal, have had extensive experience of participating in traditional UN peacekeeping operations under chapter VI of the Charter. After taking part in a US-led training exercise, the Senegalese army complained that the US military had less experience of the kind of operations likely to arise in Africa than they did themselves. The South African government was also extremely critical of the original US African Crisis Response Initiative, which they regarded as a clumsy effort to co-opt African governments to promote Western policies.

There is some justice in these criticisms. The Western powers had, after all, refused to be drawn into the murderous Liberian civil war in 1990, and showed similar reluctance to get involved in 2003. Despite their historic links with Monrovia, the Americans limited their intervention in 1990 to lifting off US citizens from an off-shore aircraft carrier. In the end, it was left to ECOWAS, under Nigerian leadership, to organize the intervention (and the accompanying diplomacy) that eventually brought the war to an end in 1997. Strictly speaking, the regional body was in breach of the UN Charter, which provides for cooperation with regional organizations under chapter VIII, but in the case of peace enforcement measures only with the prior authorization of the Security Council. In this case, Council approval was obtained in 1992, *ex post facto*, further evidence, if it was needed, of Africa's marginalization in world politics (SC Res 788 1992). Humanitarian considerations were, no doubt, amongst the ECOWAS motives for intervention, but they were not the only or even the central ones. Moreover, although ECOWAS was eventually successful in negotiating an end to the war, this was only on the basis of first arranging a share of power for Charles Taylor and his rebel forces and then orchestrating his victory in Presidential elections. This was certainly an African solution to an African problem, and, in the short run may also have helped to stabilize the region. In the longer run, it contributed to further destabilization through leaving Taylor free to continue his support of the rebel RUF in Sierra Leone. Admittedly, lacking the resources of a major UN peacekeeping operation, ECOWAS had few options; nonetheless, transforming the chief poacher into the leading gamekeeper seems a perverse response to a humanitarian crisis. At the end of the 1990s the UN had resumed the lead in the international effort to bring a measure of order and stability to one of the most chaotic regions in the world. It is difficult to foresee the likely reaction to future African crises, but the pattern does suggest that it is most likely to be led by the UN, in line with the 1993 OAU Declaration, although in collaboration with regional organizations. It also suggests that if there is an emergent international norm of humanitarian intervention (or even as some have claimed a new principle of customary international law) it is most likely to reveal itself in Africa.

An answer to the second question asked at the beginning of this chapter—namely, whether there are lessons to be learned from African experience about the prospects for and limitations of humanitarian intervention—requires a distinction between international engagement in African conflict resolution and intervention, humanitarian or otherwise. A number of African conflicts have been more or less satisfactorily resolved or contained with UN and/or international assistance under the rubric of peacekeeping.[11] These operations have certainly helped to relieve human suffering and to stabilize the countries involved, but they do not seriously challenge the existing theory or practice of international society. UN peacekeeping operations are not explicitly provided for in the Charter, but their evolution during the cold war

was assumed to fall under chapter VI covering the peaceful resolution of disputes. Moreover, host-state consent and UN impartiality were prerequisites of these operations. With the emergence of expanded peacekeeping as a response to the numerous complex emergencies since the end of the cold war, there has been an increasing and understandable tendency to blur the distinction between engagement and intervention, to see them as end points along a continuum.

Such engagements may fail with disastrous consequences as in Angola and pre-genocide Rwanda, but they do not cross the line between chapters VI and VII of the Charter. It is when these conditions do not apply, or apply fully, that both practical and theoretical questions arise. The practical question is what, if anything, is to be done and by whom? The theoretical question is with what justification, and under what authority?

What are the answers to these questions from Africa? My general conclusion is that Africa does *not* provide support for the proposition that there is a new norm of humanitarian intervention. The Security Council continues to insist on the political principle of treating each case on its merits. Nonetheless, African experience does suggest that there has been an evolution of international society to a point where state collapse and/or humanitarian catastrophe are more likely to lead to intervention than previously. And there is some evidence of lessons learned in relation to expectation and capacity. I shall attempt to support this conclusion primarily in relation to three cases—Somalia, Rwanda, and Sierra Leone.

7.2.1   Somalia: a new norm asserted, then abandoned

It was unfortunate that the first major test for the UN's new policy of using chapter VII for humanitarian purposes should have come in Somalia, a country whose political culture, while highly sophisticated in its own terms, was out of step with the rest of Africa, let alone the wider society of states. Built around a shifting pattern of alliances and rivalries between families, clans, and sub-clans, Somali politics would make perfect sense in the world of Thucydides' Melian dialogue, but is much harder to interpret on Western liberal assumptions. When the USA eventually intervened with the unanimous support of the Security Council, the competing Somalia warlords—respectful of power above all else—welcomed them with open arms. The idea of impartiality, however, plays little part in Somali culture and the operation began to go wrong, when the UN was perceived to be taking sides.

The point that is usually made about Operation Restore Hope and UNOSOM II is that they failed. This is not wholly true with respect to the provision of humanitarian relief, but it is true if political rehabilitation and reconstruction are considered preconditions for preventing a recurrence and hence the underlying justification for the initial intervention. The argument

that humanitarian intervention can only be ethically justified if it addresses not only the immediate symptoms of the crisis but its underlying causes, sets the bar very high, possibly impossibly so in a country like Somalia.[12] Apart from other considerations, it assumes that these causes can be clearly identified and rectified by external intervention. Poverty is the most frequently quoted underlying cause of civil conflict. That adequate resources make most problems easier to deal with is not in doubt, but one has only to reflect on how many civil conflicts occur against a background of rapid social and economic change to question how deep this analysis goes. It remains true that while the Somali famine had receded by 1994, when the UN finally pulled out, nothing had been done to restore either political authority or the most basic human security.

The UN operation in Somalia, nonetheless, had fateful consequences, not all of which were negative. On the positive side, the legitimacy of the operation was not in doubt: UNITAF established that chapter VII enforcement for humanitarian purposes is possible within existing legal and institutional arrangements, providing the Council so chooses. The establishment of safe-havens for Kurds and Shia Moslems in Iraq had proved controversial because it was regarded by some states as constituting an attack not on Iraq's act of aggression but on its sovereignty. No such reservations stood in the way of the Somali operation, even though there was no Somali government to invite the UN in. Once it chose to act, the Security Council had no difficulty in calling a humanitarian catastrophe a threat to international peace and security (SC Res 794, 3 December 1992). If the Council could redefine what constituted a threat in this case, there was no reason why it should not do it in others. Given the almost certain impossibility of revising the Charter to include a formal right of humanitarian intervention under chapter VII, there are obvious practical advantages in its ability to interpret its responsibilities flexibly.

The practical lessons to be derived from the operation—that is, how is intervention to be carried out and by whom—are more problematic. The intervention was spearheaded by the United States, which led the coalition of the willing that constituted UNITAF, and remained a leading participant once responsibility was passed to UNOSOM II. This would not have caused difficulties had the USA been more committed either to the success of the operation regardless of the risks, or to building up the UN's own peacekeeping and peace enforcement capacities. Neither was the case. With the end of the cold war, the Horn of Africa lost its relevance in terms of US foreign policy priorities. So long as President Bush Sr. was contending for re-election, his Administration refused to contemplate intervention. It was only after he had lost the Presidential election to Bill Clinton that the supporters of intervention were given access to the President. Perhaps because he was now interested in securing his historical reputation, Bush reversed his previous policy of non-involvement (Mayall (ed.) 1996: 107–16). There were subsequently

serious errors of judgement that contributed to the US reassessment of UN operations, in general, and the speed of its own disengagement from Somalia. Singling out and going after Aideed was the gravest of these. That he was guilty of organizing the skirmishes in which first some Pakistani UN soldiers and then some US Rangers lost their lives, matters less than the fact that by putting a price on the head of just one warlord in a warlord culture, the Americans allowed Aideed to represent himself as an heroic figure who had single-handedly exposed the duplicity of US imperialism. Not only was the United States forced to climb down and negotiate directly with Aideed, but his defiance led directly to their retreat from the internationalist policy they had nervously adopted by putting US forces under UN command. From now on their cooperation with UN security operations would be strictly on a limited liability basis, only when US interests were directly involved and only with an exit strategy decided at the outset. Politically this reaction was understandable, since US interests in Somalia were negligible, but it effectively buried the idea of disinterested humanitarian intervention and the expanded role of the UN in international security that the P-5 had endorsed at their Security Council summit in 1992.

The political lessons of the Somali debacle cannot so easily be generalized, although so deep was the quagmire into which the UN found itself drawn that it undoubtedly had wider political ramifications than it deserved. To paraphrase George Bernard Shaw, international society has a deeply middle-class morality. The idea of statelessness is shocking, undermining the comfortable assumption that the world rests on solid foundations and that there is a 'proper' way of doing things. The UN Charter also gives states primary responsibility for protecting human rights. The major failure in Somalia was of imagination and realism. Neither the USA nor the UN could cope with a society that had disintegrated, not merely because after a horrific civil war there was no trust—that was true—but because Somali society was more accustomed to statelessness than statehood. And when Somaliland, the one part of the country of which this was not unambiguously the case, declared independence, *uti possidetis* prevented (and continues to prevent) its recognition.

The wrong lessons were learned from Somalia because although all interventions in civil conflicts face comparably intractable problems, very few—Afghanistan and Kurdistan are two possible exceptions—are faced not merely with the corruption of central authority but by its total disappearance combined with powerful structural obstacles to its reconstruction. Failure in Somalia did not have to mean that any external intervention was bound to fail elsewhere in Africa, but that was how it was interpreted. If such interventions were doomed to fail, it was not because African conflicts have special characteristics that are general to them all, but as suggested earlier, because of contradictions in the concept of humanitarian intervention itself. It follows that replacing great power involvement by peace enforcement operations organized on a

regional basis must be expected to face similar problems. The replacement may be politically expedient, but it does not represent a conceptual solution.

7.2.2   Rwanda: the duty to intervene denied

Support for this conclusion can be found in even the most cursory review of international reactions to the Rwandan genocide. The immediate consequence of disengagement from Somalia was the Western denial that genocide had occurred in Rwanda. The two cases were not similar in that while the Hutus and Tutsis of Rwanda had a history of conflict over the ownership of the state, unlike the Somalis they did not question its necessity, nor had it collapsed. But they were similar in being marginal in terms of Western, particularly US, interests.

Rwanda played a pivotal (although ambiguous) role in the evolution of the theory and practice of humanitarian intervention and peacekeeping. With regard to the question of legitimacy, we have already seen that Somalia had established that the Security Council had wide discretion in interpreting the Charter—if it wanted it could invoke chapter VII in any circumstances; but it did not have to. On this occasion, it deliberately chose to interpret the threat posed to international peace and security in a narrow and traditional way, even though it quickly became clear that the catastrophe had dangerously destabilized the Great Lakes region as a whole. Further, key states also deliberately refrained from calling the genocide by its proper name. Had the Genocide Convention been invoked in April 1994, it would have been much more difficult to avoid intervention. So they resisted the classification until the killing was over. As Bruce Jones concludes in his comprehensive study *Peacemaking in Rwanda: The Dynamics of Failure*, 'it is evident that UN Secretary-General Boutros Boutros-Ghali failed to provide leadership within the UN Secretariat and Security Council at this critical juncture.' Nor did what Michael Barnett called 'the politics of indifference' stop there (Barnett 2002). One senior peacekeeping official later admitted to Jones 'that it was only after the outbreak of the genocide that he learned of the Genocide Convention and of the United Nations' legal capacity and moral obligation to respond to genocide' (Jones 2001: 121). Why this display of moral turpitude?

There were extenuating circumstances: the UN itself was overstretched; throughout 1993 they were still mired in Somalia and Bosnia, had unfinished business in Cambodia, and were under pressure from the United States and the Organization of American States to establish an operation in Haiti and from Russia to do the same in Georgia. With a vastly increased workload and their inexperience in dealing with political intelligence, it is, perhaps, not surprising that the Department of Peacekeeping Operations failed to make proper use of the early warnings that reached New York well ahead of the impending catastrophe (Jones 2001: 103–33). However, the UN was also

severely constrained in what it could do by the lack of enthusiasm amongst the major powers, particularly the United States. In the aftermath of Somalia, the Americans had no stomach for another open-ended African adventure. The result was that UNAMIR I, the chapter VI peacekeeping operation that was eventually put together to monitor the implementation of the 1993 Arusha peace agreement, was deeply flawed. As Jones concluded, 'whatever the explanation or reason, the fact is that the United Nations sent a small, poorly equipped, reactive mission possibly capable of monitoring a generally accepted peace to a country in which the peace deal was a source of aggravated disagreement' (Jones 2001: 110). When the genocide was launched on 6 April 1994 UNAMIR—and its Belgian contingent in particular—was amongst its first targets. The aim of the *génocidaires* to force the withdrawal of the UN force was effectively accomplished when the Security Council passed Resolution 912 reducing its strength to symbolic levels. There were no contingency plans in place to cover the breakdown of the negotiations, with the result that the Security Council believed it had no alternative than to reduce the size of General Dallaire's force to a point where it could barely defend itself, let alone intervene in the genocide for which it, in any case, lacked a mandate. Had the crisis occurred either earlier or later, it is possible that different and wiser, or at least more honourable counsels might have prevailed in New York.

When we turn to the practical aspects of the international response to the Rwanda crisis we find that, in Jones's graphic phrase, the failure lay in 'actions taken, not failure to take action'. In many ways, the pre-genocide Rwanda peace process was exemplary. It was multilayered; conducted at a leisurely pace with ample opportunity for consultation with the parties on the ground; involved cooperation from an early stage between the OAU and the UN; and aimed to establish a power sharing democracy that would reassure the major players that their fundamental interests would be protected. Yet, it failed, because the Hutu extremists, the one group that had no interest in a settlement, had not been immobilized. In retrospect, it seems that President Habyarimina's participation in the peace process, like his agreement under French pressure to embark on political reform in 1990, was largely cosmetic, designed to buy time and to mollify the Western donors, whose support had become more than usually critical following the collapse of the international coffee price in 1987. The most damaging criticism of both the OAU and UN's sponsored peacemaking effort was that it was based on a best-case scenario. Much as one may deplore the intrusion of such practical issues as timing and the impossibility of putting together an effective coalition of the willing into a decision of great moral urgency, it is hard to deny their relevance. Nonetheless, if there are any events when international action is required regardless of calculations of national interest—and this is what the existence of the Genocide Convention implies—Rwanda was surely such a case. The explanation, one suspects, is that the major powers do not accept this

proposition. And, the underlying reason for this non-acceptance is their refusal to accept the imperial implications of humanitarian intervention, a point to which I will return in my conclusion.

The failure to take effective action in Rwanda helped to create multiple threats to regional peace and security, to which at the time of writing, no credible solution is in sight. The Security Council eventually authorized France to intervene under chapter VII of the Charter on 22 June 1994. The stated purpose of *Opération Turquoise* was humanitarian and lives (most estimates put it at around 10,000) were saved. But it is also widely accepted that the operation was fatally flawed. This was partly because France was so identified with the previous government that its impartiality was not accepted by the RPF, but mainly because the French failed to separate the refugees from the leaders of the genocide, who were, thus, able to control the camps in Tanzania and eastern Zaïre, and because they effectively provided cover under which units of the FAR (the Rwandan army) and Interhamwe (the militia that had played a major role in the genocide) were able to escape. Their presence in Zaïre—and the threat they posed to the new RPF regime in Kigali—led first to the Security Council decision to intervene in Eastern Zaïre in November 1996 (Resolution 1080) and then to the RPF decision to repatriate the refugees themselves. Although the Canadian government agreed to lead the new force (and had an advance party on the ground when the RPF seized the initiative) it was unclear what they were meant to do. The RPF decision to intervene, which was clearly political and strategic rather than humanitarian, saved the international community from embarrassment, and set the stage for the overthrow of President Mobutu of Zaïre and the prolonged DRC crisis under the two Kybilas.

The DRC crisis lies beyond the scope of this chapter. It has been accompanied by multiple interventions, all of them African and none humanitarian in motivation. The attempt to find an African solution to the problem led eventually to the Lusaka peace agreement and the re-entry of the UN in a monitoring and facilitating role. According to the latest Secretary-General's report, there has been some progress in containing the conflict, and in securing the withdrawal of some foreign troops. The situation remains precarious, however, with regular outbreaks of fighting between government and externally assisted rebel forces in the east of the country, and major violations of human rights in areas controlled by both the government and rebels. Diplomatic progress has not been accompanied, moreover, by equal progress towards the re-establishment of a countrywide administration.[13]

7.2.3   Sierra Leone: retrieval?

During the 1990s there was a sustained, although highly selective, attempt to de-legitimize non-democratic governments and to build democratization into

reconstruction programmes established in the wake of humanitarian interventions. In Haiti, the Security Council eventually authorized the United States to reinstall the democratically elected President who had been ousted from power in a military coup. No such action followed the ousting of Sierra Leone's President Kabbah, in 1997. He was eventually reinstated by ECOWAS under Nigerian leadership more than a year later. The coup was not recognized by the UN or the Commonwealth, which insisted on the importance of democratic government as a basis for conflict resolution. It was doubly ironic, therefore, that the restoration of the elected government was brought about by a Nigerian military regime, which had itself been suspended from the Commonwealth because of its judicial murder of Ngoni activists in 1995. The death of Abacha, the Nigerian military dictator, and the return to civilian rule in Nigeria, led to the scaling down of ECOWAS's involvement and the resumption by the UN of the lead role. The ensuing crisis threatened to demonstrate yet again the international community's inability to deal with a humanitarian and political crisis in the absence of a compelling interest.

At the time of writing, the situation remains precarious but at present, there does seem a chance that UNAMSIL will be able to retrieve the UN's reputation for humanitarian intervention. In requesting a further six-month extension for the operation in September 2001, Secretary-General Kofi Annan reported that 'the continued progress, in particular in the disarmament, demobilisation and reintegration programme and the deployment of UNAMSIL eastward, gives grounds for cautious optimism regarding the consolidation of the peace process in Sierra Leone'. In March 2002, the operation was again extended for six months and, on this occasion, Annan was able to report that both the disarmament process and the registration of voters for Presidential and General Elections, scheduled for May 2002, had been successfully completed. The elections passed off without major incident and returned President Kabbah to power. By September 2002, the security situation had improved sufficiently for the Secretary-General to submit detailed proposals for the gradual draw-down of the mission. Reading between the lines, it is clear that he believes that the situation remains precarious, not least because of the continuing conflict in Liberia that has a tendency to attract former Sierra Leone combatants and to destabilize the entire region. In successfully seeking a further extension of UNAMSIL's mandate to 30 March 2003, he emphasized the scale of the continuing reconstruction. 'In order to safeguard its large investment in Sierra Leone, the international community must stay the course, provide the resources needed to complete the reintegration of the ex-combatants, enhance the capacity of the Sierra Leone police, ensure the effective functioning of the Truth and Reconciliation Commission, and support the transition to peace-building, and thereby grasp the success that lies within reach.'[14]

It is worth asking if this apparent progress towards the resolution of a conflict whose humanitarian consequences were as horrific as those to be found

anywhere in the world, is the result of good fortune or evidence that the Council is at last applying the practical lessons it has learned from earlier failures. No doubt, the answer is a combination. In the face of the Nigerian desire to reduce its presence in Sierra Leone, the international community welcomed the Lomé Agreement in July 1999. The agreement not only granted an unconditional pardon to all those in the RUF rebel movement but included their leader, Fodoy Sankoh, and his principal lieutenants in the government. In October, the Council established UNAMSIL with an initial deployment of 6,000 'to ensure the security of movement of its personnel, and within its capabilities and areas of deployment, to afford protection under immediate threat of violence, taking into account the responsibilities of the Sierra Leone government and ECOMOG'. Although this mandate was under chapter VII, the last phrase seriously constrained what the UN could do, particularly given the modest resources that had been committed, since the RUF was now part of the government. The UN was saved partly because Sankoh miscalculated the consequences of preventing their deployment into the diamond producing Eastern provinces which he controlled and partly because the British came to the aid of the government and UNAMSIL, while nonetheless, remaining outside it. British motives in providing crucial support to the more robust UN policy, while remaining at arm's length from UNAMSIL, are not entirely clear. It is difficult to avoid the conclusion that the UK wishes to claim credit for playing a constructive role (which on the whole it has) while being able to walk away if the political situation deteriorates. The RUF not only captured UN equipment and armour but also took UN peacekeepers hostage, thus provoking a showdown with the UN that would have been difficult for them to avoid. The Security Council subsequently took the action that was necessary to rein in the RUF, embargoing conflict diamonds and bringing pressure to bear on Charles Taylor, the President of Liberia, to end his support for the rebels.[15] With Sankoh in custody and the UN force increased to 7,500, serious reconstruction work at last got under way.

7.3   Conclusion

It, thus, seems that the western P-5 states (Russia and China can sometimes be persuaded to go along with them, but generally take an even more sceptical position towards such operations) have concluded that the theoretical problem of finding a middle position between peacekeeping and enforcement is insoluble. The central difficulty turns on the issue of consent. Peacekeeping requires the consent of the parties to the conflict, which will only be forthcoming if the peacekeepers are perceived to be impartial. Enforcement requires the attribution of responsibility to one side or the other. Even if the

rules of engagement are administered in a scrupulously impartial fashion from the point of view of the peacekeepers themselves, this is unlikely to be the perception of those against whom action is taken. It follows that it is better to engage in pragmatic humanitarianism—doing what is politically possible in particular circumstances and accepting that success, defined as the resolution or at least containment of the conflict, will not always be possible and that it may be necessary, therefore, for the UN and individual intervening countries to cut their losses. This position is sensible, if decidedly unheroic. If it is accepted, the imperial implications of humanitarian intervention can be avoided, although not without risking dangerous destabilization. The UN, which is regarded by most of its member states as a strongly anti-imperial organization, would certainly reject this elision of humanitarianism with imperialism, as would most NGOs. I should conclude, therefore, by explaining what I mean.

Consider the contrast between the international response to natural disasters—famines, floods, earthquakes, volcanic eruptions, and so on—and to those caused by communal, ethnic, religious, or any other form of civil conflict. Even during the cold war, natural disasters provoked a surprisingly generous and bipartisan response, providing evidence that, even in a pluralist society of states, trace elements of human solidarity can be found. Governments have no difficulty, it seems, in accepting that natural disaster can strike anywhere and tax the resources of even the most powerful to cope by themselves. External assistance is tied to the immediate crisis and has no necessary long-term consequences.

It is different with war, which is no longer accepted, as it once was, as part of the natural order, something to be endured like the weather. Civil conflicts require a political response, and hence, one in which it may be difficult to avoid allocating responsibility or—as in the regional settlements in West Africa—compromising moral principles in the interests of peace. Such decisions are inherently controversial. The emerging consensus on humanitarian intervention seems to be that civil conflicts should be treated, so far as possible, as though they were natural disasters—hence, the emphasis on identifying a legitimate authority and then providing short-term support for its recovery work. The success of this strategy depends on the survival of the basic infrastructure of the state and its institutions. Blankets can be given to the destitute; security requires at the very least a legitimate justice system and policing. If these no longer exist, they cannot be flown in from outside and expected to function overnight. They not only require resources but also need to be tailored to local circumstances and culture, a point that is implicitly recognized by ICISS, which proposes 'a constructive adaptation' of chapter XI of the Charter under which the now dormant Trusteeship Council was established. European imperialism was self-interested not humanitarian, but since the imperial powers were in the game for the long haul, they had no

alternative but to create institutions to provide these goods.[16] In many con-temporary crises, where the state has collapsed, leading to the systematic abuse of basic rights and/or genocide, the realistic choice is between allowing the conflict to run its course and intervening to establish a new political order from the ground up. There are perils whichever choice is made, but while the second choice seems to have been accepted, albeit reluctantly, in former Yugoslavia and East Timor, so far it has not been extended to Africa.