

# Managing Peace and Security in Africa

ESSAYS ON APPROACHES TO INTERVENTIONS IN AFRICAN CONFLICTS

## The Africa Peace and Security Programme

INSTITUTE FOR PEACE AND SECURITY STUDIES

ADDIS ABABA UNIVERSITY

SELECTED CASES IN AFRICA

DECEMBER 2012

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## Foreword

Welcome to the first edition of the Managing Peace and Security in Africa (MPSA) anthology series. This anthology entitled *Approaches to Interventions in African Conflicts: Selected Cases in Africa* is a compilation of work by participants of the MPSA Executive Master's program of our Institute. The MPSA program which trains senior professionals of the African Union, Regional Economic Communities, Member States and Civil Society, is a joint initiative between the African Union (AU) and the Institute for Peace and Security Studies (IPSS), endorsed by the AU Executive Council to take up the intellectual challenge of finding African-led solutions to peace and security issues in Africa.

Following the year-long voyage of learning in discussion and analysis of African peace and security issues focused on realities and dynamics of violent conflicts, conflict analysis, early warning, conflict prevention, early intervention, peace support operations and peacbuilding, participants are then asked to produce a senior essay at the end of their learning journey. These senior essays are distinct from the optional thesis that participants may choose to engage in wherein this case, participants are asked to provide a comprehensive conflict assessment and analysis in detailed discussion of a specific country case study. As part of the exercise, the senior essay also entails development and provision of response options to the conflict under examination.

In compiling and publishing the written output of our MPSA participants, our intention is to enable a wide dissemination of the expert analysis given by participants of this programme, which is informed by a mix between their experience as practitioners in the field and through further knowledge acquired as graduates of the MPSA Executive MA program. It is our hope that this anthology of essays analyzing five different conflicts in Africa serves as a policy recommendation as well as an entry point for other researchers to further the analysis.

I would like to express my appreciation to the five authors of the essays: Batlokoa Makong, Brenda Mofya, Daniel Ladzekpo, Getahun Seifu and Mohamed Omar. Gratitude also goes to Dr. Sarjoh Bah (Lead Facilitator MPSA 3), Dr. Jean Bosco Butera (Co-Facilitator MPSA 3), Dr. Samuel Kale Ewusi (Editor), Dr. Guday Emirie (Assessor), Antonia Ngabala (Assessor), Billene Seyoum Woldeyes (Training Coordinator), Helen Yosef Hailu (Outreach Coordinator), the entire MPSA training team and all those involved in the various stages of bringing this anthology to fruition.

Sincerely,

**Mulugeta Gebrehiwot Berhe**

Director

Institute for Peace and Security Studies, Addis Ababa University



## Introduction

Africa's recent past has been characterized by a decline in interstate conflicts. At the same time, internal conflicts such as civil wars or ethnic conflicts are increasing. Internal conflicts have proven to be extremely difficult to resolve through intervention. Yet the cost of letting such conflicts go unchecked is often very high which requires an in-depth examination of the various approaches to interventions as a method of conflict management in Africa.

Opponents of intervention typically raise two points. First, in the case of ethnic conflicts, the intensity of the violence calls to question the effectiveness of intervention. They argue that the combatants should be allowed to exhaust each other thereby increasing the desire for peace even before intervention is attempted. Second, intervention has often been called to question over the sovereignty question as outsiders often lack the mandate to justify their actions.

In spite of the arguments above, there have been yet some significant and successful interventions into internal conflicts in Africa. However, the dilemmas of interventions in African conflicts whether by African countries; African sub-regional or continental institutions requires an in-depth assessment.

This anthology examines five major cases of interventions in African conflicts by third parties either in a mediation role or in a peace enforcement role by a variety of actors ranging from states to regional and continental institutions with varying degrees of success.

The cases include the protracted conflict in the eastern Democratic Republic of the Congo which saw the involvement and intervention of more than eight other African countries; the attempt by neighboring countries as well as the African Union to rid Somalia of its 'failed state' status; the United Nations sanctioned and French led intervention in the Ivorian electoral crisis which led to the deposition of President Laurent Gbagbo and the installation of President Alassane Ouattara in Cote D'Ivoire; the North Atlantic Treaty Organization (NATO) military intervention in Libya to implement United Nations mandate and the hitherto dormant conflict between Ethiopia and Eritrea where mediation efforts have actually led to a situation of 'no war, no peace.

The modalities and actors involved in the interventions in these conflicts are myriad and varied. In four out of the five cases examined, military intervention was considered and judged to represent a viable tool for conflict resolution and management. Despite the problems associated with it, in part because the other usual policy options (eg, do nothing, engage in mediation, provide economic and humanitarian aid, impose sanctions) either proved where it was tried or were judged to be have had political and practical shortcomings.

In today's interdependent world, countries, regional and international institutions rarely find it palatable much as their publics and the international community fear the option of deploying troops to foreign lands whether for peacekeeping in usually unstable and heavily armed environments. However, with the potentially significant transformation with regards to norms and institutions regionally and globally in relation to challenges of peace, security

and development, there will always be room for the application of varied methods of conflict management. Furthermore the varied interests involved in the conflicts will always play an important role in determining the actors who would be involved in these interventions.

With regards to intervention in conflicts, it is important to note that, there are generally three critical factors which determine whether a state or an institution could consider intervening in a conflict. First, the intervening state or institution's capabilities, mandate and connection to the conflict; second the status and ripeness of the conflict for resolution; and third the character of the parties and their decision making systems. Crocker has argued for a fourth consideration which involves a calculation of the cost of intervention against the cost of non intervention.

Although military intervention is not the most typical form, this anthology presents four important cases where military intervention became the selected path in Africa. Whether they have been successful is a matter of debate. Whether they are theoretically justifiable is also a matter of debate. With regards to success, in some conflicts such as in Libya, intervention merely to avoid a greater tragedy within the context of the responsibility to protect as sanctioned by United Nations Security Council Resolution 1973 which provided for a 'no fly zone' may count as a success. The recent flushing out of Al Shabaab in most of the cities in Somalia by the African Union supported by neighboring countries of Kenya, and Uganda may also count as success. The successful deposition of President Gbagbo in Cote D'Ivoire and the installation of Alassane Ouattara may also count as success. However according to Crocker, the important point remains that, those who decide to intervene have an obligation to develop their own definition of success and to keep it firmly in mind, while laboring to avoid becoming part of the problem and making things worse.

This anthology is made up of five chapters: Chapter one takes an incisive look into the Somali conflict from and the intervention led by the African Union. There is hope that Somalia is gradually returning to normalcy especially after the extension of authority in most parts of the country and the recent election of the new government. This hope has been brought about through blood, tears and sweat from both the African Union forces and the neighboring countries. The essay notes that, the work of nation building in Somalia is just beginning. The challenge of insecurity brought about by the melting away of Al Shabaab is ostensible. The essay recommends policy considerations for the future of Somalia.

Chapter two examines the protracted unrest in the eastern part of the Democratic Republic of Congo. It traces places the conflict within a regional perspective, considering the number of African countries which were and have been involved in the conflict. The massive involvement of African countries led the Congolese conflict to be termed 'Africa's world war'. The recent upsurge in violence in the eastern part of DRC lends credence to the protracted nature of the conflict. This chapter deals with the various permutations of the conflict and presents policy considerations for both the international community and specifically the African Union.

Chapter three addresses the Libyan crisis within the context of the Arab spring of 2011. The chapter examines the evolution of the conflict from the standpoint of a dysfunctional and cloudy political system based on the 42 year rule of Col Gadhafi. It also differentiates the nature and evolution of the uprising in neighboring Tunisia and Egypt while weighing on the biased role played by the media in reporting the crisis.

Chapter four examines the Ivorian conflict from the perspective of a post electoral conflict and the role of the United Nations, France and neighboring countries in achieving the present status quo in Cote D'Ivoire. The chapter argues that, intervention was driven by a desire to protect French interests which were threatened by the government of Laurent Gbagbo. The author marvels at the manner in which the United Nations was drawn into legitimizing this intervention. The chapter concludes by providing policy options for resolving or better still avoiding future conflicts of that nature in the continent.

Chapter five deals with the Ethiopian/Eritrean conflict and argues that the failure of both countries to properly prepare for post separation arrangements led to a situation of misunderstanding which eventually degenerated into violent conflict. The chapter deplors the massive economic and humanitarian costs associated with the conflict in relation to the gross domestic product of the both countries. The chapter concludes by indicating that, the current situation or 'no war, no peace' is not sustainable and calls on the African Union to immediately engage in a process to sustainably resolve the conflict against a backdrop of continued isolation of Eritrea from the region and the international community.

This interesting collection of conflicts and interventions in Africa will go a long way in contributing to the literature on African conflicts and how they are resolved.

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# 1

# Intervention In The Somalia Conflict

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## Introduction

In the light of years of state collapse in Somalia and the consequent absence of law and order, a number of sub-clan based Sharia' Courts in Mogadishu united to form the Islamic Courts Union (ICU) in 2000. The ICU rose to power in February 2006 by defeating all the warlords, including the USA funded Alliance for the Restoration of Peace and Counter-terrorism (ARPCT), who until then carved Mogadishu and most of south and central Somalia among themselves. The administration of the ICU was supported and funded by the salafi/wahabi businessmen based in Mogadishu who were predominantly from the Hawiye clan for two reasons: firstly, they opposed any system of governance that was not based on the Shari'a and the Koran and secondly they expected the ICU would use the power and resources of the state to favour them and the Hawiye clan. The ICU dramatically improved civilian security, reopened the port and airport and provided public order in Mogadishu and most of south and central Somalia. It appeared as if Somalia's state collapse was over but it was not to be so.

The ICU made a number of strategic mistakes including, preventing the Transitional Federal Government of Abdillahi Yusuf which had been formed in Nairobi in 2004 to relocate to Mogadishu and attempting to attack its temporary seat in Baidoa; declaring Jihad against Ethiopia and calling for Greater Somalia; and harbouring radical elements from the defunct Al-Ittihad including Hassa Daher Aweys and foreign Jihadists.

Alarmed by the quick military advance of the ICU, the TFG of Abdillahi Yusuf and Ethiopian forces launched a full scale military offensive against the ICU in December 2006 and occupied Mogadishu in a matter of days. Most of the leaders of ICU fled the country and went to exile but the radical elements within the ICU including Al-Shabaab, regrouped into a resistance guerrilla movement to fight the TFG and Ethiopian forces over the next two years in a war that caused the greatest suffering in Mogadishu and south and central Somalia. More than 16,000 civilians have been killed and over 870, 000 fled Mogadishu of which about 400,000 ended in IDP camps in the outskirts of Mogadishu and the remaining crossed the Kenyan and Ethiopian borders to reach already crowded refugee camps. This coincided with a major draught in 2008-9 and created what Kent Menkhaus called the "perfect storm" causing the worst humanitarian crises in the world.

The Sudan government and the League of Arab States attempted to mediate between the TFG and the ICU in 2006 but failed because both parties believed that they could defeat the other militarily. It was the Djibouti peace talks in 2008, led by the United Nations and supported by IGAD and the International Community that brokered peace between the moderate wing of the ICU and Abdillahi Yusuf's TFG moderate wing (Yusuf refused the negotiations and resigned). The most important outcome of the Djibouti negotiations were the installation of the current TFG led by Sheikh Sharif, the deployment of AMISOM in early 2007 and the withdrawal of the Ethiopian troops from Somalia in January 2009.



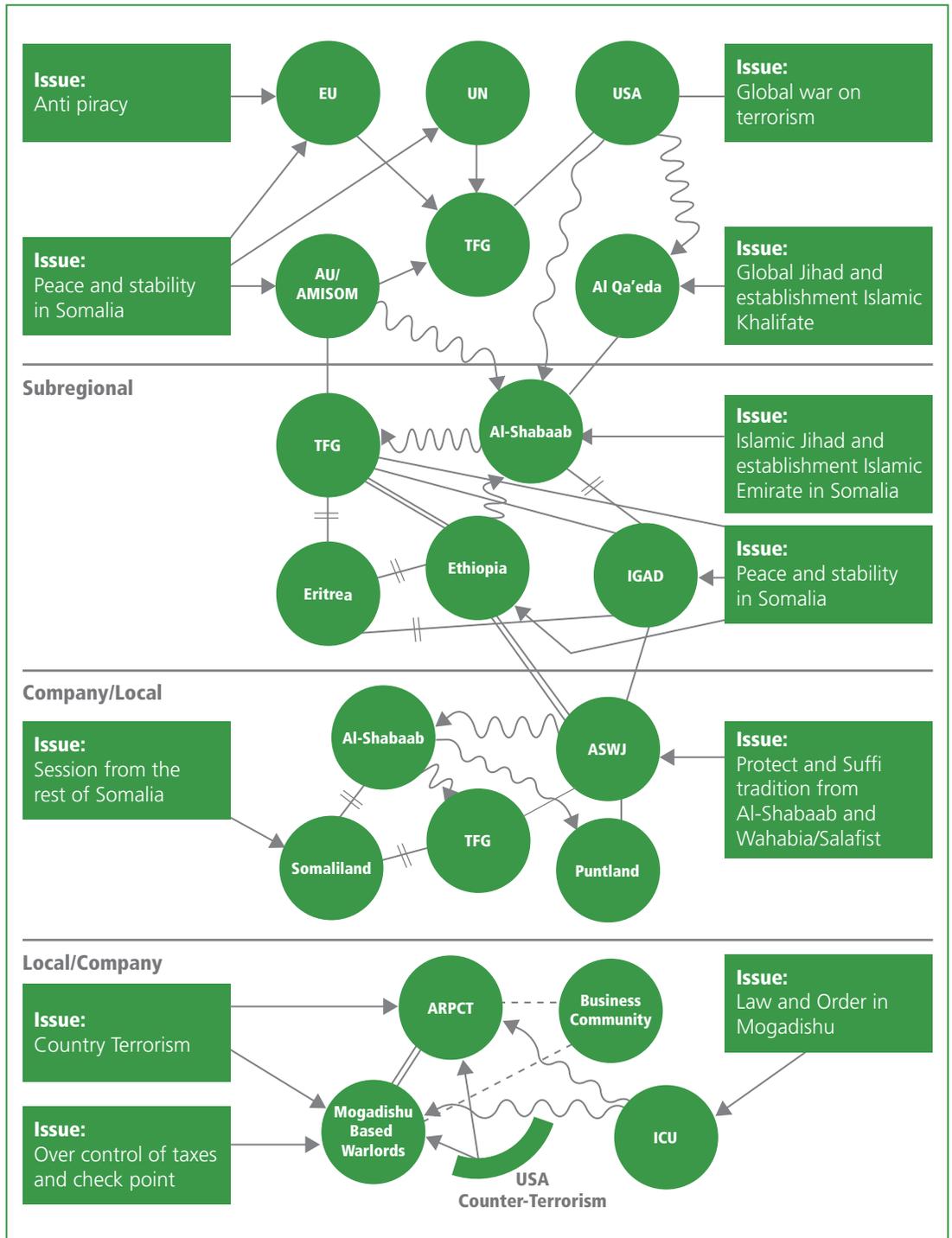
However, Al-Shabaab and Hizbul Islam joined forces and refused to recognize the newly formed TFG and the deployment of AMISOM and declared Jihad on the TFG and AMISOM. For the next two years Al-Shabaab waged a vicious war against the TFG and AMISOM declaring, in 2010, its intention to connect the horn of Africa Jihad to the larger Jihad led by Alqaéda and its leader Bin Laden. Al-Shabaab killed more than 500 AMISOM troops including the deputy commander and assassinated TFG officials including ministers and members of parliament and executed its first attack on one of the troop contributing countries killing 64 Ugandans in a suicide bombing on 11 July, 2010 in Kampala.

As of 2011 a clearer mandate and substantial increase in the size of AMISOM, Ethiopian and Kenyan military support and increased coordination with TFG and allied forces dealt Al-Shabaab a devastating blow and forced it to withdraw from Mogadishu and most of south and central Somalia. It has been substantively defeated in most places in south and central Somalia including the port of Kismayo.

On the political side, a series of consultations for key Somali political actors were facilitated by the Office of the SRSG (UNPOS) during 2011 on ending the transitional arrangement and embarking on a comprehensive national reconciliation and stability. Key Somali political actors signed a Roadmap in September 2011 which ended the transitional arrangement in August 2012 and build on the military gains made by AMISOM and TFG and allied forces. Lately 135 clan elders assembled in Mogadishu and appointed 825 clan representatives who in turn selected a parliament of 225 members which elected a speaker and a president, thus bringing the transitional period to an end.

The current achievements of AMISOM and TFG and allied forces in recovering Mogadishu and most of south and central Somalia from Al-Shabaab; the meeting of clan elders facilitated by UNPOS in Mogadishu which ended the transition in August 2012; the talks between the TFG and Somaliland which began in London on 23<sup>rd</sup> June and the key interest shown by the International Community to bring peace and stability to Somalia present the best chance in years for peace and stability to return to Somalia.

Actor Mapping in the Somali Conflict





## Effects of the conflict

Since 2006 it is estimated that about 16,000 civilians have been killed and over 870,000 fled Mogadishu of which about 400,000 ended in IDP settlement camps stretching some 30 Km along the Afgoye- Mogadishu corridor only to find that the war in Mogadishu had expanded to follow them there<sup>[1][2]</sup>. Those who chose to travel further have encountered even worse abuses from freelance militia, human smugglers and abusive police in the Kenya border (the Kenya government closed its borders in January 2007 based on security concerns). Freelance marauding gangs have looted, murdered and raped displaced persons on the roads towards Kenya and thousands have drowned in their desperate attempt to cross the Gulf of Aden to Yemen. More than 80,000 crossed to Dadaab refugee camps in Kenya and more than 23,000 crossed the Gulf of Aden into Yemen during the first nine months of 2008<sup>3</sup>.

Massive displacement coupled with draught and the loss of ability of both IDPs and other households to feed themselves, created what Ken Menkhaus called a “perfect storm” causing the worst humanitarian crisis in the world<sup>4</sup>. The number of people in need of humanitarian aid and livelihood support increased from 1.8 to 3.2 million in the first six months of 2008<sup>5</sup>.

While the majority who fled Mogadishu headed towards the south and the Kenya borders, tens of thousands headed towards the north in an attempt to reach Puntland and Somaliland. While travelling, they were at their most vulnerable and worst time in their life but comparatively suffered lesser ordeals than those who fled to the south of Mogadishu. Many ended up in their sub clan homelands in the central regions. However, most found that clan mutual support could not provide adequately for all those needing help and continued their journey to Puntland and Somaliland in the hope of crossing to Yemen or reaching Somaliland where few NGOs were providing assistance. Many walked long distances begging for food and water along the road and ended up in Puntland and Somaliland where they could find manual jobs in construction or as house maids, others are being supported by their family members in the diaspora but a large number of women and children turned to begging in the streets of Puntland and Somaliland towns and villages.

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- 1 “Somali joy as Ethiopians withdraw”. <http://news.bbc.co.uk/2/hi/africa/782562.stm> (accessed 05/06/2012).
  - 2 Lindley, A. 2009. *Leaving Mogadishu: The War on Terror and Displacement Dynamics in the Somali Regions*. MICROCON Research Working Paper 15, Brighton: MICRCON (Accessed May 2012)
  - 3 “SO MUCH TO FEAR”, War Crimes and Devastation of Somalia, [www.hrw.org](http://www.hrw.org) (accessed 2 June 2012)
  - 4 Menkhaus, K., *Somalia: A Country in Peril, A Policy Nightmare*, Washington: [http://www.enoughproject.org/files/report/somalia\\_rep090308.pdf](http://www.enoughproject.org/files/report/somalia_rep090308.pdf) (accessed 2 June 2012)
  - 5 UN, OCHA Consolidated Appeal for Somalia 2009, Nairobi, 19 November 2008, <http://ochaonline.un.org/cap2006 webpage.asp?Page=1712> (accessed 26/05/2012)

## Interventions In The Somali Conflict

### a) The Sudan Talks

The President of Sudan, Omar Hassan Al-Bashir invited the ICU and the TFG for peace talks in Khartoum under the auspices of the Arab League which he was chairing at the time, in June 2006. The Arab League initiated shuttle diplomacy between the two parties by first inviting the ICU to Khartoum and securing their acceptance to negotiate with the TFG under its auspices to avoid dealing with the TFG under IGAD which was seen by both the Arab and the ICU as the architect of and friendly to the TFG. The TFG also accepted to come to the negotiations hoping to access resources from rich Arab countries and also avoid offending the Sudanese<sup>6</sup>.

The delegation of the TFG was led by the President, Abdullahi Yusuf and included the Prime Minister, the speaker of the Parliament, and the Minister of Foreign Affairs. The delegation of the ICU was composed of ten members and headed by a moderate scholar, Dr. Mohamed Ali Ibrahim who did not hold any portfolio in the Courts. Even though the ICU stated that it took the negotiations seriously, its top leaders did not attend the negotiations. The moderate members of the ICU including its Chairman Sheikh Sharif Sheikh Ahmed, felt adequately represented by Dr. Mohamed Ali Ibrahim but the more radical section led by the spiritual leader Sheikh Hassan Daher Aweys had no interest dealing with the weak and Ethiopian-backed TFG. This round of negotiations was the first face to face encounter between the two parties and served as an ice breaker between the two parties. The presence of Al-Bashir and Amr Mussa, the Secretary General of the Arab League, in the venue of the negotiations encouraged the two parties to sign a framework agreement drafted by the Arab League and Sudan to: recognize each other; cease military operations; continuation of dialogue on security, politics, and establishment of technical committees to address specific issues; cessation of negative and hostile propaganda and; bringing war criminals to justice<sup>7</sup>.

A second round of talks started in Khartoum on 2<sup>nd</sup> September, 2006 and lasted for only 3 days. Unlike the first round, it was attended by a number of international and regional organizations including the UN, AU, EU, IGAD and the Organization of the Islamic Conference (OIC). The delegation of the TFG was led by the speaker of the Parliament Sheikh Hassan Sheikh Adan, an advocate of reconciliation with the ICU. This round of talks was aimed at addressing pending issues from round one focussing on political, security and power sharing arrangement. The delegation of the ICU was led by another scholar, Prof. Ibrahim Hassan Addow, who was the person responsible for Foreign Affairs in the ICU and considered a moderate.

The two parties were pressured to agree on an implementation arrangement on the initiation of disarmament, demobilization and re-integration process and non-interference by neighbouring countries. It was further agreed that the ICU would not take any more territory before 30<sup>th</sup>

6 Unpacking the Mystery of Mediation in African Peace Processes. [www.peacemediation.ch/.../Mediation\\_in\\_Africa\\_summary.pdf](http://www.peacemediation.ch/.../Mediation_in_Africa_summary.pdf). (accessed 04/06/2012)

7 Joint Communiqué of the Sudanese Embassy (2-4 September 2006)



October when a third round of talks will take place<sup>8</sup>. There were serious disagreements on the important issues of power-sharing and security arrangements. There were also serious divisions within the Islamic Courts Union and within the Transitional Federal Government on the deployment of regional peace-keeping force (IGASOM) inside Somalia.

A third round of talks was scheduled to take place on 30<sup>th</sup> of October. The two parties arrived in Khartoum but refused to sit together. The delegation of the Islamic Courts insisted on the withdrawal of Ethiopian troops from Somalia before they could sit with the Government delegation<sup>9</sup>. When the mediators failed for three days to convince the two parties to sit together, the talks were postponed for further consultations and urged both parties to exercise maximum restraint<sup>10</sup>. There were no further consultation and the Khartoum talks ended there. The two parties went into a devastating war in December 2006.

## **b) The Djibouti Negotiations between the TFG and Alliance for the re-liberation of Somalia(ARS)**

The negotiation between the TFG and one section of its main opposition group, the ARS in Djibouti consisted of four rounds and started in May 2008. It was facilitated by the United Nations Political Office for Somalia (UNPOS).

**Round one** started on 09 May 2008 and lasted for 10 days. The atmosphere was tense with delegates refusing to stay in the same hotel and meet face to face. The ARS presented 4 key demands: 1) the withdrawal of Ethiopian troops with clear time table and international guarantee; 2) accountability for war crimes/reparation; 3) deployment of a multi-national peacekeeping force with predominantly Muslim troops and; 4) a power-sharing deal after the withdrawal of Ethiopia<sup>11</sup>.

The TFG had 3 key positions: 1) It was the legitimate and internationally recognized government; 2) the Ethiopian withdrawal was contingent on a political settlement and the deployment of multi-national force; and 3) the opposition must lay down its arms and renounce all forms of violence.

**Round Two:** It started on 01 June 2008 and lasted for a week. The two sides agreed: 1) to the termination of all acts of armed confrontation by both sides and their respective allies within 30 days; 2) requested the UN to authorize and deploy an international stabilization force from countries that were friends of Somalia but excluding neighbouring states within 120 days and;

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8 "Somali Government and Islamic Militia Sign a Deal on a Unified Army". Xinhua News Agency September 5 2006. <http://www.china.org.cn/english/international/180083.htm> (accessed 05/06/2012).

9 "Somali delegates arrive in Sudan but refuse to start talks". [http://www.sudantribune.com/spip.php?iframe&page=imprimable&id\\_article=18442](http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=18442) (accessed 05/06/2012).

10 "War closer in Somalia, peace talks postponed", ABC News, <http://www.abc.net.au/new/2006-11-02/war-closer-in-somalia-peace-talks-postponed...> (accessed 04/06/2012)

11 Kasajja Philip Apuul (2011): Somalia after the United Nations-led Djibouti peace process, African security Review, 20:3, 45-53. <http://dx.doi.org/1080/10246029.2011.614060>

3) the withdrawal of Ethiopian troops within 120 days<sup>12</sup>.

**Round Three:** It began on 26 October 2008 and lasted for only 2 days with the signing of a joint declaration on the modalities of the cessation of armed confrontation<sup>13</sup>.

**Round Four:** It began on 22 November 2008 and lasted for 4 days. The two parties agreed on: 1) a framework for the establishment of a unity government; 2) enlargement of the parliament by 275 (with 200 allocated to ARS and 75 to civil society, women and the Diaspora) and; 3) extension of the transitional period by 2 years<sup>14</sup>.

### c) Ethiopian Intervention in Somalia

Disputes between Ethiopia and Somalia over the Ogaden date back to the 19<sup>th</sup> century. The two countries went to two wars in 1964 and 1977-1978 and continued to host and arm rebel opposition movements against each other. Before the 1977-1978 Ogaden war, it was Somalia that hosted, trained and armed rebel opposition movements first against Emperor Haile Selassie and later against Col. Mengistu's Socialist government in Ethiopia. These rebel opposition movements included the Ogaden Liberation Movement (OLF), the Western Somali Liberation Front (WSLF) and the Oromo Liberation front (OLF). These three rebel opposition movements operated from inside Somalia and carried out continuous raids and guerrilla operations inside Southern Ethiopia. Somalia also provided arms and funds to the Eritrean Liberation Front (ELF) dating back to the 1960s and later to the Eritrean Peoples' Liberation Front (EPLF) and the Tigray Peoples Liberation Front (TPLF) led by no other than the current president of Eritrea Issayas Afewerki and the late prime Minister of Ethiopia Meles Zenawi respectively.

Similarly after the 1977-78 Ethiopian-Somali war, the Mengistu regime in Ethiopia began to host, train and arm Somali opposition rebel movements against the Siad Barre regime. The first armed Somali rebel movement, the Somali Salvation Democratic Front (SSDF) was formed in 1978 and led by Col. Abdullahi Yusuf Ahmed. The second armed opposition rebel movement based in Ethiopia, the Somali National movement (SNM) was established in 1982 and was led at one time by the current president of Somaliland, Ahmed Mohamed Mohamood. The third and perhaps the strongest was created in 1987 and led by the late General Mohamed Farah Aidiid. It was these three movements with substantial support from Mengistu's regime in Ethiopia that finally brought down the regime of Siad Barre and precipitated the collapse of Somalia as a state in 1991.

Following the collapse, the SNM occupied the Northern regions (former British Somaliland) and declared secession from the rest of Somalia on 18 May 1991 and the SSDF occupied the North Eastern region and established the Puntland State which remains part of a future federal

<sup>12</sup> Unpos.unmissions.org/default.aspx?tebid=9737&languages=en-us. (accessed 05/06/2012)

<sup>13</sup> Agreement on Modalities for the Implementation of the Cessation of Armed Confrontation. <http://unpos.unmissions.org> (accessed on 5/6/2012).

<sup>14</sup> Agreement between the Transitional Federal Government of Somalia and the Alliance for the Re-liberation of Somalia. <http://unpos.unmissions.org> (accessed on 5/6/2012).



Somalia. The USC initially occupied the central and the southern regions including the capital city, Mogadishu. However, the USC of General Aidiid quickly disintegrated and broke into a number of warring factions which destroyed what remained of Mogadishu and devastated the whole of Southern Somalia. It was also in this chaotic period (1991-2000) that a number of Islamist movements came into the fore including *Al-Ittihad Al-Islamia* (AIAI) which vowed to continue fighting to unite the Ogaden region with Somalia<sup>15</sup>.

In the relatively stable Somaliland and Puntland, Ethiopia established close friendly relations particularly in security by providing training and military materiel including light weapons and uniforms and intelligence information sharing. In addition Ethiopia opened liaison offices in both Hargeisa and Garowe and allowed both administrations to establish their own liaison offices in Addis Ababa. In the chaotic Central and South Somalia, Ethiopia pursued a different approach securing the cooperation of a number of warlords and clan militias among the dozen or so warlords to ensure that none of them harbours or cooperates with Ethiopian opposition movements such as OLF, ONLF and Jihadist Islamist movements in particular *Al-Ittihad Al-Islamia*. Ethiopia in return provided training, arms and military materiel to these allied warlords and clan militias<sup>16</sup>. Thus the absence of government and continued fighting among the various Somali warlords and clan militia created a state of relative peace for Ethiopia until this setting was disrupted by the Islamic Courts Union that came to Somalia's political spotlight by defeating all the warlords and occupying Mogadishu and the whole south and central Somalia except Baidowa, the seat of the Transitional Federal Government in mid June 2006<sup>17</sup>.

Alarmed by the quick advances made by the Islamic Courts Union, Ethiopia began first to support and protect the TFG against the advancing ICU and followed it by launching a full scale military offensive against the ICU in December 2006 occupying Mogadishu. Ethiopia withdrew its troops from Somalia in early 2009 and replaced by AU peacekeeping force (AMISOM).

#### **d) The AU/AMISOM intervention**

In January 2005, IGAD made a decision to deploy a PSO (IGASOM) to Somalia<sup>18</sup> and developed a deployment plan which was endorsed by the AU PSC in September 2006. The UN Security Council authorized IGAD and AU member states to deploy IGASOM in Somalia<sup>19</sup>. Exclusion of IGAD frontline states and reluctance by Sudan and Eritrea made Uganda the only TCC. In addition the ICU and a number of Somali factions strongly opposed the deployment of IGASOM and any changes to the arms embargo in a letter to the UNSC. These and other factors led the AU PSC conclude that IGASOM would not be able to deploy and in February 2007, approved deployment of a peacekeeping mission (AMISOM) in Somalia and secured

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**15** Somalis unite against Ethiopia (<http://news.bbc.co.uk/2/hi/Africa/316850.stm>) (BBC)

**16** Report of the UN Monitring Group on Somalia; para158-159)

**17** See Mizan Law Review, Vol.3 No.2. September 2009 p. 202

**18** IGAD, 'Communique' on Somalia'. 31 January 2005

**19** Security Council Resolution, S/RES/1725 (2006), 6 December 2006

authorization from the UN Security Council. The first batch of AMISOM was deployed in Mogadishu in March 2007<sup>20</sup>.

**The mandate of AMISOM** is derived from the AU decision to deploy peacekeeping force in Somalia authorized by UN Resolution 1772 (2007) under Chapter VII to provide protection to the Transitional Federal Institutions, key infrastructure and assist with implementation of the National Security and Stabilization Plan<sup>21</sup>. This initial 6-month mandate has been extended several times of which the latest extension is in the United Nations Security Council Resolution 2010 of September 2011 extending the deployment of AMISOM until 31<sup>st</sup> October 2012<sup>22</sup>. The mandate and nature of force changed over time and is currently based on UN Resolution 2036 (2012), under the Charter's Chapter VII, where, the Council approved a force strength for AMISOM of 17,731, and also clarified the Mission's mandate by deciding that, in addition to the tasks it had earlier set out in its resolution 1772 (2007), the Mission should establish a presence in the four sectors set out in its own Concept of Operation (CONOPS) and authorized to take all necessary measures in those sectors, in coordination with the Somali security forces, to reduce the threat posed by Al-Shabaab and other armed opposition groups in order to establish conditions for effective governance country-wide. The resolution gave AMISOM the tools, as well as a clearer mandate. It was important that military action be undertaken carefully and contribute to the wider political strategy, aimed at increasing the areas of stability by expanding to areas outside Mogadishu to put more pressure on Al-Shabaab<sup>23</sup>.

**The political power** behind AMISOM is IGAD, AU and the UN. A joint analysis between the three organizations a joint military and political strategy, provides the framework for a military strategic concept to ensure an action is taken to stabilize the country and end the Transition. The UN Security Council, in its resolution 2010 (2011) paragraph 28, requests the cooperation between the three institution to agree on proper division of responsibilities in Somalia.<sup>24</sup>

The AU-UN- IGAD strategic direction is based on the 2004 Transition Federal Charter (TFC) of Somalia and the 2008 Djibouti agreement, which opened the way for broadening participation in the institutions provided for in the Transitional Federal Charter.

Throughout 2011, Al-Shabaab suffered a number of military setbacks. These have continued into 2012. A number of factors made this possible: a substantial increase in the size of AMISOM, which has been accompanied by an enhanced offensive capability; a Kenyan incursion across the country's southern border, justified on security grounds; and Ethiopian incursions in to central and Gedo regions. Both incursions were closely coordinated with the TFG, AMISOM and IGAD and approved by the AU Peace and Security Council. The Kenyan

<sup>20</sup> Brief History – AMISOM, <http://amisom-au.org/about-somalia/brief-history/> (accessed 05/06/2012)

<sup>21</sup> UN Security Council Resolution 1772, S/RES/1772 (2007)

<sup>22</sup> UN Security Council Resolution 2010 (2011) adopted in its 6626th meeting. (30 September 2011). <http://amisom-au.org/key-documents/uns-c-resolutions-and-reports-on-somalia/> ( accessed on 05/06/2012)

<sup>23</sup> United Nation Security Council Resolution 2036 (2012), under the Charter's Chapter VII

<sup>24</sup> U N Resolution 2010 of 30 September 2011



forces were officially integrated in to AMISOM in a Memorandum of Understanding signed between the Commission of the African Union and the Government of the Republic of Kenya as Troops and Resources Contributing Country to AMISOM on 2 June 2012 in Addis Ababa<sup>25</sup>

The big AMISOM/TFG military breakthrough occurred on 6 August 2011, when al-Shabaab withdrew entirely from Mogadishu. In December 2011 and January this year, operations in Hiraaan region involving AMISOM, TFG and Ethiopian troops led to recapturing of the main town, Beledweyne. In May 2012, the TFG and AMISOM forces also recaptured Afgoye (30 km south of Mogadishu) from Al-Shabaab<sup>26</sup>.

While Al-Shabaab may have turned, largely out of necessity, towards guerrilla warfare and suffered a wider decline in its fortunes during 2011, it still occupies and holds key parts of central and southern Somalia, including the strategically vital southern port of Kismayo, Al-Shabaab's largest remaining source of revenue. However AMISOM (Kenya forces) are said to be within striking distance<sup>27</sup>.

**Current Strength of AMISOM:** Additional troops for AMISOM from Djibouti arrived in Somalia, taking the size of AMISOM towards 11,000.<sup>28</sup> With additional pledges of a further battalion from Burundi, additional Ugandan troops, re-hatting of the Kenyan troops and another battalion from Sierra Leone, AMISOM is slowly building its strength towards the 17,731 troops authorized by Security Council Resolution 2036 (2012).

**The achievement of AMISOM** can be measured by how much progress has been made in the implementation of its CONOPS as approved by the AU Peace and Security Council<sup>29</sup>. AMISOM has successfully completed phase I deploying 9 infantry battalions in Mogadishu (sector 2 in the CONOPS). The security situation in Mogadishu has improved steadily in recent months and is now entirely under the control of TFG and AMISOM. AMISOM has embarked on phase II (expansion phase) expanding to the central and southern regions by recapturing most of Bay, Bakool, Gedo and Hiiraan (Ethiopian, Djibouti and TFG troops) and Large parts of lower Shabelle and lower and Middle Juba regions (TFG and AMISOM troops). In these areas, IDPs are returning to their houses and people are enjoying relative peace, and can walk freely as they do their day-to-day business.

AMISOM has been facilitating the delivery of humanitarian aid either directly or indirectly to the needy population in government controlled areas. Up to 12,000 Somalis receive medical

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25 Signing of MOU between the Commission of the African Union and the Government of Kenya, Addis Ababa, 2 June 2012. <http://amisom-au.org>. (accessed 05/06/2012).

26 Somalia: Amisom and TFG Forces Capture Key Towns Deserted By Insurgents. <http://allafrica.com/stories/201205280021.html> (accessed 06/06/2012)

27 "Haji says no to Kismayu attack without back-up", *The East African*, 16 January 2012

28 "AMISOM takes on regional, continental character, as Kenya heightens attacks", *East African*, 27 December 2011

29 The AMISOM CONOPS is composed of four phases: Initial deployment phase; expansion of deployment; consolidation phase and finally redeployment/exit phase. <http://au.int/RO/AMISOM/about/military/concept-operation-conops>. (accessed 06/06/2012).

treatment each month at AMISOM medical facilities in Mogadishu. The Somali security forces also benefit from AMISOM support despite limited resources, with thousands of Somali troops having undergone refresher and mentoring training at al-Jazeera military training centre in Mogadishu run by AMISOM.

The European Union is the major funding partner of AMISOM. In March 2012, the EU allocated additional euro 67 million bringing the total contribution of EU to euro 325 million<sup>30</sup>. Other costs of the mission are covered by the United Nations, the USA and other bilateral donors.

## The conflict as portrayed by the media

### a) Local Print Media

There are about fifty newspapers in south and central Somalia mostly based in Mogadishu and fifteen in Somaliland. Most newspapers come out once a week printed in A4 size and have limited circulation of less than 1000 and overwhelmingly focus on politics. They are generally viewed as mouthpieces of different clan/sub-clan interests<sup>31</sup>. When Abdullahi Yusuf's TFG and Ethiopian forces advanced on Mogadishu to engage the ICU in December 2006, almost all the newspapers in Mogadishu portrayed the war as an invasion by Ethiopia and President Abdullahi Yusuf as a puppet Darood warlord who was bent to revenge for the atrocities committed against his clan by the Hawiye at the height of the civil war after the fall of Siad Barre regime in the early 1990s. In this period, the print media in Mogadishu meticulously reported on the atrocities perpetrated by TFG and Ethiopian forces portraying the ICU fighters and other casualties as innocent victims. This line of reporting continued until the withdrawal of Ethiopia.

### b) Local Broadcasting Media

The TFG has recently reopened the old Somali National TV and Somaliland has its own public TV. In addition there are about 7 other TV stations that are based outside the country that broadcast Somali programs via satellite. These stations generally cater for the large Diaspora and are poorly funded but were able to organize debates and discussion forums for the Diaspora who were themselves divided on the conflict along TFG supporters and ICU supporters.

Radio is the main mass medium in Somalia. In addition to the two state radios of TFG and Somaliland, there are 35 FM radio stations in Mogadishu. At least two (radio Al-Furqaan and Radio Andalus) are pro-Al-Shabaab and portray the conflict as a jihad always celebrating and sometimes exaggerating the achievements of Al-Shabaab. The other FM stations predominantly broadcast their respective sub-clan positions on the conflict. The BBC World Service and VOA both have popular broadcast services in Somali which are accessed through short wave or

<sup>30</sup> European Commission; Development & Cooperation – EuropeAid. <http://ec.europa.eu/eyrpaiddaid/where/acp/regional-cooperatiom/peace/peace-support-op...> (accessed 06/06/20112)

<sup>31</sup> Terje S. Skjerdal, Bildhan, Vol.11 pp 34-37



retransmission on local FM stations. In 2010 Al-Shabaab forced all local FM stations in south and central Somalia to end their transmission alleging anti-Muslim and colonial bias. AU also has established radio Bar-Kulan in early 2010 based in Nairobi broadcasting in Somali. Generally, the local media focussed on polarizing descriptions of the conflict and reinforced the perceptions of their kin or groups. They are under constant threat from Al-Shabaab and the vast majority now try to make sure their content does not upset Al-Shabaab<sup>32</sup>

### c) International Media

The predominant narrative of the western media post 9/11 of Somalia has been terrorism and humanitarian crises. Lately reporting on piracy has featured more frequently in western media. The New York Times wrote nearly 2,500 articles that mentioned Somalia between 2000 and 2010<sup>33</sup>. Using this as a sample for Western media reporting, Jessica Brandwein found out that the NYT most often referred to Somalia with respect to terrorism with 45 percent of the articles mentioning terrorism or Al-Qaeda, 18 percent of the articles mentioning Humanitarian crises and 8 percent of the articles mentioning piracy. Reporting on piracy featured more after 2008 following the massive deployment of western naval forces in the Indian Ocean. Similarly after the UN approval of the AU peacekeeping mission in 2007, western media reported on peace keeping and civil war 15 and 16 percent of the time respectively<sup>34</sup>. Coverage of Humanitarian crises by western media peaked during the 2011 famine after WFP and mostly Muslim countries brought large quantities of food and other supplies to Mogadishu. Thus one might hypothesize that reporting by the western media followed actual events on the ground.

## Detailed actor analysis/groups

**Key Actor 1:** The Transitional Federal Government (TFG)

### *Origin/ Position at the Beginning of Conflict/ Current Objectives*

The current TFG was created in January 2009 in the Djibouti Peace Agreement between the TFG of Abdillahi Yusuf (formed in Nairobi in 2004) and the Djibouti wing of the Alliance for the re-liberation of Somalia (ARS-D). The current president Sheikh Ahmed was elected by an expanded parliament of 550 members for additional period of 2 years. The declared objectives at the beginning and now remain the same: **to reconcile the population and bring peace and stability to the country after a prolonged period of civil strife**. To accomplish this, the TFG was given the following Transitional Tasks to accomplish in 2 years:

1. National Reconciliation;
2. Drafting of a new constitution to replace the Transitional Charter and;
3. Rebuilding the Security Sector

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<sup>32</sup> "The media of Somalia: A force for moderation?" Policy Briefing # 4, November 2011. BBC World Service Trust.

<sup>33</sup> "Impact of international media in Somalia.", Life & Peace Institute, 2011.

<sup>34</sup> ibid

The TFG immediately relocated to Mogadishu and Ethiopia withdrew its troops from Somalia. These two events were seen by most Somalis and the International Community as an achievement

Over the last three years the TFG received assistance in re-establishing the Somali National Army by provision of light military materiel including light weapons, uniforms, training and salaries and allowances for its soldiers. It is estimated at present that the TFG has 8500 uniformed personnel divided into 3 sectors and 27 battalions. The African Union has about 11,000 peacekeeping force (see AU AMISOM Intervention) and Ethiopia has several thousand of its army inside Somalia (but not part of AMISOM) assisting TFG and AMISOM to stabilize the country and reclaim territories from Al-Shabab. It also has the support of the Ahlu Sunna Wal-Jama which commands about 4000 armed militia in the Central and Gedo regions.

The TFG also has security cooperation, particularly in the fight against Al-Shabab, with Puntland, Galmudug and Himan & Heeb regional administrations which have succeeded in keeping their regions free of Al-shabab and other anti TFG forces.

The TFG forces are equipped generally with light weapons and approximately 100 technicals (pickups mounted with heavy machine guns, mortars and ZU-23mm).

The current TFG has diplomatic recognition from the International Community and the region. It occupies Somalia's seats in the United Nations, the African Union, the Arab League and the Organization of Islamic Conference (OIC). Two particularly historic visits by the Prime Minister of Turkey on 19 August 2011 and the United Nations Secretary General on 9 December 2011 ushered the way for more diplomatic contacts. A number of countries started to re-open their embassies in 2010 and 2012. These include Kenya, Yemen and Turkey. The UN representative of the SRSG has relocated to Mogadishu in January 2012 and IGAD and the Arab League opened Liaison offices in Mogadishu in 2009 and 2010 respectively.

### **Key Actor Analysis 2:** Col. Abdillahi Yusuf Ahmed

Col. Abdillahi Yusuf Ahmed was born in 1935 in Galkayo in Puntland. After his formative years, he joined the Somali Army in 1950s. He received military training obtaining a degree in Military Topography from the Funze Military Academy in the former Soviet Union and also received additional military training in Italy. In 1964, he took part in the Somalia-Ethiopian war of 1964 and was decorated for bravery<sup>35</sup>. Col. Abdillahi Yusuf also served as military attaché to Moscow in 1965-1968. He refused to support the military takeover of Siad Barre in October 1969 and was imprisoned (with late General Mohamed Farah Aidiid) for six years. During the 1977-78 Somali-Ethiopian war, he commanded the southern front and was again decorated for bravery but remained a colonel throughout his military career.

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**35** Profile: Somalia's newly resigned President Abdillahi Yusuf Ahmed ([http://news.xinhuanet.com/English/2008-12/29/content\\_10577078.html](http://news.xinhuanet.com/English/2008-12/29/content_10577078.html))



In 1978, Col. Abdillahi Yusuf, together with a group of military officials mainly from his Majerteen (Darood) clan attempted a failed coup d'état against Siad Barre's regime. Many who collaborated with him and participated in plotting the coup' were summarily executed, but Col. Abdillahi Yusuf and several colonels escaped to Kenya<sup>36</sup>. Later that year, he moved to Ethiopia and formed the first armed guerrilla movement called the Somali Salvation Army Front which was later renamed the Somali Salvation Democratic Front (SSDF). The SSDF was the first of several armed opposition fronts formed in Ethiopia during the Mengistu Derg and cooperated to oust Siad Barre's regime from power by force in late 1990. However, Col. Abdillahi Yusuf did not enjoy this victory as he was in jail in Ethiopia: He disagreed with Ethiopia in 1985 over the sovereignty over several areas in the Somali-Ethiopia border that the SSDF seized from Siad Barre's forces<sup>37</sup>. He remained in the prison until 1990 when the Mengistu regime fell and all the prisoners in Addis Ababa broke out of prison and walked out free. Col. Abdillahi Yusuf returned to Somalia and re-organized the SSDF and in 1992 successfully expelled the Al-Ittihad Al-Islamia that had taken over Bosasso, an important port city that would later become the commercial capital of present Puntland<sup>38</sup>. Over the next several years, Col Abdillahi marshalled the support of his Majerteen sub-clan in Puntland fully behind him and became the pre-eminent leader by routing out any opposition to his authority in the region eventually declaring the territory autonomous in 1998 and becoming the first president of Puntland State on July 23, 1998. He oversaw the development of Puntland from a clan enclave in the North-East of the country to a regional state that is seen by most of the Somalis and the international community as the first and most viable building block in any future federal Somali Republic. Col. Abdillahi Yusuf included in his Puntland the two regions of Sool and Sanag of Somaliland justifying his action on the fact that these two regions are inhabited by Harti/Darood and cannot be ruled by the Isaq clan in Somaliland. To date, these two regions remain disputed between Somaliland and Puntland.

After the collapse of the Siad Barre regime, a number of extremist groups came to the scene in Southern Somalia taking advantage of the prevailing anarchy. It was alleged that some of these fundamentalist groups harboured international terrorists and maintained links with Al-Qaeda. Kenya, Ethiopia and the International Community were looking for a strong leader to fight the growing Islamist groups in lawless Somalia. They saw in Col. Abdillahi Yusuf the qualities of the leader who could deal with the terrorist groups based in Somalia. His credentials as an army colonel, a guerrilla fighter for more than 20 years and his experience of fighting and defeating Al-Ittihad Al-Islamia and chasing them out of Puntland in 1992, heavily weighted in his favour. An IGAD summit held in January 2002 mandated the then President Daniel Arab Moi of Kenya to hold a national reconciliation conference for the Somali factions,

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**36** New People Media Centre ( Nairobi, Kenya), *New people*, Issues 94-105,, (New People Media Centre: Comboni Missionaries, 2005).

**37** Janice Hamilton, *Somalia in Pictures*, (Twenty-First Century Books: 2007), p.70

**38** Gerard Prunier. " Somalia: Civil War, intervention and withdrawal 1990-1995 (July 1995), p.6" [http://www.asylumlaw.org/docs/Somalia/country\\_conditions/prunier.pdf](http://www.asylumlaw.org/docs/Somalia/country_conditions/prunier.pdf) (PDF). WRITENET Country Papers, UK. Archived.

warlords and the Transitional National Government (TNG)<sup>39</sup>. This conference started in October 2002 and lasted for two years culminating in the establishment of a Transitional Charter, a Transitional Parliament and a Transitional Government. In October 2004 the Transitional Parliament overwhelmingly elected Col. Abdillahi Yusuf as the President of the Transitional Federal Government by a vote of 189 out of 275 voting members of the Transitional Federal Parliament.

True to expectation by some IGAD member states ( Ethiopia, Kenya and Uganda) and the International Community, Col. Abdillahi Yusuf immediately embarked on mobilizing a fighting force from his Puntland and allied factions in the South and Central Somalia to engage the Islamic Courts Union which was controlling most of the South and Central regions including Mogadishu and invited Ethiopia to intervene militarily. At the same time, he went to the AU, immediately after his inauguration and asked for a 20,000 strong force to stabilize the country<sup>40</sup>. This latter request came much later as AMISOM but the military support from Ethiopia came almost immediately. On 20 December, 2006 Col. Abdillahi Yusuf and TFG forces supported by forces from the Ethiopia, Puntland and allied warlords waged a bloody war against the Islamic Courts Union first around Baidoa and then throughout the south and central regions. After several successful battles, Col. Abdillahi Yusuf's forces, supported by Ethiopian troops entered Mogadishu relatively unopposed after what remained from the ICU forces fled to the Somali-Kenya border and finally driven out of the country ending up later in Asmara.

Col. Abdillahi Yusuf presided over a weak TFG from 2004-2008 divided by internal disagreements and lack of resources. During his term, he appointed and fired two prime Ministers and created sufficient enmity with the Hawiye clan who saw him as a Darood leader who brought in Ethiopian forces to revenge past Hawiye atrocities including mass killing, looting and rape, against his Daarood clan in the 1990s when the Hawiye clan expelled the Darood clan from Mogadishu and most of south and central Somalia. He also fell off with the International Community and with his key supporter, Ethiopia by 2007 which disagreed with him on how he was handling the stabilization of the country and refusing "consultation" and "advice" on national security matters. Col. Abdillahi Yusuf finally resigned on December 29, 2008 expressing regret at failing to stabilize the country as his government had been mandated to do<sup>41</sup>. He migrated to Yemen and later settled in Abu Dhabi where he died in March 2012 after releasing his memoir, titled *Struggle and Conspiracy: A Memoir*.

In summary, Col. Abdillahi Yusuf was an ambitious man who dreamt of ruling Somalia once. He pursued this goal until elected in October 2004. He was a strong military leader feared by all Somalis including his clan and closest friends. He had great ability for organizing armed

<sup>39</sup> The Transitional National Government (TNG) was formed in Djibouti within the framework IGAD in August 2002 with funding from Egypt, Libya and Gulf countries. Ethiopia accused the TNG of harbouring Islamists and supported a group of warlords which formed an opposition faction called the Somali Reconciliation Council (TNG) led by Col. Abdillahi Yusuf.

<sup>40</sup> Peace and Security Council, 'Report of the Chairperson', PSC/PR/2 (XXII), 05 January 2005

<sup>41</sup> "Somalia's president quits office" (<http://new.bbc.co.uk/2/hi/africa/7802622.stm>) BBC News, December 29, 2008.



forces and militia and creating his own enemies. He was the first man to form the first armed opposition movement against the Siad regime which was seen as a Darood regime by the rest of the Somalis, a fact that most of the Daarood would not forgive him for. He was the first Somali to seek and obtain the support of Ethiopia to fight Somali government and later to invite the Ethiopian army to occupy Mogadishu and Central Somalia. A fact most Somalis would not forgive him for. The Hawiye clan and the Islamist considered him an enemy of Islam and Hawiye clan and blame him for all the atrocities of the war committed by TFG, Ethiopia and AMISOM in central and south Somalia, including Mogadishu from 2006. In the final analysis he did not bring stability and died in exile in 2012.

### **Key actor 3:** Sheikh Hassan Daher Aweys

Sheikh Hassan Daher Aweys was born in Dhusa Mareeb in Central Somalia in 1935. He hails from the Ayr/ Habargidir of the Hawiye clan. After his formative years he joined the Somali Army and rose to the rank of colonel. He took part in the 1977-1978 Ethio-Somalia war and was decorated for his bravery. However, he was jailed several times and finally discharged dishonourably from the army in early 1980s for propagating religious radicalism within the Somali National Army.

Sheikh Hassan Daher Aweys founded Al-Ittihad Al-Islamia (AIAI) in the 1980s together with other Islamists who were known for their opposition for Siad Barre's regime but kept low profiles or were in hiding at the time from the regime. It was initially founded as a loose umbrella organization for Somalia's Islamists. After the collapse of the Somali Government, AIAI came to the open and participated in the civil war and Sheikh Hassan Daher Aweys became its military leader. AIAI captured the port of Kismayo in early 1991 but were later expelled by the powerful United Somali Congress of General Farah Aidiid. Sheikh Hassan Daher then moved with his forces to the North-East and briefly occupied the port of Bosaso in 1992 but was defeated again by Col. Abdillahi Yusuf and routed out from the region. He then relocated once more to the South-West Gedo region bordering Kenya and Ethiopia by defeating a local clan militia, the Somali National Front (SNF). In September 1996, Ethiopia attacked AIAI bases in Lug in what was called the first invasion by Ethiopia. It destroyed the AIAI base, rearmed the SNF and made Gedo a buffer zone against attacks from AIAI under the control of a friendly faction, the SNF, and withdrew its forces. Throughout the 1990s, AIAI attempted to occupy a number of areas inside Somalia and establish an operational base but failed except for a small coastal village called Ras Kamboni in the southern most edge of Somalia bordering Kenya.

After several defeats and failure to establish a strong foothold in the country, AIAI started to weaken and most members of the movement left the armed struggle and decided to engage in civilian social and development projects such as building schools, digging water catchments, caring for orphanages and administering Islamic development aid from rich Arab gulf countries. As a result, Hassan Daher Aweys assumed the leadership of AIAI which continued to carry out violent campaigns inside Somalia and the Somali region of Ethiopia. AIAI under the leadership of Sheikh Hassan Daher Aweys was implicated in the 1990s for terrorist attacks on hotels

and markets in Addis Ababa, Dire Dawa, Jijjiga and Harar and also of providing logistics to the terrorist attacks on the United States Embassies in Kenya and Tanzania in July 1998. As a result of these and many killings, kidnappings and other terrorist attacks, the United States treasury Department's Office of Foreign Assets Control (OFAC) added him to its Specially Designated Global Terrorist (SDGT) list on November 7, 2001 under the authority of Executive Order 13224<sup>42</sup>. The United Nations followed suite and designated Sheikh Hassan Daher Aweys as a terrorist under Security Council Resolution 1267 on November 9, 2001, naming him an "individual associated with Al-Qaeda"<sup>43</sup>.

In mid 1990s, a number of Islamic Shariá Courts were established in Mogadishu by several Hawiye sub-clans to bring peace and stability to their respective areas. These Courts were independent of warlords and enjoyed the strong support and backing of their respective sub-clan elders and businessmen. One such Shariá Courts was established by Hassan Daher Aweys's Ayr/Habar-Gidir and in 1999, Hassan Daher Aweys established himself as a leading figure in this Court. When the Shariá Courts came together in 2000 and created a joint Council, Sheikh Hassan Daher became its Secretary General and later the Chairman of a 90-member Shura Council of the Islamic Courts Union which defeated and routed the warlords out of Mogadishu and occupied most of the south and central Somalia until late 2006 when it was defeated and destroyed by TFG and Ethiopia. Most of its senior leaders, including Sheikh Hassan Daher Aweys and Sheikh Sharif Sheikh Ahmed, ended up in Eritrea and formed the Alliance for the Re-liberation of Somalia (ARS). The ARS later split into ARS-Djibouti led by Sheikh Sharif Sheikh Ahmed which entered the Djibouti Peace Agreement with the TFG and ARS-Asmara led by Sheikh Hassan Daher Aweys which opposed the peace Agreement and remained in Asmara and later returned to Mogadishu to form Hizbul-Islam to fight the TFG and AMISOM alongside the Alshabab.

In December 2010, Hizbul Islam merged with Al-shabab and Sheikh Hassan Daher Aweys relegated to be in charge of Al-shabab's operations in the central regions and his home area only. Al-Shabab has been on the run, losing large areas to a combined TFG, AMISOM and Ethiopian forces and its future and that of Sheikh Hassan Daher Aweys appears to be bleak.

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42 "What You Need to Know About U.S. Sanctions," U.S. Department of Treasury Office of Foreign Assets Control, January 2011. P. 97. Available: <http://www.treasury.gov/resource-center/sanctions/Programs/Documents/terror.pdf> in April 2010 an executive order concerning Somalia confirmed his SDGT status and provided additional aliases for Aweys. See "Additional Identifying Information Associated With Persons Whose Property and Interest in Property Are Blocked Pursuant to the Executive Order of April 12, 2010."

43 Consolidated List," United Nations Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaeda and the Taliban and Associated Individuals and entities, January 24, 2011.



## **Key Actor 4:** Harakat Al-shabaa Al-Mujaahidiin (Al-Shabaab)<sup>44</sup>

### **a) Origin/ position at beginning of conflict/current objectives**

Al-Shabaab has its origin in the Al-Ittihad Al-Islamia(AIAI). After the collapse of the Siad Barre Government, AIAI came to the open to wage Islamic Jihad in the Horn of Africa. AIAI welcomed Somali individuals who came back from Afghanistan and the Arabian Peninsula with Wahabi ideology of Islam and calling for imposing strict form of Sharia law and establishing an Islamic state in greater Somalia (including the Ogaden and North Eastern Kenya). When the AIAI disintegrated as a result of a number of defeats by Ethiopian forces and Abdullahi Yusuf, some of the Jihadists joined their respective sub-clan Courts in Mogadishu. Two of such sub-clan Courts were taken over by Sheikh Hassan Daher Aweys and Sheikh Fua'd Mohamed Khalaf who are both members of the current leadership of Al-Shabaab. Al-Shabaab became the military wing of the ICU leading the war against warlords until the ICU took over the whole of Mogadishu and expanded its control over the south and central regions.

The stated objective of Al-Shabaab remained consistent: ***To wage Jihad against the enemies of Islam and establish an Islamic Khalifate in greater Somalia.***

### **b) Current Capabilities**

TFG troops and the AMISOM peacekeeping force took control of Mogadishu in August 2011 by overpowering Al-Shabaab. Ahlu Sunna Wal Jama and Ethiopian forces also defeated Al-Shabaab in the Central regions. Similarly, a combined force of TFG and its allied forces assisted by Ethiopian forces pushed out Al-Sbabaab from the south-western regions of Gedo, Bay and Bakool regions. AMISOM and TFG allied forces are making the final push on the last stronghold of Al-Shabaab in the Juba Valley.

Al-Shabaab forces have been sufficiently weakened by TFG, allied forces and AMISOM and are on the run.

## **Al Shabaab Strategy**

### **i) Call on nationalist sentiment:**

When the TFG and Ethiopian forces defeated the ICU in 2006, most of the ICU leadership fled to neighbouring countries. However, Al-Shabaab refused to leave regrouping in Kismayo area and started waging a guerrilla counter-offensive against and the Ethiopian forces in Somalia. Al-Shabaab called on all Somalis to join the fight against the invading Ethiopian forces and received considerable manpower and material support from Somali population in the country

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<sup>44</sup> On 29 February, the US Government designated Al-Shabaab as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act (as amended) and as a Specially Designated Global Terrorist under Section 1 (b) of Executive Order 13224 (as amended). Source: U S Counterterrorism Center.

and in the Diaspora. Clan Chiefs and a number of warlords provided fighting forces, weapons and sanctuary to Al-Shabaab to defend the nation. The Somali Diaspora remitted substantial amounts of money through the *hawala* system to Al-Shabaab and a number of young nationalists heeded the call and returned liberate the country. This was a successful strategy that helped Al-Shabaab to grow into a major force that exercised control over a large area of the country with the consent of the sub-clan chiefs and the residents.

## ii) Fund-raising and Recruitment:

Ethiopia withdrew its forces from Somalia in January 2009, but Al-Shabaab continued to call on the nationalist sentiments to fight the invaders; AMISOM and the TFG. This strategy was increasingly questioned by the nationalists who joined Al-Shabaab to expel Ethiopian forces from the country. A number of warlords changed sides and joined the TFG and the resources coming from the Diaspora started to dwindle since the withdrawal of the Ethiopian forces. Al-Shabaab then changed its strategy to recruit foreign Jihadists and increasingly align itself with Al-qa'eda. In February 2010 Al-Shabaab announced that it would "connect the horn of Africa Jihad to the larger Jihad led by Al-qa'eda and its leader Sheikh Osama Bin Laden<sup>45</sup>". This has led Al-Shabaab to receive funds from wealthy Arabs from the Gulf countries who supported the global Jihad led by Al-Qa'da. These new funders accounted for the major portion of Al-Shabaab's funding. In a similar fashion Al-Shabaab, also started aggressive campaign to recruit foreigners attracted to its Jihadist agenda and its alignment with Al-Qa'da. Through the use of internet, and Jihadi web-sites, the number of foreign fighters has grown significantly. These foreign fighters come from the Middle East, Africa, Europe and the US. Some of these foreign recruits include hardened Al-Qa'eda fighters with experience in other Jihads in Afghanistan and elsewhere and new recruits attracted by the call to global Jihad<sup>46</sup>.

## iii) Suicide Attacks

As a consequence of its growing alignment with Al-Qa'da, Al-Shabaab also developed new strategies to fight TFG and AMISOM. Al-Shabbaab carried out suicide bombings targeting TFG officials including ministers, members of parliament and high ranking officers and key infrastructures such as the airport, ports, the national theatre and the presidential palace<sup>[47],[48]</sup>. Al-Shabaab carried out numerous suicide bombings and explosives inside the country not only targeting TFG and AMISOM but other civilian targets. In a coordinated attack, Al-Shabaab bombed, the Ethiopian Consulate in Hargeisa and UNDP offices in Somaliland and Puntland simultaneously on 28 October, 2008.

45 Sarah Childress, "Somalia's Al Shabaab to ally with Al-qaeda, Wall Street Journal, February2, 2010.

46 "Jihadi Discussion Forum Posting: 'A Gloden Opportunity for Migration and Jihad", obtained by the NEFA Foundation, May 8, 2009, [http://nefafoundation.org/file/Featured\\_Docs/nifamigrationjihad0509.pdf](http://nefafoundation.org/file/Featured_Docs/nifamigrationjihad0509.pdf).

47 Roggio, "Suicide bomber Detonates inside Somalia's Presidential Compound".

48 "Hussein Ali Noor, "Suicide Bombers Kill at Least 28 in Somalia," Reuters, October 29, 2008, <http://www.reuters.com/article/2008/10/29/us-somalia-blast-idUSRE49s2XD20081029>.



Al-Shabaab has threatened to attack troop contributing countries to AMISOM and that that it would carry the fight to their capitals. The first attack was executed in Kampala on 11 July, 2010 when two coordinated blasts inside a restaurant and a rugby club killed 64 persons watching the World Cup<sup>49</sup>. This constituted the first attack outside Somalia by Al-Shabaab, it continues to threaten more attacks by explosives and suicide bombings against AMISOM's troop contributing countries. This strategy also brought in a change in the training of Al-Shabaab. New training sites providing specialized training in bomb and explosive making, kidnapping and suicide attacks have been opened in a number of places and are believed to be run by Al-Qa'eda trainers.

## Conflict Issues (or “causes”) and conflict dynamics

**Key issue 1:** Competition Among Major Clans for Control of the Central Government.

The positions of president, prime minister, parliament members, cabinet posts and even senior civil service positions in the current TFG are allocated to clans based on an agreed upon formula of 4.5 quota system<sup>50</sup>. This drives from the principle that no one major clan is superior to any other clan, and that decisions on national issues and resources are shared equally. This formula was first agreed upon in a national reconciliation conference held in Arta, Djibouti in August, 2000. This quota system remains the most important source of persistent in-fighting within the TFG. Thus it is inevitable that a clan which failed to secure what it perceived as its right share of cabinet posts would feel aggrieved and threaten to withdraw its support from the TFG. Col. Abdullahi Yusuf (a Darood) fired two prime Ministers from Hawiye and finally was brought down by mainly Hawiye opposition who viewed him as a Darood warlord bent on marginalizing the Hawiye clan and perpetuating his clan's supremacy<sup>51</sup>.

The contest for power and government control is premised on the assumption that the elite and businessmen of the ruling clan will use state power and national resources to their advantage and that of the clan/subclan.

After independence and union, the first civilian government (1960-69), while democratic, was famous for nepotism and misusing state resources and external aid to benefit the elites of the ruling and cooperating clans. It was famed for corruption and harnessing state resources and foreign aid to establish clan hegemony (Majerteen/Darood) over other clans. The army, led by Siad Barre toppled the civilian government on 21 October, 1969 in a bloodless coup and promised to end corruption, nepotism, and clan hegemony. The Somali people welcomed the military regime and expected that, the military being non-clan entity, will rid the country from

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<sup>49</sup> Kron and Ibrahim, “Islamists Claim Attack in Uganda”.

<sup>50</sup> The four major clans ( Darood, Hawiye, Dir and Digil-Mirifle) are allocated equal number of seats in the parliament and half that number to remaining minority groups.

<sup>51</sup> Crisis Group Africa Report No. 147, 23 December 2008.

all the vices of the previous clan-based corrupt civilian government.

During the Siad Barre regime, particularly in the 80s, there was systematic and deliberate abuse of power and national resources to benefit the clan elite and businessmen associated with the regime. It is in this period that the biggest land-grab and monopolization of trade took place. Vast areas of irrigable land in the reverine area were acquired by those closely associated with the regime and import and export trade was deliberately skewed to favour certain businessmen who belonged to or cooperated with Siad Barre's sub-clan. This was one of the major grievances that led to the clan-based armed rebellion against the regime. The first such armed rebellion (SSDF) was started by the Majerteen/Darood sub-clan, presumably to regain power and government control which they believed to had been taken away by Siad Barre's coup in 1969. The second armed rebellion (SNM) was started by the Isaq to regain and protect the livestock trade through Berbera to the Arabian pininsula which was traditionally the mainstay of Isaq traders but threatened by southern traders supported and favoured by the Siad Barre regime. The third armed rebellion (USC) was started by the Hawiye to end the clan hegemony of the Marrehan/Darood and wrestle the power and the "source of wealth and clan hegemony", i.e control of the central government from the Darood.

The competition for power to access state resources did not stop at clan level but extend to sub-clan levels. When General Aidid's USC expelled Siad Barre's regime from Mogadishu, the Hawiye clan expelled all other Somali clans from Mogadishu and confiscated all public and private property in Mogadishu. Soon after, Habar-Gidir, Abgal, Murursade and Hawadle sub-clans of the Hawiye started fighting among each other over power and resources and destroyed what was left of Mogadishu. The Darood first retreated to the Jubba valley and soon after Harti, Marrehan and Ogaden, all sub-clans of Darood, fought over the control of Kismayo port and the Jubba Vally agricultural land. Similarly Garhejis and Habar Awal sub-clans of the Isaq fought in mid 1992 over the control of Berbera port which was the only outlet for livestock export from Somaliland<sup>52</sup>.

There have been numerous attempts to mediate the protracted conflict in Somalia. Fifteen reconciliation conferences were held in neighbouring countries for Somali factions and clans. All of them ended in failure and the current TFG is on a life support<sup>53</sup>. Each time a clan or a coalition of several clan factions came close to assuming power and control of the state, a counter coalition of the clan factions left out would be quickly formed to prevent them from assuming power and accessing government resources.

The competition among clans or coalitions of clan-based factions is based on the assumption that any future government would be able to use its power and government resources to the benefit of its constituent clans and factions. This assumption and the relentless effort by each clan to reposition itself for a future government that would bestow benefits to its elites

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<sup>52</sup> "Understanding the source of the Somali Conflict", Third World Resurgence. <http://www.twinside.org.sg/title2/resurgence/2011/251-252/cover04.html>

<sup>53</sup> "Somalia: The Transitional Government on Life Support." International Crisis Group, Africa Report No.170-21 February 2011.



and businessmen is a key factor that fuels the persistent failure to reconstitute a national government and cause for the continuous in-fighting between militia factions and politicians.

## Impact of Intervention

The Reconciliation Conference held in Arta Djibouti in 2000 was boycotted by the Darrood strong warlords who accused Djibouti of supporting the Hawiye to occupy the seat of government and control of government at the expense of the Darood. The first TFG which was formed in 2004 in Kenya and led by Abdullahi Yusuf was immediately opposed by powerful Hawiye warlords and ICU which was predominantly Hawiye barring it from entering Mogadishu and finally forcing Abdullahi Yusuf to resign. He was accused of using his close relation with Ethiopia to get to power and government resources and establishing clan hegemony over the Hawiye.

The competition for control of government resources started initially among the clans. When General Aidid and his Hawiye clan ousted Siad Barre and his Darood clan, he was immediately challenged by Ali Mahdi Mohamed and his Abgal sub-clan. A bloody war started in Mogadishu between the two sub-clans of Hawiye that lasted for four months and destroyed what was left of Mogadishu and caused mass displacement and exodus of refugees.

Similarly when the Darood retreated to the Juba valley, competition for the control of the Kismayo port resulted in fighting between the Ogaden sub-clan and the Marehan sub-clan (both of the Darood clan). And in mid 1992 fighting erupted between two sub-clans of the Isaq over the control of the Berbera port. Thus competition between clans has degenerated in to competition between sub-clans and down to fighting between armed militia of the same sub-clan.

On several occasions, clan and sub-clan factions were able to obtain support in the form of arms from neighbouring countries to fight another sub-clan for the control of key revenue sources such as ports and airports resulting in fighting at the local level.

Thus the effect of conflict over the control of government resources among clans was noticeable at the local, national and sub-regional level.

### **Key issue 2:** Ending the Transitional Period before August 2012

To implement the Roadmap (detailed below), the TFG assisted by UNPOS, prepared a draft provisional constitution as a key requirement and assembled 135 clan chiefs to sit in Mogadishu from 6 May 2012 to:

- a. Approve the draft provisional constitution and;
- b. Nominate 825 clan representatives to nominate a new parliament of 225 members who will finally elect the speaker and the president before the end of August 2012.

There are numerous disagreements within Somalia on the representation by the clan chiefs and the selection of the 825 clan representatives. Secondly there are wide suspicions that the

whole process was engineered by the TFG leadership in collaboration with Puntland to prolong their stay in office. Some Hawiye clan elders and a number of politicians aspiring for positions in any new government have expressed serious concern on the process. They accuse the TFG for setting the whole process of ending the transition in a dangerous course by putting the clan chiefs in a difficult position to review a highly technical document (the constitution) and giving them no option even to consult experts because of the limited time allotted to them. Furthermore these voices caution of the risks inherent in the process because, if the draft constitution is not approved before August 2012, the transition period will end with no extension and Somalia will find itself with no options to move forward.

The current TFG is the outcome of the Djibouti Agreement in 2009. It is composed of the moderate wing of the ARS led by Sheikh Sharif Sheikh Ahmed and the TFG of Abdillahi Yusuf that was formed in Nairobi in 2004. The expanded TFG was tasked to accomplish key tasks as detailed in the Article 71 of the Transitional Federal Charter in two years<sup>54</sup>:

The TFG was expected to complete these tasks in two years when the transitional period would come to an end on 20 August, 2011. Immediately after relocation to Mogadishu, the TFG faced three major problems:

- a. Lack of resources to deliver the minimum services to the people and pay salaries to its small army and small civil servants.
- b. Armed opposition from the hard line wing of ARS led by Hassan Daher Aweys and Al-Shabaab.
- c. Continuous in-fighting among the TFG leadership (president, Speaker and Prime Minister).

These three challenges prevented the TFG to make any progress on the transitional tasks. Frustrated by the lack of progress on the transitional tasks, the President of Uganda H. E. Yoweri Museveni (representing IGAD) and the Special Representative of the UN Secretary General Dr. Augustine Mahiga (representing the International Community), called the President, Sheikh Sharif Sheikh Ahmed and the Speaker, Sharif Hassan Sheikh Aden to Kampala on 9 June 2011 to discuss the lack of progress of the TFG on the transitional tasks. The outcome of this discussion, **the Kampala Accord**, extended the transitional period by one year to end on August, 2012 without further extension and to chart out a roadmap to accomplish this<sup>55</sup>.

A series of consultations to operationalize the Kampala Accord were facilitated by the Office of the SRSG (UNPOS) during June-August 2011. The outcome of these discussions culminated in the signing of the **Roadmap** on 6 September 2011 by the TFG, Puntland, Galmudug, and Ahlu Sunna Wal Jamaa agreeing on the implementation of the following four priority tasks:

- a. Security
- b. Draft constitution

<sup>54</sup> Article 71 of the Transitional Federal Charter lists 12 key tasks required to be accomplished in the transitional period.

<sup>55</sup> "The Kampala Accord" was signed by President Sharif and Speaker Sharif Hassan on 09 June 2011 and witnessed by President Museveni and the UN SRSG.



- c. Political outreach and reconciliation and;
- d. Good Governance.

To date there have been noticeable progress in the security and preparing a draft constitution.

The draft constitution raised a number of contentious issues among the Somali public:

1. There is disagreement on the need for a draft constitution when there is the 1960 constitution approved by a national referendum in 1963. Those who are opposing the draft constitutions raise the fear of Somaliland session from the rest of Somalia. They argue that the 1960 constitution is the only instrument that binds Somalia together and that any new constitution that does not involve the active participation of Somaliland risks the outright session of Somaliland. There also expressed concern that some members of the International Community are pushing the session agenda of Somaliland.
2. The draft constitution does not define the boundaries of the country. Neighbouring countries are concerned that Somalia might continue its claim for greater Somalia.
3. Al-Shabaab rejects any constitution for the country except the Koran while moderate Islamists complained that the draft constitution is not Islamic enough.
4. The Hawiye clan accused Puntland of influencing the process of drafting the constitution and selecting the clan chiefs to favour the Darood clan.
5. Many Somalis are questioning the legality of 135 clan Chiefs to approve the draft constitution.

These and many other forces and factors keep the issue particularly relevant.

There is commendable progress on the security sector, thanks to AMISOM, but this has not been matched by progress in the political process and reconciliation.

### **Key issue 3:** Preventing the spread of Salafi/Wahabi sect of Islam in Somalia

Followers of the Salafi/Wahabi sect of Islam have a major influence on the economy security and politics in Somalia:

#### **a) Economy**

The Salafi/ Wahabi followers set up business and trade networks throughout the country, the hawaala, banks, shopping centers, transport networks and the –import –export trade are mostly owned and run by salafi/ Wahabi businessmen and companies. They are also the major contractors to the UN agencies, particularly UNHCR and WFP to move food and other supplies to remote IDP camps and arranging for security escorts. Their economic power make this group also the major employer in the country.

## b) Security

First Salafi/ Wahabi followers challenged the main Shafiya Sufi order which is practiced in the country. Hard line salafi groups started to violate sufi sanctities by destroying the tombs of sufi saints, desecrating cemeteries, banning sufi celebrations, music, cinema and enforcing strict practices such as amputations for theft, and death for adultery. This led the Qaddiriyya sect to arm itself and defend the sufi practices. The Sufi Ahlu Sunna Wal Jamaá is now the most effective force against Al-Shabaab and cooperates with TFG, Ethiopia and AMISOM to rid the country from jihadist and Wahabi presence.

While most followers of this doctrine are not Jihadists, Al-Ittihad and later Al-Shabaab, have set up Jihadi military training camps in South and central Somalia to wage Jihad and turn the country in to an Islamic Emirate. This has invited Ethiopia to send its forces in to Somalia at least three times in the past ten years and destroy these training camps. These Jihadi forces also turned the country in to a destination point for global jihadists and counter- terrorism agencies.

## c) Political

The Salafi/ Wahabi followers are a major player in the political scene. A large section of its members oppose any system of governance that is not based on strict Shari'a and the Koran. They are working for the establishment of an Islamic state in Somalia and reject the need for a constitution other than the holy Koran. Currently, the draft constitution is being deliberated by clan chiefs assembled in Mogadishu. Salafi/ Wahabi followers are trying to influence the clan chiefs to reject the draft constitution or at minimum make compatible with strict Shariá law. The hard line members of this group have issued death threats against the clan chiefs if they approve the draft constitution.

Somalis are sunni Muslims and follow the *Shafi'i* version of the faith and the Qaadiyya has been the dominant Sufi order. The introduction of "Scientific Socialism" by Siad Barre's regime in the 1970s led many religious leaders and their followers to migrate to the Gulf States to have freedom to practice their faith and cash in on the oil boom. These and many Somali migrant workers in the Arabian Gulf countries were exposed to conservative Salafi/Wahabi ideas and militant anti-Soviet jihad that was on-going in Afghanistan at the time. After the collapse of the regime in 1991 a plethora of Islamic groups emerged each with a different religious doctrine but sharing the desire for a "correct" Islamic system of governance in Somalia. These Islamic groups received substantial funding from charities and wealthy individuals in the Arabian peninsula. Also a number of Islamic charities opened offices throughout the country.

In the absence of a government most of these Islamic charities did a commendable work providing essential services to the public by building schools, hospitals, mosques, caring for orphans and feeding IDPs during the height of the civil war and famine. But some of these charities supported and cultivated followers of the Wahabi/Salafi doctrine challenging the practice of the main Sufi order of the Shafiya doctrine widely followed in Somalia notably Al-



Ittihad and later Al-Shabaab. Several of these charities have been linked to funding militant Islamist groups in Somalia notably Al-Ittihad and later Al-Shabaab and worldwide<sup>56</sup>.

#### **Key 4:** Piracy

After the collapse of the central government and the dis-integration of the marine force and coast guard, the long coast of Somalia (3,300 km) became unprotected. Foreign vessels started dumping toxic waste off the Somalia coast. The Indian Ocean tsunami of 2004 brought to shore barrels and containers full of hazardous wastes<sup>57</sup> and the coastal communities reported new and strange effects including severe skin rashes and deformed newly borne babies. This also led to the poisoning and erosion of the fish stock. This, combined with illegal fishing by foreign trawlers reportedly using prohibited fishing gear, nets and methods destroyed the livelihoods of the Somali coastal fishing communities. In an interview in Al Jazeera TV, the former UN envoy to Somali Ahmedou Ould-Abdalla said that the UN had reliable information that European and Asian companies are responsible for the dumping of hazardous waste in the Somali coast. The UN estimates that illegal fishing by European and Asian companies rob Somalia of US\$ 300 million every year<sup>58</sup>.

To protect their livelihood, fishermen initially formed organized groups to protect their fishing nets and boats and attempted to scare off foreign trawlers from their fishing sites but this has grown to a multi-million dollar piracy. The military protection, cargo insurance and ransom money as a result of piracy in 2010 alone is estimated to have been between \$ 7 to 12 billion dollars; the Somali pirates are estimated to have received only just under US\$300 million in ransom<sup>59</sup>.

First, the delivery of food aid must be escorted to avoid hijacking and WFP was forced to suspend deliveries several times in 2008 and 2009. Ships carrying food aid on naval escorts, charge higher prices to cover their risk insurance. In a country where about 2 million IDPs depend on food aid, the safe delivery of food is essential. The International Community notably the Netherlands and Canada provide naval escort to ships carrying WFP food. Piracy has made food aid delivery costly and risky undertaking.

Secondly, Pirates have developed advanced methods to track down and hijack high value targets such as large cargo ships and oil and chemical tankers using advanced rocket-propelled grenade launchers and man-portable air-defence systems. The chance of using these advanced weapons intended or otherwise against an oil or a chemical tanker could cause a catastrophic environmental disaster in a fragile ecosystem that would destroy what remained of the marine and bird life for years to come.

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**56** Andre Lesage, "The rise of Islamic charities in Somalia: An assessment of Impact and Agendas", paper presented to the 45<sup>th</sup> Annual International Studies Association Convention, Montreal, Canada, 17-20 March 2004, p. 9

**57** "UN envoy decries waste dumping off Somalia" Middle east online; <http://www.middle-online.com/english/?id=27114>

**58** "Shabazz, Saeed. "Somali Piracy Connected to Toxic Dumping, Illegal Fishing." *FinalCall.com*

**59** Gill, Sharon. "Maritime piracy Costs Global Community up to \$12 billion a year". *Eyefortransport / News, Analysis & Events*. 20 Jan. 2011. Web. 14 Apr. 2011.

Thirdly, while there is no conclusive evidence that piracy is connected to Al-Sbaab and Jihadi forces in Somalia, there are indications that militant jihadis smuggle most of their arms and at least Arab foreign Jihadis from Yemen through the sea. There is also the potential for Al-Sbaab and transnational and the pirates cooperating to attack foreign navy ships either stationed or transiting through the Gulf of Aden and the Indian Ocean similar to the attack on the USS Cole in Aden in 2000.

Finally, an estimated 20 to 30 thousand commercial ships transit the Gulf of Aden and the Indian Ocean lane close to Somalia making it one the most important shipping highways in the world. There were 97 piracy attacks in the first quarter of 2011 compared to 35 attacks in the same period of 2010<sup>60</sup>. Thus piracy off the coast of Somalia poses a real threat to international trade making international maritime shipping costly and dangerous.

### **Key Issue 5:** Declaration of Session by Somaliland

The current Transitional Federal Charter and the TFG do not accept the session of Somaliland. The clans inhabiting Somaliland are allocated their share within the TFG on the 4.5 formula power sharing arrangement. Indeed the current ministers of defence and education and a number of ministers of state and vice Ministers are from clans from Somaliland so is the state Attorney General and many other senior civil servants. Similarly all subregional, regional and International bodies continue to re-affirm the sovereignty and territorial integrity of Somalia<sup>61</sup>. The Security Council stated its commitment to “a comprehensive and lasting settlement of the situation in Somalia, and its respect for the sovereignty, territorial integrity, and political independence and unity of Somalia, consistent with the purpose and principles of the Charter of the United Nations.”<sup>62</sup> Somaliland is not recognized by any country in the world despite the near obsession by Somaliland in search for recognition.

Secondly, Puntland state which is the immediate eastern neighbour of Somaliland was formed in 1998 as an autonomous region of Somalia. It incorporated the regions of Sool, Sanaag and Ayn on the premises that these regions are inhabited by the Harti/Darood and that they must be part and parcel of Puntland. This area is now indicated as a disputed territory in most maps. Puntland and Somaliland engaged in skirmishes in October 2007 and again in January 2012 over the control of this area.

The armed opposition groups that ousted the Siad Barre's regime in January, 1991 failed to return order to Somalia. Fighting immediately started in Mogadishu between General Aidiid's USC wing and a rival wing led by Ali Mahdi Mohamed who declared himself as president of Somalia. The SNM initially occupied the Isaq inhabited area what is now known as Somaliland

**60** “attacks off the Somali coast drive piracy to record high, reports IMB,” *ICC Commercial Crime Services*, April 14, 2011. <http://icc-ccs.org/news/441>.

**61** Somalia, represented by TFG, is a member of the AU. One of AU's objective is to “defend the sovereignty, territorial integrity and independence of its member states” as enshrined its Charter.

**62** “ Security Council, Press release. October 26, 2004, <http://un.org/News/Press/docs/2004/sc8225>.



with little opposition and called for a conference of northern clan elders at Burao. The Burao inter-clan conference resolved that Somaliland would “revert to the sovereign status at independence from Britain on June 26, 1960. ...”<sup>63</sup>. On 18 May, 1991, Somaliland declared its session from the rest of Somalia. Compared to the rest of Somalia, Somaliland remained relatively stable but it is being increasingly challenged by the four non-Isaaq clans who inhabit Somaliland and do not accept session from the rest of Somalia. These are the Dhulbahante and Warangeli, both of Harti/ Darood and the Gadabursi and Issa of the Dir clan. They claim that they agreed to the SNM declaration of session under duress and do not wish to secede from the rest of Somalia.

The ex-British Somaliland is inhabited by Isaaq, Dhulbahante, Warsangeli, Gadabursi and Issa. Except the majority Isaaq, the other four clans do not accept the session of Somaliland and have declared their desire be part of a united Somalia. To counter the claim by the Isaaq that the people of Somaliland are united on the session, the dhulbahante, Warsangeli and Gaabursi clans have declared their separate states from Somaliland with various successes<sup>64</sup>. The SNM (Isaq) has been unable to convince the other four clans to support the session.

Somaliland persistently refused to participate in any of the 14 or so reconciliation conferences held for Somalia, always claiming to be a separate country. However, Britain convinced Somaliland to attend the London conference on Somalia that took place in Lancaster House on 23 February 2012. The session of Somaliland was not discussed but the conference “**recognize the need for the International Community to support any dialogue that Somaliland and the TFG or its replacement may agree to establish in order to clarify their future relations**”<sup>65</sup>.

As a follow up to the London Conference, Somaliland appointed a team of 5 ministers including 2 from the non Isaaq clans to initiate negotiations with the TFG. Similarly the TFG appointed a team of 5 ministers (including one minister who belong to Harti/Darood of Somaliland). Talks between TFG and Somaliland in June this year and are expected to continue.

## Lessons Learnt from Interventions

Three major interventions took place in Somalia in the period 2006 to the present as explained under section 2.4. Each intervention has its own lessons learnt as explained below:

### 1. *The Khartoum Talks between the TFG of Abdullahi Yusuf and the ICU in 2006*

- a. The two negotiating parties, the TFG and the ICU were not ready for the talks. Both parties thought they can achieve their objectives by force. The ICU was represented by a scholar who did not hold any portfolio in the ICU as the hard line wing of the

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<sup>63</sup> John Drysdale, *WHATEVER HAPPENED TO SOMALIA* 14-19 (2011).

<sup>64</sup> The Dhulbahante established Sool, sannaag and cayn and later Khatumo regional state; the Warsangeli announced their own Makhir State and the Gadabursi Diaspora declared their Awdal state. See “The Consequences of Somaliland’s International Recognition by Unionists from Northern Somalia”. August 16, 2011. WardhereNews.com

<sup>65</sup> “London Conference on Somalia”: Communique, <http://www.fco.gov.uk/en/news/latest-news/?view=PressS&id=727627582>

Courts showed no interest in negotiating with a weak government that was protected by Ethiopia. A few days before the start of the talks president Abdullahi Yusuf met with the Ethiopian Prime Minister and Jendayi Frazer in Addis Ababa and made a statement that “as far as the deployment of peacekeeping force is concerned, we do not have to listen to the ICU. They are not the government of the land, and they are not representing the majority of the country<sup>66</sup>”. Both parties accepted to attend not to offend Sudan and to access funds from Arab League members.

- b. The International Community and the neighbouring countries were not supportive of Sudan taking the initiative to mediate the TFG and the ICU. It was believed that “the Arab League and Sudan became involved in order to limit US influence in the region, to hinder Ethiopian expansion and to divert attention from Darfur<sup>67</sup>”. IGAD, the USA and EU were not happy to be left out of the process. An important lesson here is that the interest of major external actors should be taken into account for any mediation to succeed.

A second important lesson is that if the motives of the mediator(s) are questioned and the conflicting parties are not ready for negotiation, then the mediation has no chance of success. The Sudan peace talks ended in failure.

## 2. The Djibouti Negotiations between the TFG and the ARS- Djibouti in 2008

- a. The mediation was led by the SRSG, Ambassador Ahmadou Ould-Abdalla. First he succeeded in rallying the IGAD member states (except Eritrea) and the international community to support the process. He was also able to protect the process from other parallel initiatives. The first lesson learnt is that the lead mediator should rally most if not all important stake-holders behind him and protect the mediation from spoilers.
- b. The conflict between the TFG and the ARS was “ripe” for negotiation. The motivation for the TFG to accept the mediation was the hope to preserve some credibility to its shaky international recognition and for the ARS, the wish to achieve a negotiated withdrawal of Ethiopian forces and a new power-sharing arrangement. Without important interest of the negotiating parties, the chances of success of any mediation are limited.
- c. The choice of Djibouti as the venue for the negotiations contributed to the success of the talks. President Omar Guelleh was a key supporter of the talks and pressured the two parties to agree on contentious issues. Djibouti facilitated the convening of the Somali parliament, offering the use of the Djibouti parliamentary premises as well as the provision of security and accommodation for the negotiating parties. He

<sup>66</sup> Majtenyi, Cathy: “Arab League Hosts Somali Peace Talks in Sudan”, 22 June 2006), (<http://www.global-security.org>

<sup>67</sup> Unpacking the Meystry of Mediation in African Peace processes, [www.swisspeace.ch/.../Aberg\\_Annika\\_Sabina-Laederach\\_David](http://www.swisspeace.ch/.../Aberg_Annika_Sabina-Laederach_David) (accessed 04/06/2012).



intimately understood the conflict and the actors, himself being an ethnic Somali. An important lesson here is the importance of the choice of the venue.

- d. Major actors, in particular Al-shabaab, Hassan Daher Aweys's wing of ARS, and core supporters of president Abdullahi Yusuf did not participate in the talks. Al-shabaab and Hassan Daher Aweys's wing of ARS categorically refused to participate. Never the less, the negotiations went ahead and succeeded. An important lesson here is, while it is desirable to have consensus of all parties, mediation can succeed with less than optimal representation of conflicting parties.

### 3. **The AU/AMISOM intervention**

- a. AMISOM was deployed as a peacekeeping force into a war zone and political chaos. The Al-Shabaab and other armed militia in Mogadishu viewed AMISOM as allies to the TFG and Ethiopian troops and immediately vowed to attack them. AMISOM troops from Uganda were immediately shelled on arrival at the airport. These attacks continued killing and injuring many including the killing of the deputy commander Maj. Gen. Juvenal Niyonguruza, from Burundi and wounding the AMISOM commander Gen. Nathan Mugisha, from Uganda in a double suicide attack on the AMISOM headquarters base in Mogadishu on 17 September 2009<sup>68</sup>. On February 2009 Al-Shabaab attacked and killed 11 Burundian and injured another 28. It is estimated that more than 500 AMISOM soldiers had been killed in Somalia<sup>69</sup>. AMISOM and TFG troops sometimes, responded to these attacks in heavy handed manners by shelling markets and residential areas resulting in heavy civilian casualties.

The lesson to learn here is that peacekeepers should not be deployed to active war zones unless they are part of a viable political process. In the case of Somalia a peace enforcement intervention would have been more appropriate from the beginning.

- b. AMISOM mandate at deployment was limited to:
  - i. Supporting the Transitional Federal Institutions in their effort of stabilizing the country and the furtherance of dialogue and reconciliation;
  - ii. Facilitating the provision of humanitarian assistance; and
  - iii. Creating conducive conditions for long-term stabilization, reconstruction and development in Somalia.<sup>70</sup>

The mandate did not include the protection of civilians. Surge in fighting and indiscriminate shelling by all parties in 2007-8 caused massive displacement from Mogadishu. The fleeing population, without any protection, suffered looting, rape,

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68 allAfrica.com: Somalia: AMISOM Commander Injured, Deputy killed in Mogadishu A... <http://allafrica.com/stories/printable/200909180621.html> (accessed 23/06/2012).

69 'African Union Force Make Strides Inside Somalia'. The New York times, <http://www.nytimes.com/2011/11/25/world/africa-forces-surprise-many-with-s...> (accessed 14/06/2012)

70 Peace and Security Council, 'Communiqué', PSC/PR/Comm. (LXIX) 19 January 2007

harassment, and other atrocities outside Mogadishu. AMISOM was not able to protect civilians and go after Al-Shabaab until UN resolution 2036 (2012) clarified its mandate and authorized it, inter-alia, “to take all necessary action to reduce the threat posed by Al-Shabaab and other armed opposition groups....”

An important lesson to learn is that the mandate of peacekeeping operations should explicitly include the protection of civilians.

Uganda deployed the first two battalions in March 2007 followed by Burundi deploying a battalion in January 2008 and a second battalion in October 2008. Nigeria and Ghana pledged a battalion each but did not deploy. AMISOM did not reach the initially approved 8000 troops until early 2011 when Uganda and Burundi deployed additional troops. AU faced tremendous challenges in force generation, equipment and funds for AMISOM deployment. The logistics support has been based on the Burundi model of self-sustenance by TCCs. However the TCCs depended on western partners for logistical support, including equipment, air-lifts, procurement and funds and payment for troop allowances. In addition the AU required assistance with mission planning and management at its headquarters.

The key lesson here is first that Africa needs to do more to provide resources for Peace Support Operations in Africa and secondly the International community to provide the support beyond what Africa can mobilize to peacekeeping in Africa since they are not willing to put boots on the ground but have responsibility for world peace. AMISOM was mandated for an initial period of six months “with the clear understanding that the mission, will turn into a United Nations Operation”<sup>71</sup>. After more than five years it remains an AU Peace Support Operation. AMISOM has contributed to the debate of division of labour within and between the AU and the UN and the International donor Community.

AMISOM marked its fifth year in Somalia on 06 March this year. The AU Commissioner said “five years ago there was considerable scepticism about the ability of our troops. Now no one can be in any doubt that the dedication and sacrifice of AMISOM has brought tremendous success for Somalia and Somalis”<sup>72</sup>.

AMISOM has succeeded where the US and UN failed. This surprising success has put the African Union in the driver’s seat and showed that with dedication and sacrifice, African problems can be solved by Africans themselves.

<sup>71</sup> Peace and Security Council, ‘Communiqué’, PSC/PR/Comm. (LXIX), 19 January 2007

<sup>72</sup> [http:// www.peaceau.org/en/article/african-union-stresses-its-determinatio-to-help-bri...](http://www.peaceau.org/en/article/african-union-stresses-its-determinatio-to-help-bri...)



## Scenarios

### a) Best case / optimistic scenario

The UN, AU and IGAD provide the resource and political support to AMISOM and TFG forces by facilitating full deployment of AMISOM to reach the approved 17,731 (UN Resolution 2036) and successfully complete the CONOPS. The UN and International NGOs provide increased humanitarian assistance to the tens of thousands of IDPS flocking back to areas recaptured from Al-Shabaab. AU/AMISOM, Ethiopian forces and TFG and allied forces maintain the current pressure on Al-Shabaab and defeat them and at the same time prepare the Somali security forces to take over responsibility within a specified time period.

The Roadmap signed by the TFG, Puntland, Galmudug and ASWJ on 06 September 2011 in Mogadishu and witnessed by the UN (UNPOS), IGAD and LAS is fully implemented. The 135 Clan elders currently meeting in Mogadishu select the 825 clan representatives to nominate the 225 members for the new parliament who will elect the Speaker and the President before 20 August 2012 when the Transitional period ends.

The outcomes of the London and Istanbul conferences called for wider international unity of purpose. Major international actors coordinate their approaches and interventions in Somalia and prevent spoilers from undermining the process of building on the current achievements and stabilizing the country.

The London Conference on Somalia in February 2012 recognized the need for talks between TFG and Somaliland. Both parties follow up on their willingness to talk and reach agreement on their future relations.

### b) Worse Case Scenario

The premature withdrawal of the AMISOM and Ethiopian troops and return of Al-Shabaab and failure by the clan elders currently meeting in Mogadishu to end the transitional period by 20 August 2012 represent the worse case scenario. The current deployment of AMISOM when it ends in October 2012 is not extended allowing for relapse in security and Al-Shabaab comeback. The withdrawal of AMISOM would also cause the withdrawal of Ethiopian troops and the dis-integration of the newly formed Somali security forces.

The clan elders currently meeting in Mogadishu fail to meet the implementation time table of the Roadmap, as agreed, before 20 August 2012. As the mandate of the current TFG comes to an end on 20 August 2012, the clan elders fail to complete the process on time thus creating a political vacuum and chaos because there is no instrument, constitutional or otherwise, to extend the current TFG mandate beyond August 2012.

## Policy Response Options

### Proposal for intervention

The current peace enforcement led by the AU/AMISOM complemented by the on-going political dialogue led by the UN/UNPOS represents the best option for intervention to bring peace and stability to Somalia, particularly in the south and central regions. All major actors should stay the course in defeating Al-Shabaab and ensuring the success of the on-going political dialogue in Mogadishu to end the transitional arrangement by 20 August 2011.

The objectives and targets to be achieved in the short term (one year) should be:

1. Security
  - a. AU/AMISOM and TFG and allied forces should maintain the current pressure on Al-Shabaab and reclaim the remaining areas in the south and central regions, particularly Kismayo. This is in line with its phase II of its CONOPS.
  - b. Increase and strengthen the AU/AMISOM force to reach the approved 17,731 troops and its mandate extended beyond October 2012.
  - c. Close coordination by AU/AMISOM and TFG and allied forces with local clans and social groups in the reclaimed areas to win their support and agreement on the administration of areas reclaimed from Al-Shabaab, particularly ports and airports and other revenue sources.
  - d. Increase material and training support to the national security forces as agreed in the National Security and Stabilization plan.
  - e. The UN and International NGOs provide and increase humanitarian assistance to the tens of thousands of IDPs and returnees to areas recovered from Al-Shabaab. AU/AMISOM and TFG and allied forces should provide security including escort to humanitarian agencies.
2. Political
  - a. The currently on-going meeting of clan elders in Mogadishu led by UNPOS on the implementation of the Roadmap should be supported and encouraged to reach a negotiated political arrangement beyond the transitional period which ends on 20<sup>th</sup> August 2012.
  - b. As many clans do not support the establishment of a strong central government and control from Mogadishu, the current meeting of clan elders should be encouraged to negotiate a more decentralized system that can accommodate clan reconciliation and equitable sharing of power and public resources.
  - c. A number of young fighters and high profile former supporters are abandoning the Al-Shabaab. Some have joined the TFG forces and others retreated to their sub-clan territories. The TFG must show readiness to welcome and negotiate arrangements to accommodate those willing to renounce terrorism and work towards peace in any future political and security arrangement.



- d. Closer cooperation among key regional and international actors and agreement on principles and approaches are key requirement for the success of the current political and security stabilization efforts. In this regard the role of Turkey and other Muslim nations should be enhanced to build confidence of Somalis in the stabilization process. This and closer coordination among the UN, AU and IGAD Special Representatives and other key international actors will discourage groups and individual spoilers from undermining the current promising stabilization efforts.
- e. As a follow up to the London Conference on Somalia, delegations from the TFG and Somaliland (5 ministers from each) will meet in London on 20 June 2012 to prepare the ground for the beginning of formal talks between the two parties on their future relations. IGAD, AU and key International players in Somalia should support and encourage the two parties to negotiate a political arrangement.

The security and political objectives and targets to be achieved in the medium term (three years) should be:

- a. Thus far AMISOM has successfully completed phase I of the CONOPS by deploying 9 infantry battalion in Mogadishu and securing Mogadishu. It is now in the middle of phase II, that is, expanding to other sectors of the south and central regions. In the next three year AMISOM should complete its remaining 2 phases of the CONOPS by consolidating its gains and comprehensively execute its mandate and prepare for exit and handover to a strong Somali national security force.
- b. It is expected that the currently on-going meeting of clan elders will approve the provisions of the Roadmap and end the transitional period. In the medium term Somalia should have a functioning parliament, president and government in place. Unlike the current self appointed dysfunctional parliament, the clan elders should ensure their respective representatives in the parliament are chosen from the best of their clan elites.
- c. In the security sector priority for the medium term should be to rebuild the capacity of the national security. In the past 3-4 years approximately 10,000 police and army recruits received training in Ethiopia, Uganda, Kenya and Djibouti and thousands former Somali troops have undergone refresher and mentoring training conducted by AMISOM at Al-Jazeera military training Centre in Mogadishu. Also Puntland and Somaliland have a combined 15-20,000 uniformed personnel. In the medium term an effective and inclusive national security force, under a civilian command, should be established to take over from AMISOM when it ends its mission.
- d. The United Nations, particularly UNDP and the World Bank should assist in rebuilding governance and administration. In the medium term the priority should be re-establish effective government institutions by initially strengthening the centre of government i.e. Presidency, Office of the Prime Minister, Ministry of Finance and the Central Bank. This should facilitate to put in place effective management of aid and proper accountability and administration of taxes and other local revenues.

Humanitarian aid agencies did commendable work in 2011 and the first half of 2012 to alleviating the suffering of the people as a result of the famine of last year and the escalation of the armed confrontation by AMISOM and TFG and allied forces against Al-Shabaab. Humanitarian aid agencies should scale up their assistance to the tens of thousands of returnees and IDPs flocking back to areas recovered from Al-Shabaab. With increased security in Mogadishu and the south and central regions, humanitarian aid agencies, in addition to providing life-saving assistance to reduce mortality, should build resilience, protect and restore livelihood and improve social and productive networks.

### Chances for Intervention Success

A number of factors make the chances of success of the proposed option very high as follows:

1. AU/AMISOM, Ethiopian forces and TFG and allied forces have succeeded to recover Mogadishu and most of south and central Somalia from Al-Shabaab. There is a high chance that AU/AMISOM will reach its approved force strength of 17,731 and its mandate extended beyond October 2012.
2. Al-Shabaab lost the support of the Somali clans that provided them protection and fighting forces when Al-Shabaab showed its true nature of its affiliation to Al-Qa'da and harbouring foreign terrorists.
3. All the previous 14 or so reconciliation conferences held for Somalis were held outside the country for warlords and self appointed clan representatives who did not represent any one but themselves. The current on-going meeting of clan elders in Mogadishu is the first and only one to be held inside the country where all the clans are truly represented by their clan chiefs. The probability that these clan elders will end the transition and select a representative parliament to replace the current dysfunctional parliament is very high.
4. The International Community is showing keen interest in resolving the Somali conflict. The London Conference for Somalia in February, followed by the Istanbul Conference in June point to the direction of positive international unity of purpose and agreement on approaches to end the Somali conflict. This is the first time in many years that IGAD member states and International key players in Somalia are showing a united and coordinated approach to Somalia essentially shutting the door on any parallel initiatives and warning spoilers against undermining the on-going military and political efforts to bring peace and stability to Somalia.



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# 2

## The Conflict in The Eastern Democratic Republic of Congo: **Perspectives on its Nature and Dynamics**

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## Introduction

The Democratic Republic of Congo (DRC)<sup>1</sup> is the third largest country in Africa, straddling the Equator in Central Africa with a total area of 2,344,858 square km and a population estimated at 73,599,190 (July 2012 est.).<sup>2</sup> The country shares its border to the west with the Republic of Congo, Angola's coastal enclave of Cabinda, and by its own 40 km long strip of the Atlantic coast. It is bordered to the south by Angola; to the southeast by Zambia; to the east by Burundi, Rwanda, Uganda and Tanzania across Lake Tanganyika. The country gained independence from Belgium on 30<sup>th</sup> June, 1960. In terms of Article 2 of the Constitution, the country is divided into twenty-five provinces.<sup>3</sup> The capital-city, Kinshasa, is given the status of a Province because it is the seat of national institutions. The twenty-five (25) semi autonomous provinces were to be formed by 18<sup>th</sup> February, 2009; however as of June, 2012, the old eleven (11) province structure still remains in place. The Democratic Republic of Congo is endowed with vast natural and mineral wealth found across the country and in abundance in Katanga province and Eastern DRC Provinces. However, the vast natural and mineral wealth have not transformed country and its people, as the country remains one of the least developed countries in the world with an estimated GDP of US\$ 15 billion (2012) and per capita annual income of about U.S \$400 (2011 estimates).<sup>4</sup> Political instability, years of mismanagement, corruption, lawlessness and violent conflict are cited by most scholars as the major causes of under-development, and recurrent crisis in DRC.<sup>5</sup>

The violent conflict that began in 1996 in Eastern DRC and spread to other parts of the country has caused widespread death and displacement.<sup>6</sup> Though violent conflict in the rest of the country "officially" ended in 2002, armed rebellion has continued in the eastern part of the country.<sup>7</sup> The eastern DRC consists of Ituri, North and South Kivu Provinces. It has been generally accepted that these provinces (Ituri, North and South Kivu) have special political, economic and social issues distinct from other regions of the country.<sup>8</sup> The Eastern Provinces are distant from the central government in Kinshasa and the inadequate infrastructure provides a natural (physically) separation of the country into East and West.<sup>9</sup> The forest that separates

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1 Prior to 1997, when Laurent Kabila took over power the country was known as Zaire.

2 Central Intelligence Agency, The World Fact Book, [www.cia.gov](http://www.cia.gov), retrieved on 26<sup>th</sup> April, 2012

3 The Constitution of Democratic Republic of Congo 2005, [www.constitutionnet.org/files/DRC](http://www.constitutionnet.org/files/DRC), retrieved 26<sup>th</sup> April, 2012.

4 U.S Department of State, Bureau of African Affairs, Background Note: Democratic Republic of Congo ([www.state.gov](http://www.state.gov)), retrieved on 26<sup>th</sup> April, 2012.

5 Anthony W. Gambino, "Congo, Securing Peace, Sustaining Progress," Special Report No. 40, Council on Foreign Relations Press, October, 2008. ([www.cfr.org/InternationalPeaceandSecurity/Congo](http://www.cfr.org/InternationalPeaceandSecurity/Congo)) retrieved 26 April, 2012

6 Ibid.

7 Congo, Securing Peace, Sustaining Progress, Special Report No. 40

8 Mads Fleckner, "Reasons and Motivations for Violence by Internal and External Actors in the Democratic Republic of Congo: Dynamics of Conflict," (Danish Peace Academy March 2007) p. 7 ([www.fredsakademiet.dk/library/fleckner/congo\\_conflict](http://www.fredsakademiet.dk/library/fleckner/congo_conflict)) retrieved on 7<sup>th</sup> May, 2012

9 Ibid. p. 7



the country makes it even more difficult to maintain roads in transportable conditions, and the safest transportation is by airplane.<sup>10</sup>The Eastern DRC conflict has involved more than seven countries directly and more countries indirectly. It has also necessitated the United Nations Security Council, OAU/AU, SADC, and UN Humanitarian Agencies intervention. The Conflict has also recorded a number of Peace Accords all aimed at ending the conflict but always fall short of achieving sustainable peace. Armed groups, both foreign and domestic, continue to operate with impunity in eastern DRC.<sup>11</sup>

The violent conflict in eastern DRC like most intrastate conflicts in Africa can be defined in terms of the structural conditions, existing simultaneously, mutually reinforcing one another and exacerbated by other structural problems.<sup>12</sup> Laurie Nathan describes these structural conditions in Africa as authoritarian rule; marginalization of ethnic or religious minorities; socioeconomic deprivation and inequity; and lack of institutional capacity to effectively manage political and social conflict.<sup>13</sup>He further describes structural problems as including lack of coincidence between nationality and country due to arbitrary colonial imposition of borders; colonial legacy of ethnic discrimination and favoritism; unstable civil-military relations; land environmental, and demographic pressures; arms supplies and other forms of foreign support to authoritarian regimes; the debt burden and the imbalance in economic power between the South and North.<sup>14</sup> It is on this regard, that the eastern DRC conflict can be defined as the “manifestation of DRC crisis in eastern provinces.”

The objective of this chapter is to analyze the protracted nature and dynamics of the violent conflict in eastern DRC. The study identifies the issues, actors and dynamics of the conflict. The essay further analyzes interventions by the international community aimed at ending or managing the conflict and highlights lessons learnt from each intervention. In line with the process of formulating response options, scenarios are developed. In conclusion, the study provides policy response options based on the conflict story line and the best case scenario.

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10 Ibid. p. 7

11 Tatiana Carayannis, Background Paper, “The Challenge of Building Sustainable Peace in DRC,” Center for Humanitarian Dialogue (Henry Dunant Center for Humanitarian Dialogue, 2009) p. 5

12 Laurie Nathan, “The Four Horseman of the Apocalypse,” War in Africa and An African Peace (Meyer, Ed, Oxford: Blackwell, 2000) p.212

13 Ibid p.212

14 Ibid p.212

## Effects of the War in Eastern DR Congo

The civil war in DRC was one of the world's deadliest conflicts since the Second World War, resulting in deaths of more than 5.4 million people.<sup>15</sup> Although the civil war officially ended, in large parts of the country, armed groups continue to terrorize the civilian population.<sup>16</sup> The Situation is made significantly worse by the widespread sexual and gender- based violence (SGBV) against women and girls.<sup>17</sup> Clashes between the military and the armed groups continue to generate internal displacement with figures currently standing at 1.7 million as of March, 2012.<sup>18</sup> In May, 2012, renewed fighting in North Kivu Province has left more than 40, 000 people internally displaced with many more thousands crossing into neighboring Rwanda. The protracted nature and the mutation of the character of the conflict in Eastern DRC continue to affect a huge population across an enormous geographic area covering more than 625,000 sq km.<sup>19</sup> Shifting presence of armed groups, the Congolese army, and international peacekeepers have resulted in highly localized impacts on civilians.<sup>20</sup> Despite gains in the security situation in eastern DRC violence has persisted.

The Oxfam 2011 Report on the Impact of the Conflict on the Communities and how the different groups within the Eastern DRC population are affected by the conflict.<sup>21</sup> The report states that all members of the community are affected; however, internally displaced persons, returnees, women and children are the most affected. The report highlights that communities are directly and physically affected as a result of rape, desperate attacks on civilians by armed groups, torture, abduction, murder, theft, looting, extortion, beatings imprisonment and forced labor, creation of illegal barriers by armed groups, destruction of homes, villages and crops, and sexual exploitation of children. Their livelihoods are affected by the conflict in a number of ways.<sup>22</sup> The most prevalent are forced marriages, early marriages, prostitution, forcing children to pull out of school and putting them to work to support families, joining of armed groups for protection purposes by young people, not cultivating of land for fear of violence and exploitation of internally displaced persons by local communities.<sup>23</sup> In the absence of authority more people are taking justice into their own hands. All of these have contributed to the trapping of the weakest people in society in poverty and insecurity.

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**15** DRC (Congo) Conflict – Emergency UN Response and Aid ([www.unrefugees.au/emergencies/rurrent-emergencies](http://www.unrefugees.au/emergencies/rurrent-emergencies)) retrieved on 10<sup>th</sup> June, 2012

**16** Ibid

**17** Ibid

**18** Ibid

**19** Report on the Impact of the Conflict on the Communities, Oxfam Briefing Note, 2011, Talking with Communities: Survey Methodology ([www.oxfam.org](http://www.oxfam.org)) retrieved on 16<sup>th</sup> May, 2012. P.1

**20** Ibid p.1

**21** Ibid. P.1

**22** Ibid p.3

**23** Ibid p.3



Sexual violence is the biggest threat to women and girls in the Eastern DRC.<sup>24</sup>The frequent change of control of the areas by armed groups, lack of disciplined and effective army or police force coupled with the absence of peace-keepers in most areas has created a situation where women are easy targets for rape.<sup>25</sup>Killing of breadwinners in families forces the surviving females into prostitution.<sup>26</sup> It also forces them into early marriages or forced marriages.<sup>27</sup> Survivors of rape are sometimes forced to marry the perpetrator if she falls pregnant.<sup>28</sup>The stigma of rape is that no one will marry the woman.<sup>29</sup>As a result of the conflict children are pulled out of school, some are forced to join the militias while female children became easy targets of sexual violence and exploitation.<sup>30</sup>Trafficking of women and children remains common in Eastern DRC.<sup>31</sup>The returnees are targeted for rape, abduction and murder by local militia if they are suspected of being collaborators with the perceived enemies.<sup>32</sup> They are disposed of land, their property is looted.<sup>33</sup> They are also imprisoned or used for forced labour. Internally Displaced Persons are treated in a similar manner or worse.<sup>34</sup> They are also exploited for cultivation of fields. Humanitarian aid workers and NGOs reported being threatened and harassed by armed groups.<sup>35</sup> Armed groups restricted humanitarian access to IDPs. <sup>36</sup>

## Interventions in Eastern DRC

The armed uprising which started in from September, 1996 in eastern DRC and later engulfed the whole country and attracted a number of African countries caught the attention of the international community which diplomatically intervened to prevent further escalation of violence. The first intervention in the first weeks of the conflict took the form of the usual statements, resolutions by the United Nations, France, US, Belgium, UK, OAU and other international, regional organizations. The statements and resolutions were followed by intense international and regional diplomatic efforts aimed at negotiating Mobutu's exit.<sup>37</sup> On 24<sup>th</sup> January, 1997, the United Nations Security Council approved the proposal of the

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**24** Ibid p.4

**25** Ibid p.4

**26** Ibid p.4

**27** Ibid p.4

**28** Ibid p.4

**29** Ibid p.4

**30** Ibid p.4

**31** Ibid p.4

**32** Ibid p.4

**33** Ibid p.4

**34** Ibid p.4

**35** Ibid p.4

**36** Ibid p.4

**37** Op cit Tatiana Carayannis, p. 6

Secretary General of the UN made in consultation with the Secretary General of the OAU, the Chairperson of OAU and other regional leaders to appoint Ambassador Mohamed Sahnoun of Algeria as joint UN-OAU Special Representative of the Great Lakes region.<sup>38</sup> His mandate was to use his good offices to promote peaceful settlements of the various conflicts in the region, with special reference initially to the situations in eastern Zaire and Burundi; prepare an international conference on peace, security and development in the region, as endorsed by the Security Council and the OAU; and use his good offices to help preserve the unity and territorial integrity of Zaire and to help restore that country's national institutions, including through support for the electoral process.<sup>39</sup>

In 1997, President Nelson Mandela of South Africa, as Chairperson of SADC and also tasked with the responsibility of operationalising the Organ on Politics, Defence and Security, offered to assist in finding a solution to the humanitarian and political and security crisis in Zaire. The mediation efforts of President Nelson Mandela as the lead mediator and Ambassador Mohamed Sahnoun assisting managed to bring President Mobutu and the rebels together in Cape Town on 20<sup>th</sup> February, 1997.<sup>40</sup> The mediation did not achieve its intended purpose as the parties failed to reach an agreement and the rebels marched into Kinshasa unopposed.<sup>41</sup> The mediation was supported by the US through the presence of its high level envoys, Assistant Secretary of State for African Affairs, George E. Moose and President Clinton's then special assistant on Africa, Susan Rice.<sup>42</sup> The government of South Africa and the United Nations incurred most of the costs of the mediation.

In August, 1998, the armed conflict broke out between President Kabila's government forces and his former allies, Rwanda, Uganda, and some armed groups in DRC. The rebels supported by Rwanda and Uganda forces wanted to oust President Kabila from power.<sup>43</sup> However, this was thwarted at the last minute when Angolan, Zimbabwean, and Namibian troops intervened at the invitation the Government of D.R.C.<sup>44</sup> During the first two weeks of the war, UN and OAU representatives drafted a ceasefire agreement.<sup>45</sup> The parties to the conflict failed refused to sign the agreement. However the failure by the parties to sign the agreement did achieve an intended purpose of bringing out to the open the different interpretations of the conflict by the parties. The 18<sup>th</sup> Ordinary SADC Summit held in Mauritius, from 13-14September,

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38 Op cit Tatiana Carayannis, p. 6

39 Op cit Tatiana Carayannis, p. 6

40 Op cit Tatiana Carayannis, p. 6

41 Op cit Tatiana Carayannis, p. 6

42 Op cit Tatiana Carayannis, p. 6

43 Fako Johnson Likoti, African Military Interventions in African Conflicts: An Analysis of Military Interventions in Rwanda, DRC and Lesotho, University of Western Cape, January, 2006. p 135 ( <http://etd.uwc.ac.za/userfiles/modules/etd/>) retrieved on 15 May, 2012

44 Ibid p. 137

45 Op cit Tatiana Carayannis, p.7



1998, appointed Zambian President Frederick Chiluba to lead the peace efforts in DRC.<sup>46</sup> The EU appointed Aldo Ajello as its Special Envoy and the US dispatched Ambassador Thomas Pickering, then Undersecretary of State for Political Affairs and former Senator Howard Wolpe as its Special Envoys.<sup>47</sup> The key result was the signing of the Lusaka Ceasefire Agreement in July, 1999 between the Government of DRC and five regional states (Angola, Namibia, Rwanda, Uganda and Zimbabwe) and other armed groups.<sup>48</sup> The UN, SADC and other international partners incurred most of the costs of the negotiations.

The Lusaka Agreement called for an immediate cessation of hostilities within twenty-two hours of its signing. It further called for disarming of foreign militia in the Congo, the withdrawal of foreign forces from the country and the exchange of hostages and prisoners of war.<sup>49</sup> Moreover, it called for the establishment of a Joint Military Commission (JMC) composed of the belligerents, each with a veto power. Most significantly the agreement provided for an all inclusive process aimed at finding a lasting solution to the conflict. The process was called the Inter-Congolese Dialogue. In December, 1999, former President of Botswana, Sir Ketumile Masire, was appointed to facilitate the Inter-Congolese Dialogue. The Agreement called for equal participation of all domestic parties to the dispute, whether armed or not. The UN, OAU, SADC, EU, US, France and Belgium and South Africa were the main sponsors of the process.

Despite some numerous challenges and constraints the parties to the process signed US brokered agreement at Sun City, South African April, 2002. The Agreement provided for a transitional power sharing arrangement in which Joseph Kabila, President of DRC following the assassination of his father in January, 2001, would remain President and MLC leader Jean –Pierre Bemba would be Prime Minister. The Agreement was signed by Government and the MLC.<sup>50</sup> This agreement was rejected by the Rwanda – backed RCD-Goma and other political groups which felt marginalized.<sup>51</sup> The result of the exclusion was the escalating violence in the eastern part of DRC between Rwandan and Uganda sponsored armed groups.<sup>52</sup> This prompted the appointment of two UN Special Envoys, former Senegalese Prime Minister Mustafa Nyasse and former Eritrean diplomat, Haile Menkerios.<sup>53</sup> The outcome of the mediation was the Pretoria Agreement brokered by President Thabo Mbeki and Mustafa Nyasse in December, 2002.<sup>54</sup> The Pretoria Agreement provided for three additional members to the transitional government of national unity. The agreement also ensured the participation of the some Mai

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46 SADC Summit Communiqué, Mauritius, Grand Baie, 13-14 September, 1998 ( [www.iss.co.za/af/reg..](http://www.iss.co.za/af/reg..)) retrieved 15<sup>th</sup> May. 2012

47 Op cit Tatiana Carayannis, p.7

48 Op cit Tatiana Carayannis, p.7

49 Op cit Tatiana Carayannis, p.7

50 Op cit Tatiana Carayannis, p.7

51 Op cit Tatiana Carayannis, p.7

52 Op cit Tatiana Carayannis, p.7

53 Op cit Tatiana Carayannis, p.11

54 Op cit Tatiana Carayannis, p.11

Mai.<sup>55</sup>The Transitional Government of National Unity was eventually seated in 2003.

The Lusaka Agreement invited the UN to guarantee its implementation. On 30<sup>th</sup> November, 1999, the UNSC through Resolution 1279 (1999) established the United Nations Organization Mission in Democratic Republic of Congo (MONUC). Initially, the Mission was mandated to observe the ceasefire and disengagement of the forces and main liaison with all parties to the agreement. Later the UNSC through multiple resolutions mandated MONUC to the supervision of the implementation of the Ceasefire Agreement and also assigned multiple related tasks. Following, the 2006 General Elections, the UNSC through numerous resolutions mandated MONUC to engage in multiple political, military, rule of law and capacity building tasks. Initially the Mission was composed of 5000 armed personnel and the number increased with numerous resolutions which increased the mandate of the Mission. The Lusaka Agreement, subsequent additional agreements and establishment of MONUC, ensured a relatively stable Transitional Government, relative peace and the guarantee to holding of free, fair, transparent elections.

In 2008, the Rwanda's backed CNDP, an ethnic Congolese Tutsi, emerged as the main armed group in Eastern DRC.<sup>56</sup> The group was led by General Nkunda. The group alleged that the Government was complicit on attacks to Congolese ethnic Tutsis by the FDLR and some elements of the Congolese armed forces.<sup>57</sup> The CNDP claimed to be the protector of the ethnic Congolese Tutsis.<sup>58</sup> In October, 2008, CNDP forces attacked government and MONUC forces and nearly took over the strategic border town of Goma in Eastern DRC.<sup>59</sup> The CNDP was persuaded by intense international pressure to hold back their advance.<sup>60</sup> In November, 2008, the UN Secretary General announced the appointment of former Nigerian President Obasanjo as a mediator in post election period in DRC. Following intense international pressure and a result of General Nkunda's growing national ambitions, Rwanda was forced to arrest Nkunda.<sup>61</sup> He was put on house arrest in Kigali. The arrest of General Nkunda paved a way for the signing of Goma Agreement on 23<sup>rd</sup> March, 2009, between Rwanda, DRC and CNDP led by Nkunda's former chief of Staff, Bosco Ntaganda.<sup>62</sup> The UN and the African Union were the main mediators. The agreement provided for cessation of hostilities by CNDP, the transformation of CNDP into a political party, passing of an amnesty law for former rebels and cooperation between Rwanda and DRC against the FDLR. The UN was to guarantee the implementation of the agreement.<sup>63</sup>

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55 Op cit Tatiana Carayannis, p.11

56 Knowledgewiki: Gain Knowledge and Spread Knowledge, 2008 Nord Kivu Conflict ( ([http://www.knowledgewiki.org/article/2008\\_Nord\\_Kivu\\_Conflict](http://www.knowledgewiki.org/article/2008_Nord_Kivu_Conflict)) retrieved on 15<sup>th</sup> May, 2012

57 Ibid

58 Ibid

59 Ibid

60 Ibid

61 Ibid

62 Ibid

63 Ibid



On 1 July, 2010, the UNSC through Resolution 1925 (2010) renamed MONUC, the United Nations Organization Mission in the Democratic Republic of Congo (MONUSCO) to address the new challenges and reflect the new phase reached in DRC. The new mission was authorized under Chapter VII of the UN Charter, to use all necessary means to carry out its mandate relating, amongst other, protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and also to support of Government of DRC in its stabilization and peace consolidation efforts. The new mandate has resulted in increased presence of the peace-keepers in areas where there have been reports of sexual violence and other human rights abuses. It has also engaged in operations together with the Government forces aimed at protection of civilians and establishment of law and order especially in eastern DRC.

United Nations Organization Mission in the Democratic Republic of Congo (MONUSCO) was to comprise in addition to the appropriate civilian judiciary and correction components, a maximum of 19,815 military personnel, 760 military observers, 319 police personnel and 1,050 members of formed police units. According to the United Nations as of 30 June, 2010 the Mission was costing the UN US\$ 1,35 Billion.<sup>64</sup> From June, 2000 to June, 2010 the UN has spent approximately US\$ 8.73 Billion in DRC.<sup>65</sup> The Mission is the largest and most costly of all UN Peace Support and Enforcement Missions. The Mission has been financed in respect of assessed contributions to the Special Fund. The US is the largest contributor to the fund.<sup>66</sup>

The ICC has intervened in the conflict by seeking justice against perpetrators of war crimes, crimes against humanity and genocide. The ICC issued a warrant of arrest against the Leader of the Union of Congolese Patriots (UPC), Thomas Lubanga Dyilo in March, 2006.<sup>67</sup> He was charged with war crimes, mainly enlisting children under the age of fifteen; conscripting children under the age of fifteen; and using children under the age of fifteen to participate actively in hostilities.<sup>68</sup> He was eventually found guilty on 14<sup>th</sup> March, 2012 of committing the above war crimes.<sup>69</sup> The ICC further issued an arrest warrant against Katanga, alleged commander of the Force de résistance patriotique en Ituri (FRPI).<sup>70</sup> The arrest warrant detailed nine counts of war crimes and four counts of crimes against humanity alleged to have been committed in the Ituri district of eastern DRC.<sup>71</sup> In February 2008, a warrant of arrest listing similar war crimes and crimes against humanity was unsealed for Mathieu Ngudjolo Chui, a Congolese national and alleged former leader of the National integrationist Front (FNI) and

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<sup>64</sup> [www.un.org/en/peacemissions](http://www.un.org/en/peacemissions)

<sup>65</sup> Ibid

<sup>66</sup> Ibid

<sup>67</sup> Coalition for the International Criminal Court: Cases and Situations Democratic Republic of Congo ( <http://www.iccnw.org/mod/drc>) retrieved 15 May, 2012

<sup>68</sup> Ibid

<sup>69</sup> Ibid

<sup>70</sup> Ibid

<sup>71</sup> Ibid

a Colonel in the National Army of the government of the Democratic Republic of the Congo [Forces armées de la RDC/ Armed Forces of the DRC] (FARDC).<sup>72</sup> The warrant had been issued on 6 July 2007 but made public on 7 February 2008.<sup>73</sup> Ngudjolo Chui was surrendered by the DRC authorities and transferred to the ICC on 7 February 2008.<sup>74</sup>

On 29 April 2008, the ICC unsealed a warrant of arrest against Mr. Bosco Ntaganda, alleged former Deputy Chief of the General Staff of the Forces Patriotiques pour la Libération du Congo (FPLC), and alleged Chief of Staff of the Congrès national pour la défense du peuple (CNDP) armed group that was active in North Kivu in the DRC and currently a renegade officer of the Congolese national army.<sup>75</sup> The warrant of arrest lists three war crimes: the enlistment of children under the age of fifteen; the conscription of children under the age of fifteen; and using children under the age of fifteen to participate actively in hostilities.<sup>76</sup> He suspect remains at large. On 11 October 2010, Callixte Mbarushimana—Executive Secretary of the Forces Démocratiques pour la Libération du Rwanda (FDLR)—was arrested by the French authorities pursuant to an ICC arrest warrant for alleged war crimes and crimes against humanity in the Kivu Provinces of the Democratic Republic of the Congo.<sup>77</sup> Alleged crimes include murder, torture, rape, inhumane acts, persecution, attacks against the civilian population, destruction of property and inhuman treatment. On 25 January 2011, Mbarushimana was transferred to the ICC.<sup>78</sup>

## The Conflict as Portrayed by the Media

Larry Minear, Collin Scott and Thomas Weiss in authors of *The News Media, Civil War, and Humanitarian Action* refer to the influence of media as “The Crises Triangle, “involving governments, news media, and humanitarian organizations.<sup>79</sup> The three points determine whether there will be a response to an international crisis, the rapidity of the response and the level of response. Humanitarian agencies and human rights groups utilize the media’s effectiveness of reaching the people as valuable instrument to encourage action.<sup>80</sup> The above assertion is also true to the influence of the media to the perception of the conflict by key actors. However, the manner in which the media covers a conflict critical in determining its

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72 Ibid

73 Ibid

74 Ibid

75 Ibid

76 Ibid

77 Ibid

78 Ibid

79 Quoted from Ryan Guiboa, “Media Influence of Public Opinion during War: A Good or Bad Capability?, Edge T.A Sahil Khanna, June 6, 2003. p.3

80 Ibid p.3



influence to such perceptions. Perceptions more often than not define our reality.<sup>81</sup> Where access to information that may enhance our perception is limited, the reality we see becomes distorted and warped.<sup>82</sup> Our view of the state of armed conflict in the world today is one of the most unfortunate victims of such distortion. In spite of supposedly unprecedented access to information, the information presented to us on conflicts occurring throughout the world is so skewed that the reality is almost unrecognizable.<sup>83</sup> This is primarily due to the highly selective and increasingly assimilated agendas of the media, powerful governments, academics, NGOs and lobby groups.<sup>84</sup>

The Study by Virgil Hawkins which ranked the level of coverage of conflicts in television news and newspapers in the year 2000, revealed lack of coverage on the DRC conflict and the nature of the 'other side' of the CNN factor.<sup>85</sup> The DRC was barely noticed by CNN and BBC world news, being the 14<sup>th</sup> and 15<sup>th</sup> most-covered conflict, respectively.<sup>86</sup> In terms of coverage time, a viewer who watched one 30-minute program of world news every day on CNN and BBC would have seen just 16 minutes of coverage of the DRC conflict on CNN and 29 minutes on BBC over the entire year.<sup>87</sup> The same viewer would have seen 8 hours and 34 minutes on CNN and 9 hours and 41 minutes on BBC of coverage of the small-scale clashes in Israel-Palestine.<sup>88</sup> On radios and newspapers was 8<sup>th</sup> and 11<sup>th</sup> most-covered conflict in the New York Times and Le Monde, respectively, and did not even register in Japan's Yomiuri Shinbun.<sup>89</sup> In all three newspapers, its coverage was but a fraction of that of other conflicts. Coverage of the DRC was one-twelfth of that of Israel-Palestine in the New York Times, and one-eighteenth in Le Monde.<sup>90</sup>

Mads Fletcher in his paper further asserts that when the Eastern DRC conflict appears on western and other international media it is often superficially analyzed from factors which emphasize the macro- level aspects on behalf of the local rooted causes which contain the important factors that prevent a cessation of hostilities of the conflict.<sup>91</sup> The same causes that fuel the conflict at the micro level also bares within it the causes for solutions leading to

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**81** Virgil Hawkins, *Stealth Conflicts: Africa's World War in DRC and International Consciousness*, Journal of Humanitarian Assistance (Feinstein International Center, 1<sup>st</sup> January, 2004) p. 1

**82** Ibid p. 1

**83** Ibid p.1

**84** Ibid. p 1

**85** Virgil Hawkins, 'The Other Side of the CNN Factor: Media and Conflict', *Journalism Studies*, Vol. 3, No. 2, 2002, pp. 225-240

**86** Ibid pp 225-240

**87** Ibid pp 225-240

**88** Ibid pp 225-240

**89** Ibid pp 225-240

**90** Ibid pp 225-240

**91** Mads Fleckner, "Reasons and motivations for Violence by Internal and External Actors in the Democratic Republic of Congo: Dynamics of the Conflict, Center of African Studies, University of Copenhagen, 13<sup>th</sup> June, 2005, p. 3

an end of the conflict.<sup>92</sup> Failure by the media and the overall international community to highlight the local rooted causes of the conflict influences the perception by armed groups in eastern DRC that their issues ignored or at least not adequately addressed. The focus by the media on the illegal exploitation of resources by neighboring countries in collaboration with local businessmen, armed groups and multinational corporations has entrenched the view that national security interests of those countries are not the main issues of the conflict. Furthermore, media focus on gross human rights violations by armed groups in DRC, has created a perception that the main issues of the conflict are being shelved and focus is now on bringing the perpetrators of those violations to justice. This has influenced the perception that the ICC is a tool used by the government to silence leaders of armed groups and the MONUSCO is not a neutral actor but part of the conspiracy to protect President Kabila and his allies.

## Detailed Actor Analysis

The ongoing conflict in eastern DRC is a conflict of multilayered character involving many actors. In order to understand why the conflict is ongoing and has changed in character over the years, we need to provide a detailed analysis of the actors. Given the fact that there were many actors at all levels (local, national, regional and international) of the conflict over the years and most of those actors are no more active in the current conflict, the analysis will focus on the currently active actors and those that have security interests in the situation in Eastern DRC. It will focus on the FDLR, CNDP, FARDC, MUNUSCO, the MAI MAI, Uganda, Rwanda.

### FDLR

The FDLR, the Democratic Forces of the Liberation of Rwanda, is the primary remnant Rwandan Hutu Militia group in eastern DRC. The group is opposed to Tutsi rule in Rwanda and its influence in the region. Their main objective is the movement liberation of Rwanda from the ruling Rwanda Patriotic Front party and the administration of President Paul Kagame. The group is an amalgamation of ALiR,, the Army for the Liberation of Rwanda and the remnant Hutu military command, the Rwandan Armed Forces agreed by the parties on 30 September, 2000. During negotiations for the amalgamation it was agreed that ALiR will be head the political leadership of FDLR and remnants of former Rwandan Armed Forces will take charge of the military wing.

Initially FDLR, recruited from the large numbers of Hutu refugees who had fled Rwanda after the genocide. They also recruited from forms that took part in the genocide and fled to the neighboring countries. Currently majority of FDLR are post genocide recruits mostly attracted from the refugee camps in eastern DRC, Tanzania, and Uganda.<sup>93</sup> The FDLR was divided

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<sup>92</sup> Ibid. p.3

<sup>93</sup> A Comprehensive Resource on Violent Extremist Organizations ([www.vkb.isvg.org/Wiki/Groups](http://www.vkb.isvg.org/Wiki/Groups)) retrieved on 12<sup>th</sup> May, 2012



into three Brigades: The North Kivu Brigade, South Kivu Brigade and the Reserve Brigade.<sup>94</sup> Both the North and South Kivu Brigades were composed of four battalions each.<sup>95</sup> While the Reserve Brigade was composed of three battalions.<sup>96</sup> However, recently, due to the repatriation programs and increased military presence from both Rwanda and DRC, the FDLR has seen a steady decline in numbers, causing it to resort to conscription in areas, including the use of child soldiers. This has resulted in reduced capability to pursue the conflict through armed struggle. The arrest of the FDLR chairman, Ignace Muruwanashyaka, in Germany on 17<sup>th</sup> November, 2009, on charges of war crimes and crimes against humanity and surrender to the stand trial at the International Tribunal for Rwanda in Tanzania has diminished its capability to pursue the conflict through diplomatic means and mobilize other support. The fact that the FDLR is composed of elements that committed genocide in Rwanda has contributed to its failure to influence the media's perception of the conflict. The group is financially stable. It gains financial support from illegal, taxation, extortion and armed robberies.<sup>97</sup> The group also receives donations from the Hutu Diaspora found across the globe. The largest source of funding comes from smuggling natural resources.<sup>98</sup> The FDLR also used to receive military and financial support from the Congolese army.

The FDLR is divided into two wings: the military wing which is Forces Combatants Abacunguzi (FOCA) and the political wing.<sup>99</sup> The leader of the FDLR is Ignace Muruwanashyaka, who led the FDLR from his home in Germany until his arrest in 2009. The Secretary General is Callixte Mbarushimana and other top leaders are Jean Marie Vianney Higiho and Felicien Kanyambwa based in France and US respectively. The military is directed by Major General Sylvester Mudacumura, seconded by Stanilas Nzeyimana alias Bigaruka, with Brigadier General Leodomir Mugaragu as the Chief of Staff. Many of the political leaders also have military roles. The FDLR success has been capture and control of strategic areas in eastern DRC. In 2008 they suffered serious military setbacks as a result of CNDP advances. They have also suffered military setbacks as a result of Rwanda and DRC forces attack on their bases. The military leadership seems to be in effective control of the forces given the fact that they are divided along conventional lines.

The FDLR is found across eastern DRC. Its organizational structure at both the military and political wings is very formal. The group is also present in most areas of the eastern DRC conflict. Given the fact that the refugee camps are found across the eastern DRC the group has established structures across and formal communication is through its structures mainly based in the refugee camps. The leadership of the group and its members are bonded together

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<sup>94</sup> Spittaels, S., Hilgert, F, Mapping Conflict Motives: Eastern DRC (4<sup>th</sup> March 2008) retrieved from ( [www.ipisresearch.be/download.php](http://www.ipisresearch.be/download.php)) retrieved on 15<sup>th</sup> May, 2012

<sup>95</sup> Ibid

<sup>96</sup> Ibid

<sup>97</sup> Ibid

<sup>98</sup> Ibid

<sup>99</sup> Ibid.

by Hutu ethnicity and the fear of returning to Rwanda where they had committed genocide. They are also bonded together by the fact that the eastern DRC is the only place that can accommodate them and also sustain them through illegal exploitation of resources.

The FDLR employs a combination of political, military, propaganda and violence to pursue its objectives. The group is primarily known for raiding villages, refugee and internally displaced persons camps in eastern DRC and western Rwanda.<sup>100</sup> They are also known for committing atrocities such as mass rape, murder and forced recruitments of child soldiers.<sup>101</sup> Given the fact that the FDLR is composed of remnants of the perpetrators of Rwandan genocide and also the fact that they are refugees in eastern DRC, it is almost impossible for them to work through legal and non violent means. Furthermore, also given the above circumstances it has become almost impossible for the leadership to control violence perpetuated by their members. Given the fact that the military wing of the organization is based on conventional army structures it is generally believed that the perpetrators of the violence are under the command and orders of their leadership. The current joint operations by both the Rwandan army and the DRC army and the arrest of its leader both have demonstrated that the FDLR accommodate changing circumstances. The FDLR has continued with attacks on ethnic Congolese Tutsis and Rwanda. They have also continued to commit atrocities across eastern DRC and illegal exploitation of resources. They have also demonstrated failure to learn from past successes and failures.

## **CNDP**

The National Congress for the Defence of the People (CNDP) is a politico-military movement under currently under the leadership of General Bosco Ntaganda. It was launched by General Laurent Nkunda during the 2006 elections.<sup>102</sup> The CNDP started out as a movement claiming to protect the interests of all Rwandese in eastern DRC.<sup>103</sup> Initially Congolese Hutus joined the CNDP ranks.<sup>104</sup> However, this attempt to forge a Rwandan coalition failed. The CNDP now represents the interest of Rwandan Tutsis in eastern DRC. The movement has eight (8) principal objectives out of which the most important are: putting an end to the presence of FDLR on Congolese soil, federalization of the DRC.<sup>105</sup> The CNDP was formed mainly of former RCD soldiers and reinforced by demobilized soldiers from Rwandan Defence Forces (RDF) and other recruits originating from Tutsi refugee camps. Hutu are also represented in numbers. There are also officers from other tribes within its ranks. The CNDP was also famous for having child soldiers within its ranks.

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**100** Ibid

**101** Ibid.

**102** Steven Spittaels and Filip Hilgert, Mapping Conflict Motives: Eastern DRC

**103** Ibid

**104** Ibid

**105** Ibid



In October, 2008, CNDP forces attacked government and MONUC forces and nearly took over the strategic border town of Goma in Eastern DRC. The CNDP was persuaded by intense international pressure to hold back their advance. In January, 2009, Bosco Ntaganda, the military chief of staff, of the CNDP announced that General Nkunda was ousted from the leadership position of the CNDP. In January, 2009 General Nkunda was forced to flee to Rwanda after intense fighting between CNDP elements loyal to General Nkunda and government forces. He was subsequently arrested in Rwanda and put on house arrest. This led to the signing of the Goma Agreement on 23<sup>rd</sup> March, 2009, between Rwanda, DRC and CNDP led by Bosco Ntaganda. The agreement provided for cessation of hostilities by CNDP, the transformation of CNDP into a political party, passing of an amnesty law for former rebels and cooperation between Rwanda and DRC against the FDLR.

The split of CNDP, the arrest of its founding leader, the arrest warrant issued by the ICC against Bosco Ntaganda and the signing of the Goma Agreement by the CNDP led by Ntaganda have significantly diminished both the military and diplomatic capabilities of the CNDP. The recent mutiny by General Ntaganda and forces loyal to him is a clear manifestation that the group that does not have enough strength to challenge the Congolese government. According to recent media reports the mutineers have retreated to the national park along the border with Uganda. Allegations of recruitment of child soldiers and cross human rights violations by CNDP forces has diminished its diplomatic capability. Their signing of the Goma Agreement and the integration of their forces into the Congolese army has diminished any capabilities to influence the perception of the media on the current conflict which is a result of a mutiny.

The CNDP is currently led by General Bosco Ntaganda. He is a former member of the military wing of RPF, the Rwanda Patriotic Army and also allegedly a former Deputy Chief of Staff of the General Staff of the Patriotic Forces for the Liberation of Congo.<sup>106</sup> The declared intentions of CNDP are to get rid of the FDLR in eastern DRC and also to attain autonomy of the eastern part of DRC. The biggest success of the CNDP was their defeat of the government forces in October, 2008. From recent developments it can be reasonably concluded that the current leadership is not effective. They failed to completely transform the CNDP in a political party and their reports that the group has split again.

The CNDP has pursued a political programme backed by a military campaign. They have used violence as the means to achieve their objectives. The CNDP According to the Human Rights Watch, the CNDP forces has killed innocent civilians, raped, recruited child soldiers and other cross human rights violations.<sup>107</sup> The CNDP signed the Goma Agreement thus committing itself to working within the legal regime and also abandoned the violent means. However, the recent mutiny by elements loyal to General Ntaganda, has demonstrated that the CNDP, only works within the legal means only when there is intense pressure from all angles including from its natural allies. Moreover, recent developments have demonstrated that the CNDP is

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<sup>106</sup> Human Rights Watch: DR Congo: Suspected War Criminal Wanted ( 29April, 2008) retrieved on 13<sup>th</sup> May, 2012

<sup>107</sup> Ibid.

not flexible in accommodating to changing circumstances. They seem to rely on the belief that they are capable of defeating the Congolese army even when regional dynamics have changed and Congo and Rwanda now share the same goal of getting rid of armed groups within their territories.

## **FARDC**

The FARDC is the state military organization responsible for defending the Democratic Republic of Congo. It is being rebuilt as a result of numerous peace agreements which called for integration of former rebel armed groups into the national army. The legal standing of the FARDC is laid down in Articles 187 and 192 of the 2006 Constitution. The current name and general organization of FARDC was provided in the General Organization of the Defence and the Armed Forces Act 04/023 of 12<sup>th</sup> November, 2004. Article 45 of the Act recognized the incorporation of armed groups into the FARDC, including the former government armed forces (FAC), ex FAZ (Former President Mobutu's army), RCD- Goma, RCD-ML, RCD-N, MLC, the Mai Mai, as well as other government military and paramilitary groups. The Act has been amended by the Organic Law 130 of 2010. The position of the FARDC in respect to the eastern DRC military has always been to defend the DRC from both external and internal armed groups. It is responsible for protecting the sovereign integrity of DRC and its people.

The FARDC has between 144, 000 and 159,000 personnel.<sup>108</sup> However, lack of proper training, indiscipline, allegations of cross human rights abuses, lack of coherent central command and inadequate logistical support has made the FARDC incapable of achieving its mandate.<sup>109</sup> As a result of the aforementioned, the FARDC has not demonstrated capabilities to militarily end the conflict.<sup>110</sup> The FARDC with the support of MONUC has launched several operations in eastern DRC against the FDLR notably, Operation Kimia II (May-July, 2009) and Amani Leo (January- July, 2010).<sup>111</sup> Due to allegations of ill discipline and cross human rights violations by some of its elements, the FARDC and the Government lost the capability of influencing the media's perception of the conflict.

In terms of the 2006 Constitution, President Joseph Kabila is the Commander in Chief of the FARDC.<sup>112</sup> Following the 2011, General Elections, Alexander Luba Tambo, were appointed as the new Minister of Defence, Disarmament, and Veterans.<sup>113</sup> The Chief of Staff of the FARDC is Lieutenant General Didier Etumba Longila.<sup>114</sup> President Joseph Kabila became president following the assassination of his father, President Laurent- Desire Kabila in January, 2001.

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**108** IISS Military Balance 2011, p.419

**109** Op cit Congressional Research Service p.4

**110** Op cit Congressional Research Service p.4

**111** Op cit Congressional Research Service p.9

**112** Op cit The Constitution of Democratic Republic of Congo

**113** Op cit Central Intelligence Agency, The World Fact Book

**114** Op cit Central Intelligence Agency, The World Fact Book



Prior to his elevation to the Presidency, he was the Chief of Staff of the Land Forces with the rank of a Major General. He was a commander of one of the battalions during the fight against Mobutu.<sup>115</sup> The declared intentions of the leadership of FARDC are to get rid of all armed groups in DRC and in eastern DRC in particular. The main objective of the government and the FARDC is to restore security and stability in the whole of DRC.

The biggest success of the FARDC has been a joint military operation with the Rwanda Defence Forces against the CNDP. The operation dislodged and seriously weakened the CNDP forces. General Nkunda, leader of the CNDP fled the eastern DRC and was arrested inside Rwanda. Another success was its joint operation with MONUC against the FDLR. During Operation Kimia II, the FARDC together with MONUC were able to push the bulk of FDLR away from the population centers and money making enterprises. During Operation Amani Leo, the FARDC and MONUC successfully targeted the camps of ADF-NALU. A Ugandan rebel group, which was operating along the Ugandan border in North Kivu. Furthermore, the FARDC together with MONUC launched a successful Operation Lightning Thunder and Rudia II, in which some LRA commanders were either killed or captured, as well as dispersing the LRA into much smaller groupings thus significantly limiting its ability to carry out major fighting. The biggest defeat of the FARDC was in 2008 in Goma by the CNDP. Since the FARDC is composed of different armed groups who were parties to different peace agreements, there is lack of coherent central command thus lack of overall effective leadership.

The FARDC is composed of the land forces, the air force and the navy. The land forces are primarily engaged in the eastern DRC conflict. The land forces are made up of about 18 integrated brigades, of fighters from all the former warring factions which have gone through the integration. In eastern DRC the FARDC deployed the 2<sup>nd</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 15<sup>th</sup> Integrated Brigades. The above brigades have been deployed in different areas of the conflict in eastern DRC. These brigades were trained by different DRC Partners (Angola, Belgium and South Africa). The fact that the brigades were composed of different warring armed factions and trained by different countries has resulted in lack of communication between them and also the central command. There is no coordinated communication between different brigades. There seems to be a strong bond between members of particular former armed force and their former commanders and leaders.

The FARDC strategic objective in eastern DRC is to get rid of all the armed groups and move them out of strategically important areas. The FARDC has been accused of systematic use of violence against civilian populations it is supposed to protect. It is accused of killing of children, sexual violence against children and women, destruction of property and abductions.<sup>116</sup> The FARDC has attempted to a lesser degree to operate within the framework of the law or non-violent means against civilian populations when it engaged in joint operations with MONUSCO. In July, 2009, the Government of DRC adopted a "Zero Tolerance" policy for human rights

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<sup>115</sup> Op cit Central Intelligence Agency, The World Fact Book

<sup>116</sup>

violators within the Security Forces. The DRC government has demonstrated flexibility in accommodating changing circumstances by signing peace agreements with different armed groups, cooperation agreement with Rwanda, engaging in joint operations with MONUC, Rwanda, Uganda and also arresting perpetrators of human rights abuses within the ranks of its forces.

## MONUSCO

In August, 1999, the United Nations Security Council authorized the deployment of 90 UN Military Liaison personnel to the DRC. In November, 1999, the Security Council through Resolution 1279 affirmed that the UN personnel would constitute the United Nations Organization Mission in DRC (MONUC) The Mission was authorized under Chapter VII of the UN Charter which allowed peacekeepers to use force if necessary to carry out their mandate. UN Security Council Resolution 1291, passed in 2000 authorized MONUC to implement the cease-fire agreement, verification of the disengagement and redeployment of forces and support for humanitarian work and human rights monitoring. The resolution provided MONUC the mandate under Chapter VII, to protect its personnel, facilities and civilians under imminent threat of physical violence. UNSC Resolution 1565, adopted in 2001 increased MONUC personnel, with the primary objective of MONUC deployment to eastern DRC to ensure civilian protection and seizure or collection of arms. In December, 2009 UNSC through Resolution 1906 authorized MONUC's mandate until the end of May, 2010. On 28<sup>th</sup> May, 2010, the United Nations Security Council passed Resolution 1925. The resolution converted the name and mission of the current peacekeeping force from MONUC to MONUSCO effective from 1<sup>st</sup> July, 2010. The resolution also called for the protection of civilians and humanitarian workers; support for the DRC government on a wide range of issues and support for the international efforts to bring perpetrators to justice.

As of February, 2010 MONUC had 20,573 total uniformed personnel, including 18645 troops, 760 military observers, 1, 216 police. As of 30<sup>th</sup> April, 2012, MONUSCO strength was 19,122 total uniformed personnel comprising of 17, 057 military personnel, 699 Military observers and 1,366 police personnel. The approved budget for the Mission (1 July, 2011- 30 June, 2012) is US\$ 1.49 Billion. The Mission is the largest UN Mission and the most costly in the world. The current uniformed personnel are capable assisted by disciplined government forces of achieving the mandate of MONUSCO. However, the Mission has come under criticism from Congolese and foreign observers for failing in its primary mandate of protecting civilians.<sup>117</sup> MONUC and later MONUSCO was accused of not providing sufficient protection to civilians, who have being primary targets of government forces and militia groups. This has had a negative impact in its ability to influence the media's perception of the conflict.

In June, 2010, UN Secretary General Ban Ki- moon appointed former US Ambassador to the DRC, Roger Meece as the special representative and head of the UN Mission in DRC. Lt.

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<sup>117</sup> Tom Maliti, " African Leaders Chide Peacekeepers", Chicago Tribune, November 9, 2008 ( quoted in CRS ).....



General Chander Prakash, from India, was appointed by the UN Secretary General as the Force Commander. The biggest success of the Mission was joint military operations with government forces against the FDLR, the ADF-NALU and against the LRA. The biggest defeat was in 2008 in Goma by the CNDP. The Mission's biggest failure has been inadequate protection of civilians against government forces and other armed groups. It has been generally accepted that both the Head of the Mission and the Force Commander were not in effective control of the Peace-keeping mission. Over the years the UN has increased the number of troops to help bring stability and security.

## MAI MAI

The Mai Mai (Swahili for water water) were originally formed in the 1960s, as part of the Mulelist Rebellion, when the then education minister Pierre Mulele organized youth into militias to revolt against the Mobutu's government.<sup>118</sup> Mulele used medicine men to convince young men that bullets would turn into water if shot at.<sup>119</sup> Beginning in 1993, many of the local militias reorganized to protect themselves from the Mobutu's army and the influx of foreign armed militias following the 1994 Rwanda genocide.<sup>120</sup> The Mai Mai soon became a powerful force in eastern DRC, with an estimated 10,000 to 20,000 armed men fighting along Kabila in 1996-1997 conflict.<sup>121</sup> As the Mai Mai proliferated in eastern DRC, they fought one another, foreign militias, armies and government forces over land, natural resources and intrusion of foreigners.<sup>122</sup> Groups that fall under the umbrella term "Mai Mai" include armed forces led by warlords, traditional tribal elders, village heads, and politically motivated resistance fighters.<sup>123</sup> Because Mai Mai have had only the most tenuous internal cohesion, different Mai Mai groups allied themselves with a variety of domestic and foreign government and guerilla groups at different times.<sup>124</sup> The term Mai Mai does not refer to any particular movement, affiliation or political objective but to a broad variety of groups.<sup>125</sup>

Since most of the Mai Mai are local based militia groups their capability is usually limited to pursuing the conflict militarily at the local level. Most of the Mai Mai have been incorporated in the FARDC and some of their effective commanders have been arrested. In early October, 2010, the Congolese armed forces assisted by the UN Peace Keeping troops in the DRC arrested Lieutenant Colonel Mayele, leader of the Mai Mai militia suspected of orchestrating mass

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**118** United Nations Regional Integration Networks, "DRC : From Protection to Insurgency- History of the Mai Mai,". Available at <http://www.globalsecurity.org/military/library/news/2006/03> retrieved on 4<sup>th</sup> May, 2010.

**119** Ibid.

**120** Ibid.

**121** Ibid

**122** Jocelyn Kelly, "Rape in War: Motives of Militia in DRC," Special Report 243, United States Institute for Peace, Available at [www.usip.org/files/June,2010/](http://www.usip.org/files/June,2010/) (retrieved on 30<sup>th</sup> May, 2012)

**123** Ibid

**124** Ibid

**125** Ibid

rape.<sup>126</sup> This has greatly reduced their fighting capabilities against the organized armed groups including the FARDC. The Mai Mai have no capability of influencing the media's perception of the conflict. They have been identified as one of the perpetrators of cross human rights violations. Currently there is no factual data on the actual strength of the Mai Mai.

The Mai Mai does not have central leadership. Their declared intentions are protection of local communities land, natural resources and also protection against foreign armed groups. Like all armed groups in the DRC, the Mai Mai finance their activities through illegal exploitation of natural resources in areas under their control and also through illegal taxation, extortion and other illegal activities.<sup>127</sup> The biggest success of the Mai Mai has been assisting Laurent Kabila and his Alliance to defeat the Mobutu forces and take over the Presidency.<sup>128</sup> It worth noting that the Mai Mai have no formal structures and a coherent central command like other armed groups in eastern DRC. They are usually organized along local communities and thus have a presence in most arenas of the conflict.<sup>129</sup> Since they are organized along local communities, communications is usually limited within those communities. Loyalty is usually along area, ethnic and tribal and ideological lines depending on a particular Mai Mai group.<sup>130</sup>

In areas under its control the Mai Mai instituted a highly centralized authoritarian regime.<sup>131</sup> Local institutions are integrated in their structures of governance, while several local committees were instituted to sensitize the civilian population so as to confirm the local militia's legitimacy.<sup>132</sup> The local militia taxes and illegally exploits minerals in areas under its control to finance its activities. Murder, rape, extortion, looting, banditry and raiding are some of the violent strategies employed by the local militia. Since the Mai Mai is a broad variety of local armed groups with different agendas, they do not strive stop work within the legal and non violent means. The Mai Mai has not demonstrated the ability to accommodate changing circumstances. They have continued to be suspicious of the central government and its institutions. They only shifted focus from protecting communities under their control to illegally exploiting natural resources, taxing and using extortion and also committing cross human rights violations in areas under their control.

## **The Government of Uganda**

The Government of Ugandan support for the DRC rebellion was motivated by the presence of Rwandan genocidaires, who were operating within the UN refugee camps and posed a major

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**126** Ibid

**127** Ibid

**128** Ibid

**129** Ibid

**130** Ibid

**131** Ibid

**132** Ibid



threat to Rwanda, a close ally of Uganda.<sup>133</sup> This whole situation made Uganda disenchanted with DRC after Kabila ascended to power.<sup>134</sup> The Government of Uganda argued that Kabila showed no interest in dealing with and preventing Rwandan rebels from using the DRC as its springboard for attacks from the eastern DRC.<sup>135</sup> On the other hand, Kabila saw Museveni as dominating in Rwanda and he was against a similar scenario occurring in the DRC.<sup>136</sup> Among other reasons for Ugandan support for the DRC rebellion, chief was the security threat to Ugandan sovereignty posed by ADF rebels.<sup>137</sup> The Ugandan government strongly believed that “the ADF uses Congolese territory as a base. The official aim of the UPDF was the destruction of the Allied Democratic Force (ADF) platforms and preventing Sudan from taking advantage of the administrative vacuum in eastern Congo to attack Uganda.<sup>138</sup> The Government of Uganda unrelenting support for armed rebels, which it claimed were assisting him to crush the Ugandan insurgents who operated freely within the DRC territory. In order to affirm its influence in the DRC’s domestic affairs, Uganda backed both the Congolese MLC and RCD rebels.

Apart from these domestic conflicts, the Ugandan backing of the DRC rebellion was intended to forestall the Sudanese government in supporting anti-Ugandan rebel groups.<sup>139</sup> Kampala accused Khartoum of assisting these rebels in terrorizing the Ugandan state.<sup>140</sup> This conflict erupted despite the previously signed Lusaka peace agreement, which involved Uganda, Burundi and Rwanda. In further explaining his involvement in the intrastate conflict, the Government of Uganda stated that, if the situation was allowed to continue in the DRC, there was a likelihood of genocide recurring. Therefore, it was in Uganda’s national security interest to intervene in the DRC in order to pre-empt this calamity.<sup>141</sup> Uganda argued that Sudan was also arming anti-Uganda insurgents operating from the DRC while; on the other hand, President Kabila has failed dismally to flush-out these rebel groups who were mounting their incursions from his country.<sup>142</sup> Uganda justified its involvement in the DRC on the grounds that the ADF and Lord’s Resistance Army (LRA) rebels threatened the security of Uganda.<sup>143</sup>

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**133** Op cit Likoti p. 139

**134** Op cit Likoti p. 139

**135** Op cit Likoti p. 139

**136** Op cit Likoti p. 139

**137** Op cit Likoti p. 139

**138** Op cit Likoti p. 139

**139** Op cit Likoti p. 140

**140** Op cit Likoti p. 139

**141** Op cit Likoti p. 139

**142** Op cit Likoti p. 141

**143** Op cit Likoti p. 141

## The Government of Rwanda

Rwanda, like Uganda, felt betrayed by Kabila's overt support of the Hutu militia who were destabilizing the government of Rwanda. Rwanda's government's interest in the DRC was the presence of the former Rwandan army, which had allegedly committed genocide in Rwanda in 1994.<sup>144</sup> This was Rwanda's government's main justification for its military intervention in the DRC. The first Rwandan president after the genocide, President Bizimungu, justified his country's intervention in the DRC in 1994 as pre-empting a reoccurrence of the 1994 bloodbath.<sup>145</sup> Bizimungu stated that Rwandan fugitives in the DRC were responsible for genocide, in collusion with other rebel forces from Uganda and Burundi. He alleged that these forces "(have) set up a crime driven network of arms supply and wrecked havoc in our country".<sup>146</sup> The Government of Rwanda concluded that it had a legitimate right to defend itself against these forces and, as such, the country had "the right to deploy forces inside the DRC (in particular in the Kivu and Katanga provinces) in pursuit of armed perpetrators."<sup>147</sup>

Rwanda consistently argued that it had taken on itself the responsibility for disarming the Hutu militia and the former remnants of the Rwandan army who now resided in the DRC.<sup>148</sup> It continued to contend that the ex-FAR was constantly conducting operations from the DRC refugee camps and it was its intention to disarm the suspected genocidaires.<sup>149</sup> The Rwandan government accused Kabila of "remobilizing, training, and re-equipping thousands of Hutus extremists, who are based in the DRC and continue to terrorize the Rwandan population through incessant cross-border raids". It further accused Kinshasa of using Interahamwe and Hutu extremists to attack Rwanda and thus shifting the arena of the armed conflict from inside the DRC into Rwanda.<sup>150</sup> Rwanda thus regarded the presence of Interahamwe and ex-FAR in the DRC as a major threat to its national survival. Similarly, "Rwanda has pledged to stay in Congo until the Interahamwe are captured."<sup>151</sup> Rwanda went on to condemn Zimbabwe, Angola and Namibia for supporting Kabila. It reiterated its responsibility for assisting the Banyamulenge in their quest for a lasting solution to their sufferings.<sup>152</sup> However, Kigali did not elaborate how it would accomplish this mammoth task since it was very clear that any domestic conflict in the DRC was peripheral to Rwanda itself.<sup>153</sup> While Rwanda called for a ceasefire in the DRC and for the implementation of the Lusaka accord, it was not committed to withdrawing its

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**144** Op cit Likoti p. 142

**145** Op cit Likoti p. 142

**146** Op cit Likoti p. 141

**147** Op cit Likoti p. 141

**148** Op cit Likoti p. 141

**149** Op cit Likoti p. 141

**150** Op cit Likoti p. 142

**151** Op cit Likoti p. 142

**152** Op cit Likoti p. 143

**153** Op cit Likoti p. 143



army from the DRC.<sup>154</sup> In fact, “the country is neither willing to give up its military influences in eastern Congo nor withdraw its troops from the area (one condition of the agreement).<sup>155</sup> It was this behavior that made some independent observers accuse the Rwandan position of being hypocritical.<sup>156</sup>

## M23

The M23 Movement is another armed rebel group in Eastern DRC. It was founded by supporters of Bosco Ntaganda who mutinied and defected from the Congolese Army. It is a Congolese ethnic Tutsi dominated group. It is alleged that the group is supported by Rwanda. The M23 is led by Bosco Ntaganda and it consists of former CNDP fighters who were integrated into the Congolese army and were operating in the North and South Kivu. In April 2012, these fighters staged a mutiny decrying what they said was a failure to fully implement the terms of the 2009 peace accords. In particular, they are incensed at attempts by President Joseph Kabila to redeploy them out of North and South Kivu, which they have come to dominate as their own personal fiefdom. In regard to General Bosco Ntaganda the issue was the decision by the Congolese government to hand him over to the ICC over alleged war crimes he committed. Many observers believe that the ICC issue is the major reason for the mutiny and the rebellion. According to a leaked confidential report by a U.N. Group of Experts the Rwandan government played a pivotal role in the creation of an armed anti-government mutiny in the Democratic Republic of the Congo, and then supplied the so-called M23 mutineers with weapons, ammunitions, and young Rwandan recruits. The alleged support of the Government of Rwanda, elements within the Government is a major strength of the movement. This support makes the movement to easily recruit ethnic Congolese Tutsis and Rwandan Tutsis within its Ranks. It also allows the secure supply of weapons and ammunitions. During the CNPD integration in 2009 its hierarchy was never broken down. Thus made it possible to use the same hierarchy and command structure to easily form another armed group of the same vision, aims and objectives. The major weakness of the movement is that the rebellion did not receive as broad support as anticipated. The Congolese government managed to keep a large number of troops once loyal to Ntaganda in the army and successfully persuaded many other deserting troops to resume their posts without punishment. This response from the Congolese government has substantially reduced the numbers available to Ntaganda’s mutiny.

The perception of the media about the M23 is that Bosco Ntaganda is using the movement and the rebellion to protect himself from possible arrest and his handing over to the ICC. The alleged support of the movement by Rwanda has led to a perception by the media that Bosco Ntaganda and the movement are a proxy army of Rwanda in DRC formed to control certain strategic areas of Eastern DRC. The above perceptions and allegations have made it

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<sup>154</sup> Op cit Likoti p. 143

<sup>155</sup> Op cit Likoti p. 143

<sup>156</sup> Op cit Likoti p. 143

almost impossible for the movement to influence the Media's perception about their cause. In regard to the actual strength of the armed group there are no concrete figures available since the movement is relatively new, however it is believed that the movement started with 200-300 armed men. The fact that Bosco Ntaganda and the integrated CNDP fighters controlled strategic parts of North and South Kivu made it very easy to have financial and material support to stage the rebellion.

## Conflict Issues and Dynamics

In order to have a comprehensive analysis into the protracted nature and mutation in the character of violence in Eastern DRC, it is proper to determine the conflict issues (causes) and its dynamics. Laurie Nathan states intrastate conflicts can be defined as a set of structural conditions that pose a fundamental threat to human security and the stability of the state, and that create the potential for large scale- violence.<sup>157</sup> He further states that in critical structural conditions in Africa are authoritarian rule; marginalization of ethnic or religious minorities; socioeconomic deprivation and inequality; and weak states that lack institutional capacity to effectively manage political and social conflict.<sup>158</sup> The potential for violence rises when these conditions are present simultaneously, mutually reinforcing and are exacerbated by other structural problems.<sup>159</sup>

Those structural problems are factors that are entrenched within laws, policies and nature of a society and may create conditions for violent conflict. These factors may be found in different levels (local, regional, national and international) and different arenas (political, security, environment, economic and social). Such conditions include the lack of coincidence between nationality and country; colonial legacy of ethnic discrimination and favoritism; unstable civil - military relations; arms supplies and other forms of foreign support to authoritarian regimes.<sup>160</sup> The above conditions are usually referred to as the proximate cause of the conflict, that is factors that contributing a climate conducive to violent conflict or its further escalation. These factors may also be found in different levels and arenas.

It is on this regard that we cannot properly analyze the most relevant current conflict issues and dynamics without highlighting the structural causes of the conflict in eastern DRC. The structural causes of the conflict in eastern DRC may be summarized as, authoritarian rule since colonial times; lack of a stable, effective and continuous governance since the independence; lack of physical infrastructure connecting the eastern part with the rest of the country; colonial legacy of favoring some ethnic groups and the exclusion of others; breakdown of traditional and formal political structures; lack of access to land, mineral resources and political decision making by majority of the population; poverty, unemployment and underdevelopment of the

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**157** Op cit Laurie Nathan p.212

**158** Op cit Laurie Nathan p. 212

**159** Op cit Laurie Nathan p.212

**160** Op cit Laurie Nathan p.212



rest of the country.

For the purposes of the current case study the analysis will limit itself on the current relevant issues and dynamics of the conflict that is those that have a significant impact on the prolonged nature and mutation of character of violence. The following table provides an overview of the most relevant current conflict issues at different layers of the conflict. The overview will be followed by a detailed analysis of the most important conflict issues.

Layer	Current Conflict Issue and Parties Involved
<b>Global</b>	<p><b>Issues:</b> Maintenance of International Peace and Security; Fight against impunity in respect of perpetrators genocide, crimes against humanity and war crimes; illegal exploitation of mineral and other natural resources; Protection of Civilians and Humanitarian Workers</p> <p><b>Parties:</b> ICC and Leaders of Armed Groups and Government Forces; UN, US, France, UK, EU, Belgium</p>
<b>Regional</b>	<p><b>Issue:</b> Security and other Strategic Interests by neighbouring countries;</p> <p><b>Parties:</b> Rwanda, Uganda, Angola, Burundi, DRC, MONUSCO and the FDLR and other armed groups</p>
<b>National</b>	<p><b>Issue:</b> Lack of Strong Central Government; State Building and Peace Building; Failure of Demobilization, Demilitarization and Reintegration Programmer and the overall Security Sector Reform Programmes</p> <p><b>Parties:</b> Government of DRC;</p>
<b>Eastern DRC</b>	<p><b>Issues:</b> Repatriation of Rwandan Hutus back to Rwanda and extermination of the security threat posed by the FDLR; extermination of the security threat posed by the CDNP; Protection of Congolese Ethnic Tutsis; Protection of Rwandan Hutus in DRC; Access to land, mineral resources and political decision making; Ethnic Disputes; Lack of functioning and effective State Institutions and Militarization of Politics</p> <p><b>Parties:</b> Rwanda, DRC, MONUSCO, FDLR, CDNP; Ethnic Communities</p>
<b>Local</b>	<p><b>Issues:</b> Protection of Local Communities; illegal exploitation of mineral and other natural resources; emergence of new political arms based power structures</p> <p><b>Parties:</b> Local Militia, the Mai, Local Businessmen, Customary Chiefs, Local politicians, local communities</p>

## Protection of the Congolese Ethnic Tutsis

The CDNP a rebel group once led by Laurent Nkunda, who is currently under house arrest in Rwanda claims that its main objective was to protect the Tutsi population in Eastern DRC and to fight the FDLR.<sup>161</sup>The CNDP believed the DRC Government, other Congolese Militia

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<sup>161</sup> Op cit Congressional Research Service p.6

and the FDLR were in collaboration against the Ethnic Tutsis in Eastern DRC. <sup>162</sup> The above position was founded on past collaborations between the Government of DRC, the FDLR and other militias against Rwandan backed armed groups in eastern DRC. With the signing of the Nairobi agreement in November, 2007, between DRC and Rwanda in which the DRC government pledged to disarm the FDLR and Rwanda to cease support of rebel groups active in eastern DRC, the CDNP believed that the Rwandan Government had abandoned its primary responsibility of protecting Ethnic Tutsis in Eastern DRC. However, resumption of hostilities in October, 2008 after the signing of the Goma agreement in January, 2008 and the recent mutiny in March, 2012 by forces loyal Bosco Ntanganda who had agreed to fully integrate the CDNP into the Congolese national army and the formation of the M23 armed group, all indicate that the CDNP agenda has never really been the protection of Ethnic Tutsis in Eastern DRC.

The issue of protection of the ethnic Congolese Tutsis first emerged as the main issue in after the 1994 Rwandan genocide, the refuge of the perpetrators of the genocide in eastern DRC and the use of the refugee camps to attack Rwanda and the Ethnic Congolese Tutsis in Eastern DRC. <sup>163</sup> The ethnic Congolese Tutsis have been considered by other Congolese as foreigners who invaded eastern DRC and want to create Tutsiland in the most parts of the creates lakes. <sup>164</sup> The Congolese Ethnic Tutsis consider themselves as “Pure Congolese” who have a right to full citizenship recognition with access to political power and the responsibility to benefit of natural resources. <sup>165</sup> The Rwandan government saw the ethnic Congolese as natural allies and quietly trained and armed a substantial number of them. <sup>166</sup> The October, 1996, proclamation by the vice governor based in the Kivu, town of Bukavu, for the Ethnic Congolese Tutsis to leave the DRC prompted the uprising by Ethnic Congolese Tutsis against the local government. With support from the Rwandan government, the Banyamulenge managed to fend off an attack by the Zairian army.

In October 1996, Rwandan and Ugandan troops entered Zaire; simultaneously with an armed coalition led by Laurent-Desire Kabila known as the Alliance des Forces Democratiques pour la Liberation du Congo-Zaire (AFDL) supported by the ethnic Congolese Tutsis to forcibly remove the Zairian President Mobutu Sese Seko from power. Following failed peace talks between Mobutu and Kabila in May 1997, Mobutu left the country. Laurent-Desire Kabila marched into Kinshasa on May 17, 1997 and declared himself President. He consolidated power around himself and the AFDL and renamed the country the Democratic Republic of the Congo (D.R.C.). In 1998, President Laurent Kabila ordered Rwandan and Ugandan forces to leave the eastern DRC, fearing annexation of the mineral-rich territories in eastern DRC by the two regional powers. Kabila ordered all foreign troops to leave the D.R.C. <sup>167</sup>

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167 Eastern Congo Initiative, History of the Conflict ( [www.easterncongo.org](http://www.easterncongo.org) )



On August 1998, fresh Rwandan and Ugandan troops entered the country with the intention of marching on Kinshasa, ousting Kabila, and replacing him with the newly formed Rwandan and Uganda -backed rebel group called the Rassemblement Congolais pour la Democratie (RCD) or Congolese Rally for Democracy. The General Laurent Nkunda was senior officer of RCD-Goma after 1998. The Rwanda- Uganda campaign was thwarted at the last minute when Angolan, Zimbabwean, and Namibian troops intervened on behalf of Southern African Development Community (SADC) at the invitation the D.R.C. Government. The Rwandans and the RCD withdrew to eastern D.R.C., where they established de facto control over military and economically portions of eastern D.R.C. and continued to fight the Congolese army and its foreign allies. The DRC Government was assisted by the FDLR, the Mai Mai and other anti-Rwanda armed groups in eastern DRC. The war officially ended with the signing of the Lusaka Ceasefire Agreement in July, 1999.

The issue of protection of Congolese Ethnic Tutsis is always relevant to the conflict in eastern DRC because of the presence of the perpetrators of the 1994 Rwandan genocide currently grouped together as the FDLR. The other factor which makes the issue more relevant is the persistent attacks and persecution of the Congolese ethnic Tutsis by Congolese local armed militia acting with total impunity. The other factor is the lack of access to political power, land and the responsibility to the benefit of natural resources by the Congolese ethnic Tutsi community. The Pretoria Accord which supplemented the Inter-Congolese Dialogue provided for an inclusive transitional government of national unity. In this agreement the RCD - Goma, which represented the Congolese Ethnic Tutsis were included in the government. The peace agreements and humanitarian assistance have had little impact on the issue of protection of Congolese Tutsis. The impact of intervention will be discussed at length on the chapter Lessons from Interventions.

There is no doubt that this issue of protection of the Congolese Ethnic Tutsis interact in important ways to other issues in the same layer and other layers of the conflict. The marginalization, persecution and exclusion of the Congolese ethnic Tutsis known as the Banyamulenge, by the Mobutu regime provide grounds for the perpetrators of Rwandan genocide who had taken refuge in eastern DRC to attack the Banyamulenge. This also provided a reasonable excuse for the Rwandan government to train, arm and use the Banyamulenge to overthrow Mobutu regime. The DRC government use of the FDLR and the local militia against the Rwanda, Uganda and the Congolese Tutsi led to the Rwandan to organize Congolese ethnic Tutsis into an organized armed rebel movement. Lack of a strong and effective central government led to this rebel group to illegally exploit the natural and other resources with the assistance of Rwanda and Uganda in areas under their control. This led to development of xenophobia among Congolese communities and the mushrooming of local armed groups.

## Extermination of the Security threat posed by the FDLR

In July, 1994, the Tutsi-led Rwandan Patriotic Front took control of Rwanda and ended the genocide. The forces largely responsible for the orchestration and execution of the Rwandan genocide escaped to eastern Congo. Although the Congolese had battled issues of land ownership and citizenship long before the events of 1994, the arrival of these genocidaires—former Rwandan Armed Forces, or ex-FAR and a Hutu extremist militia called the Interahamwe—set into motion a regional war in which ethnicity, citizenship, control of land, and lucrative natural resources pitted communities against one another.<sup>168</sup> The FDLR is committed to the overthrow of the Rwandan government and the Government of Rwanda current objective is to repatriate Rwandan Hutus back to Rwanda, put the perpetrators of genocide before the courts and to the disarmament of the FDLR. In general the Rwandan government main aim is to exterminate the security threat posed by the FDLR.

When the ex-FAR/Interahamwe and Rwandan Hutu authorities crossed into eastern Congo in 1994, more than a million Hutu refugees who feared reprisal killings by the Rwandan Patriotic Army accompanied them.<sup>169</sup> The refugees settled in unsanitary camps, largely in North Kivu, and the humanitarian disaster quickly developed catastrophic proportions. However, these conditions did not deter the ex-FAR/Interahamwe and their leaders from their original agenda.<sup>170</sup> Former Rwandan authorities, who recognized themselves as a government in exile, began making preparations to return to power in Rwanda. By the spring of 1995, the genocidaires adopted a new name—the Rally for the Return of Refugees and Democracy in Rwanda, or RDR.<sup>171</sup> The RDR developed into a political body whose main objective was to mobilize the international community in the return of refugees.<sup>172</sup> Rwandan exiles created a separate movement to focus on military matters—Armed People for the Liberation of Rwanda, or PALIR.<sup>173</sup> When international efforts to facilitate the demilitarization of the camps and the return of the refugees stalled in the fall of 1996, Rwanda took matters into its own hands. Supporting an uprising by Congolese rebel-leader Laurent-Désiré Kabila and his Alliance of Democratic Forces for Liberation of Congo, or ADFL, Rwanda launched a war with the objective of forcibly closing the refugee camps and destroying the ex-FAR/Interahamwe. The majority of Hutu refugees returned to Rwanda at this time, when the ADFL and its Rwandan and Ugandan sponsors routed Congolese President Mobutu Sese Seko and took control of the

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**168** Rebecca Feeley and Colin Thomas-Jensen, “Past Due: Remove the FDLR from Eastern Congo (Strategy Paper)” 3<sup>rd</sup> June, 2008 <http://www.enoughproject.org/publications/past-due-remove-fdlr-eastern-congo> (retrieved on 1 June, 2012)

**169** Ibid

**170** Ibid

**171** Ibid

**172** Ibid

**173** Ibid



country in only seven months.<sup>174</sup> Some Rwandan Hutu fled deeper inside Congo rather than return home, and many, including civilians, were massacred by the Rwandan army.<sup>175</sup>

The FDLR was born out of the two branches of ALiR around 1999. Following Laurent Kabila's assassination in 2001, his son and successor Joseph recognized that the presence of genocidaires among his official fighting forces could hurt his fragile reputation.<sup>176</sup> Kabila facilitated the movement eastward of the western forces, led by Col. Sylvestre Mudacumura, current FDLR commander, consolidating the FDLR-FOCA in its hideout in eastern Congo, where they waged a proxy war against the RCD and Rwanda.<sup>177</sup> Under international pressure, the Congolese government outlawed the FDLR-FOCA in 2002. Yet they remain in the eastern DRC where they continue to commit appalling atrocities. The FDLR are a source of harassment, violence, destruction, and rape in eastern Congo.<sup>178</sup> Their presence is the *raison d'être* for some Congolese rebel groups, including Laurent Nkunda's National Congress for the Defense of People, or CNDP who purport to protect their communities from the FDLR threat but are also guilty of atrocities. The FDLR also potentially threaten Rwanda and is thus a major impediment to peace and security in the Great Lakes region more broadly.<sup>179</sup> As a foreign armed group, the FDLR has never been a party to any DRC Peace Agreement, although it is a major issue in all agreements involving the Rwandan and the DRC. The FDLR often collaborate with local defense militias called "Mayi-Mayi" and the Congolese army.<sup>180</sup> Congolese soldiers, paid little to nothing, sell their weapons and uniforms to the FDLR in exchange for minerals or other resources.<sup>181</sup> The poorly trained and ill-equipped Congolese army sometimes uses the FDLR as a "backup" force and participates with them in joint patrols. The above interaction has made the extermination of the threat posed by the FDLR to interact with most issues of the conflict in different layers.

## Protection of Local Communities

As the level of violence during the Congolese wars was extremely high and civilians were increasingly targeted, also at a more grassroots level of society, security and protection became the subject of negotiation between the rebels and the local social forces.<sup>182</sup> The insecurity was coupled with the ongoing disputes among ethnicities about land ownership, access to mineral resources and political participation in decision making. During the Mobutu years,

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**174** Ibid

**175** Ibid

**176** Ibid

**177** Ibid

**178** Ibid

**179** Ibid

**180** Ibid

**181** Ibid

**182** Vlassenroot

state capacity withered away gradually and this did not lead to the governance void but the opening up of some space for other actors including traditional chiefs, civil society groups, churches and aid agencies to assume services previously delivered by the state. <sup>183</sup>

During the Congolese wars (1996-2003), the state was further challenged by new type of actors, including armed groups: rebel movements, ethnic militias and economic and military entrepreneurs.<sup>184</sup> A first response to manage the intensified levels of insecurity was the institution of additional local defense forces, in which in most cases were limited to the protection mechanisms within particular ethnic communities, with access to local assets and spoils being used to reward supporters, increase control over other ethnic communities and to exploit local resources for their own profit.<sup>185</sup> At the grassroots level of the conflict affected communities this local militias provided security to livelihoods systems thus the proliferation of rural militias in large parts of eastern DRC. The issue of protection of local communities became an issue of the conflict when the local militias were formed along ethnic lines and started with ethnic ideology thus escalated ethnic tensions to levels of armed conflict over land, resources and political decision making. The local militias also protected their communities from t foreign armed groups, government forces and the UN Peace keepers. In some cases the government used the local militias to fight armed groups in eastern DRC. Their involvement in all the above cases elevated the issue of protection of local communities to one of the most important in the conflict. The Ethnic dimension of the local militias, fight over land, natural and other resources, lack of participation in political decision making and the cross human rights violations and extreme violence has made the issue of protection of communities always relevant in the conflict. The United Nations has been the principal actor intervening in the conflict. However, the UN has been accused of failing to carry out its mandate of protecting civilians from government forces and militias groups. The security forces, rebel groups, and local militias continue to kill, abduct, torture, rape civilians and burn homes and villages.

## **Illegal Exploitation of Mineral and Other Resources**

The majority of the violence in eastern Congo has been carried out in mineral-rich areas of the eastern provinces of North and South Kivu and Orientale.<sup>186</sup> This is no accident. In remote areas that remain beyond the control of the Congolese state, the armed groups that perpetrate the violence also control much of the minerals trade.<sup>187</sup> The Democratic Liberation Forces of Rwanda, or FDLR (Rwandan militias led by some of the perpetrators of the 1994 genocide), autonomous or renegade units of the Congolese Army, Mai Mai groups, and other militia

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**183** Vlassenroot

**184** Vlassenroot

**185** Vlassenroot

**186** The Enough Project Team with the Grassroots Reconciliation Group, " A Comprehensive Approach to Congo's Conflict Minerals Strategy Paper," 24<sup>th</sup> April, 2009 ( retrieved <http://www.enoughproject.org/publications/comprehensive-approach-conflict-minerals-strategyon-20/09/2011>

**187** Ibid



groups control many mining areas, while the rebel National Congress for the Defense of the People, or CNDP (the rebel group previously headed by Laurent Nkunda and supported by Rwanda), has profited from its control of border posts and taxation of the trade in these minerals.<sup>188</sup> The armed groups trade in mineral ores that produce tin, tantalum and tungsten, as well as gold.<sup>189</sup> Before they are refined further up the supply chain, the minerals mined in eastern DRC are in ore form thus given different names: tin (cassiterite); tantalum ore (coltan or columbite-tantalite) and tungsten ore (wolframite).

The issue of illegal exploitation of resources by different armed groups evolved after the Second Congo War, when Rwanda and Uganda attempted to replace the Kabila regime. In what might have began as a military campaign by both Rwanda and Uganda to achieve a regime change in the DRC turned into a control over the exploitation and trading of natural resources by different belligerents. Economic interests became the dominant cause. of the protracted nature of the conflict and the fragmentation of the combat groups. The self financing nature of the conflict led to the fragmentation of combat groups. The armed groups limited themselves to consolidating their dominant power structure in the most strategic areas (urban centers and mining sites) of the eastern DRC. One strategy was the development of several structures that had to secure control over mining commodity –chains, including the granting of export monopolies, direct military control over the more lucrative mining sites. Another strategy was the levying of taxes, which mainly derived custom duties and checkpoints at airports, roads and mining sites. As a direct response the local population instituted the formation of local defence forces with the aim of protection of the interests of the community, access to local assets and exploitation of local resources for their own profit. The spoils were used to reward supporters and to increase the control over other communities.

At the beginning of 2001, the UN Security Council authorized the establishment of the Panel on Illegal Exploitation of natural Resources and Other Forms of Wealth of the Democratic Republic of Congo. The Panel produced a series of reports that illustrated the extent of the war economy operating on all sides of the war in DRC. In 2004, following the imposition of an arms embargo and targeted sanctions regime for the DRC, the UN Security Council a second Group of Experts Panel with a narrow focus of monitoring the provisions of the sanctions regime. In 2006, the UN Group of Experts recommended that the UNSC should declare all illegal exploration, exploitation and commerce with natural resources of the DRC a sanctionable act. In 2006, the Heads of State/Government of the International Conference on the Great Lakes region committed themselves to a Protocol Against the Illegal Exploitation of Natural Resources. The German government and other G8 countries developed a Certified Trading Chains with legitimate mining sites linked to international purchasers. In late July, 2010, the United States of America passed the Wall Street Reform and Consumer Protection Act. The law requires that American companies to disclose what kind of measures were taken to ensure that minerals imported from the DRC do not contain “conflict minerals.

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<sup>188</sup> Ibid

<sup>189</sup> Ibid

## Fight against Impunity in respect of perpetrators of War crimes, Genocide and Crimes against Humanity

The issue of the arrest of fighting impunity in respect of perpetrators of War Crimes, Genocide and Crimes against Humanity emerged one of the most important issues of the conflict during the arrest of the popular opposition leader, Jean –Pierre Bemba in 2008, for crimes allegedly committed in Central African Republic. The arrest prompted outrage from opposition groups, armed groups and civil society organizations who accused the ICC of being a political instrument of DRC Government and Western powers.<sup>190</sup> The Rome Statute of the International Criminal Court entered into force in July, 2002. The DRC Government formally referred the situation in DRC on 19<sup>th</sup> April, 2004, required that the Prosecutor to investigate if crimes under the ICC jurisdiction were committed anywhere in the territory of the DRC since the entry into force of the Rome Statute.

The DRC Government also committed itself to cooperating with the ICC. On 17<sup>th</sup> March, 2006, a first arrest warrant was publicly announced against the Leader of the Union of Congolese Patriots (UPC), Thomas Lubanga Dyilo. On 20<sup>th</sup> March, 2006, Thomas Lubanga appeared before the ICC. He was charged with war crimes, mainly enlisting children under the age of fifteen; conscripting children under the age of fifteen; and using children under the age of fifteen to participate actively in hostilities. He was eventually found guilty on 14<sup>th</sup> March, 2012 of committing the above war crimes. On 18<sup>th</sup> October, 2007, an arrest warrant was issued by the ICC against Katanga, alleged commander of the Force de résistance patriotique en Ituri (FRPI). The arrest warrant nine counts of war crimes and four counts of crimes against humanity alleged to have been committed in the Ituri district of eastern DRC. He first appeared before the ICC on 22 October, 2007. On 7 February 2008, a warrant of arrest listing similar war crimes and crimes against humanity was unsealed for Mathieu Ngudjolo Chui, a Congolese national and alleged former leader of the National integrationist Front (FNI) and a Colonel in the National Army of the government of the Democratic Republic of the Congo [Forces armées de la RDC/ Armed Forces of the DRC] (FARDC). The warrant had been issued on 6 July 2007 but made public on 7 February 2008. Ngudjolo Chui was surrendered by the DRC authorities and transferred to the ICC on 7 February 2008. Mathieu Ngudjolo Chui appeared for the first time before ICC Pre-Trial Chamber I on 11 February 2008.

On 29 April 2008, the ICC unsealed a warrant of arrest against Mr. Bosco Ntaganda, alleged former Deputy Chief of the General Staff of the Forces Patriotiques pour la Libération du Congo (FPLC), and alleged Chief of Staff of the Congrès national pour la défense du peuple (CNDP) armed group that was active in North Kivu in the DRC and currently a renegade officer of the Congolese national army.. The warrant of arrest lists three war crimes: the enlistment of children under the age of fifteen; the conscription of children under the age of fifteen; and using children under the age of fifteen to participate actively in hostilities. The suspect remains at large. On 11 October 2010, Callixte Mbarushimana—Executive Secretary of the Forces

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Démocratiques pour la Libération du Rwanda (FDLR)—was arrested by the French authorities pursuant to an ICC arrest warrant for alleged war crimes and crimes against humanity in the Kivu Provinces of the Democratic Republic of the Congo. Alleged crimes include murder, torture, rape, inhumane acts, persecution, attacks against the civilian population, destruction of property and inhuman treatment. On 25 January 2011, Mbarushimana was transferred to the ICC. He made his first appearance in Court on 28 January 2011.

While MONUC has indicated that it will support the DRC government in fulfilling its obligations under the Rome Statute, it is not clear how the Mission would do this operationally, and additional calls for arrests in the DRC are likely to continue to raise tensions in the Mission's mandate. This is not only awkward for the Mission but for the UN–AU mediation, which signed off on the 23 March 2009 Goma agreement. That agreement, in addition to providing for the transformation of the CNDP into a political party, also calls for the government to pass an amnesty law for former rebels— which included Bosco Ntaganda. Attempts to arrest Bosco Ntaganda in May, 2012 led to a mutiny and eruption of violent hostilities between soldiers loyal to Bosco Ntaganda and the Congolese army. The experience of the ICC in the DRC thus far raises two fundamental and difficult questions for the Court, with implications for peacebuilding efforts in the Congo that go beyond embarrassment.

First, how will the ICC square its temporal jurisdiction with the duration of the Congo wars so that its actions are not perceived as arbitrary enforcement of international criminal law? Second, will the ICC go up the chain of command even when that chain crosses national borders? Both of these questions have implications for mediation. Any efforts to address impunity in the DRC wars will have to address Rwanda's role in them. The findings of the proposed mapping exercise of human rights violations committed in the DRC from 1993 to 2003, which is expected to be completed in 2009, will further highlight the significance of these questions. One of the biggest drawbacks of reliance on the ICC as the sole mechanism of justice in the DRC is that the Court's temporal jurisdiction means that it cannot address all of the crimes committed during these wars – the wars began in 1996 and the ICC's jurisdiction extends back only to 2002.

Whatever the ICC does in the DRC, its jurisdictional constraints will prevent it from providing a 'full service' justice solution. Also, in choosing to focus primarily on Ituri, the ICC is addressing only one part of the story of the Congo wars. The arrests warrants issued by the ICC have had little or no impact in fighting impunity. The weak central government and lack of institutions have prevented the DRC government to exercise its original jurisdiction to try perpetrators of war crimes, genocide and crimes against humanity. Armed groups have continued to commit war crimes and crimes against humanity in eastern DRC. However, there is no doubt that the intervention of the ICC in fighting impunity has interacted with other important conflict issues. The issue of protection of the Congolese Ethnic Tutsis can no more be a justification for committing war crimes, genocide and crimes against humanity. The same goes for protection of Rwandan Hutus, Local Communities. The UN Mission in DRC has committed itself to assisting the DRC government in fulfilling its obligations under the Rome Statute and protecting civilians against perpetrators of this crimes.

## Lessons Learned from Interventions

### First Congolese War Mediation

President Mandela's mediation efforts, aimed at ensuring a smooth transition through a negotiated exit for Mobutu, did not include the so-called non-violent opposition – Congolese NGOs, churches, and long-time opposition leaders – all of whom had considerable public support in their opposition to the Mobutu dictatorship. By excluding Congolese opposition parties from the negotiations for a transitional government, and limiting participation to the forces with guns, mediation efforts in the first war effectively marginalized political leaders who had gained much popularity and legitimacy over the years, especially through their leadership in the National Sovereign Conference of 1993. It also bestowed a considerable degree of international legitimacy on Kabila and the alliance, which only encouraged Kabila, once in power, to ignore later calls by the United Nations and donors for multiparty politics.

### Second Congolese War Mediation

A draft ceasefire agreement prepared by UN and OAU representatives two weeks into the Second Congolese war highlighted one of the issues that would plague the region in its efforts to negotiate an end to the violence: how to define the nature of the conflict. Each party to the war interpreted the conflict differently, and they could not agree on who the belligerents were. The draft ceasefire agreement identified Angola, DRC, Namibia, Rwanda, Uganda, and Zimbabwe as parties to the conflict – but Rwanda and Uganda had not yet publicly declared their military presence in the Congo, and protested the exclusion of any Congolese rebel groups from the proposed list of signatories. On the other hand, in his continuing efforts to present the war exclusively as a case of foreign aggression by Rwanda and Uganda, Kabila initially denied the existence of an internal rebellion and refused to recognise the Rwandan- and Ugandan-backed Rally for Congolese Democracy (RCD) as a belligerent. Not surprisingly, the RCD defined this war as a revolution against a dictatorial regime, and argued that the only two fighting were the RCD and the Kabila regime.

### Lusaka Agreement

The second Congo war ended officially with the signing of the Lusaka Ceasefire Agreement in July 1999. The Lusaka agreement called for the immediate cessation of hostilities within twenty-four hours of its signing. By 'hostile action' it meant not only military attacks and reinforcements, but all hostile propaganda as well – an important emphasis in a region where hate speech has incited violence with devastating consequences. Furthermore, the agreement called for disarming foreign militia groups in the Congo, the withdrawal of all foreign forces from the country, and the exchange of hostages and prisoners of war. It also called for the establishment of a Joint Military Commission (JMC) composed of representatives of the belligerents, each with veto power. The weakness of the agreement was that it froze the status quo and distinct zones of influence controlled by different rebel factions and their patrons: the



MLC and Uganda in the northwest; in the east, Rwanda and the RCD (and more recent proxies such as the CNDP); and, to a lesser extent, Uganda and increasingly fragmented proxies in the northeast. However, the greatest failure of the agreement was leaving out the Mai Mai, who were neither represented at the peace negotiations in Lusaka, nor mentioned as participants in the internal dialogue. This is despite the Mai Mai being supported by Kinshasa, and at one point being declared to be a part of the new Congolese army. This missed opportunity continues to plague efforts to mediate and consolidate peace today, as the Mai Mai continues to fight Rwandan proxy forces in the Kivus.

## Inter- Congolese Dialogue

After four months of repeated false starts and disagreements over participation and in particular the Mai Mai question, the national dialogue finally re-opened in South Africa's Sun City on 25 February 2002, initially without the participation of one of the principal actors, the MLC, which complained that the government was unfairly sending bogus civilian opposition parties. Eventually, all of the actors participated in the talks which lasted for a total of 52 days.<sup>5</sup> Despite numerous efforts by South Africa, the dialogue failed to achieve even a general agreement between the key actors. A rump agreement supported by the US for a transitional power-sharing arrangement in which Joseph Kabila would remain

Observers have put partial blame for the failures of Sun City on the facilitation, which never quite understood the dynamics and underlying relationships between the negotiating parties, a shortcoming unrelieved by Masire's inability to speak French. Much of the actual negotiations occurred outside the facilitated sessions, often late in the evening, and out of sight of the mediation staff. Masire also permitted Kabila's stall tactics continually to derail the process, and faced problems of inadequate funding. By May 2000, several weeks after he had been appointed, Masire had still not received the \$6 million pledged from international donors for his office. Of course, the parties themselves were to blame for the failures of Sun City for neglecting the continued violence – or the emerging third war – in eastern DRC. By marginalizing the RCD, the parties ignored the underlying objectives of Rwanda and its goal to establish a sphere of influence in eastern Congo through direct military occupation, proxy forces, or both; and focused instead on negotiating plum government positions for themselves. The subsequent talks held in Matadi, meant to finalize the rump agreement between Kabila and Bemba, collapsed when Kabila withdrew from the agreement.

Although largely absent as an institutional force from the first war, SADC responded significantly to the later wars in the Congo. This response has taken three forms: mediation, military intervention and advocacy with the international community. Many of the efforts to mediate a peaceful settlement during the second Congo war were SADC-driven and much of the mediation in both wars was undertaken by leaders in the SADC region. President Mandela was especially instrumental in the Mobutu–Kabila negotiations in 1996–1997, and President Chiluba led regional efforts to pressure the parties into signing a ceasefire agreement. While some SADC powerbrokers were, from the beginning, deeply committed to achieving a

ceasefire, clearly others were motivated by the belief that military victory was unlikely or would be too expensive. The lesson one can draw from the Congo wars about regional solutions is that, despite deep regional divisions, regional actors can (and did) initiate and successfully negotiate agreements to end conflicts in which large and important portions of that region are participants in the conflict. However, the lessons from the Congo also suggest that regional mediation in a regional conflict involving numerous state actors from that region is difficult without external partners. This is due partly to capacity constraints but mostly to the need for external guarantors and credible, punitive threats for non-cooperation.

### **Addressing Impunity**

Missing from all mediation efforts thus far in the DRC are provisions to address impunity and to begin a serious national dialogue about justice. While the Inter-Congolese Dialogue agreed on the establishment of a Truth and Reconciliation Commission (TRC) to promote reconciliation and victim compensation, donor priorities during the election process, on top of the unprecedented costs of the election itself, resulted in funding only two of the five commissions of the transition – the Independent Electoral Commission and the High Commission for the Media. The TRC thus never got started, and, as a transitional institution, its mandate expired with the installation of the newly elected government in 2006. The neglect of justice in efforts to build peace in the DRC has contributed to the ongoing cycles of violence by allowing actors with shady records, inside and outside Congo, to operate with impunity. This, combined with the appearance of the International Criminal Court (ICC) on the international stage in 2002, presents both challenges and opportunities for current efforts to build a durable peace in the DRC.

The experience of the ICC in the DRC thus far raises two fundamental and difficult questions for the Court, with implications for peacebuilding efforts in the Congo that go beyond embarrassment. First, how will the ICC square its temporal jurisdiction with the duration of the Congo wars so that its actions are not perceived as arbitrary enforcement of international criminal law? Second, will the ICC go up the chain of command even when that chain crosses national borders? Both of these questions have implications for mediation. Any efforts to address impunity in the DRC wars will have to address Rwanda's role in them. The findings of the proposed mapping exercise of human rights violations committed in the DRC from 1993 to 2003, which is expected to be completed in 2009, will further highlight the significance of these questions.

One of the biggest drawbacks of reliance on the ICC as the sole mechanism of justice in the DRC is that the Court's temporal jurisdiction means that it cannot address all of the crimes committed during these wars – the wars began in 1996 and the ICC's jurisdiction extends back only to 2002. Whatever the ICC does in the DRC, its jurisdictional constraints will prevent it from providing a 'full service' justice solution. Also, in choosing to focus primarily on Ituri, the ICC is addressing only one part of the story of the Congo wars. This, and the combination of the botched case against Thomas Lubanga and the arrest of popular opposition leader,



Jean-Pierre Bemba in 2008 for crimes allegedly committed in the Central African Republic, has eroded much of the goodwill enjoyed by the ICC initially in the Congo. Bemba's arrest prompted outrage in the DRC, and accusations that the ICC is a political instrument of Kabila, or Western powers, or both. Increasingly, Congolese human rights lawyers favour a special chamber inside the Congolese judicial system supported by external donors, aware of the limitations of the ICC and the depressed international appetite for ad hoc tribunals. While this would help rebuild the DRC's justice system and allow for local ownership of justice – two elements critical in building a durable peace – the ICC has neither the mandate nor the resources to do this. These are the enduring issues with which current and future mediation efforts will have to contend.

## Scenarios

### The Best Case/Optimistic Scenario

The 2009 Goma agreement signed between the Governments of Rwanda, DRC and the CNDP provides the basis of our best optimistic scenario. The integration of the CNDP armed group into the Congolese national army and cooperation between DRC and Rwanda against the FDLR were major highlights of the agreement. If fully implemented and these provisions honored the agreement is the only legal binding framework for the optimistic scenario in 3 years time from now. We are optimistic that cooperation between the Governments of Rwanda and DRC will be entrenched in three (3) years. Both Governments have since realized the need to cooperate to eliminate the threat of posed by armed groups whose sole objectives is to destabilize the two countries respectively. The DRC government has recognized that supporting the FDLR against the Rwandese government results in the Rwandan government supporting some armed groups in Eastern DRC and this has resulted in a protracted nature of the conflict and the proliferation of armed groups.

The Congolese government and MUNOSCO have learnt that joint operations against the FDLR, the Rwandan government has repatriated many rwandan Hutus from Congo back to Rwanda. The Rwandan government arrested General Nkunda when he crossed over to Rwanda after refusing to sign the peace agreement with the DRC government. Recently they have publicly denied sponsoring or supporting the recent rebellion led by M23 in Eastern DRC. They have publicly stated their full commitment to the Goma Peace Accord and offered to assist the DRC government in stopping the rebellion. The recent working visit in June 2012 by the foreign minister of Rwanda to DRC was a clear manifestation of the political will of the Rwandan government to cooperate with the DRC government on common security issues. The recent extension of the mandate of the UN mission of DRC to protect civilians and humanitarian workers and also to support the DRC government in bringing perpetrators to justice as a clear manifestation of the part of the international community to address the issue of human rights violations against innocent civilians and humanitarian workers.

The international community has recognized that the illegal exploitation of natural and other resources of the DRC is a major factor fueling the conflict. They have also recognized that all armed groups continue to commit human rights violations on civilian and humanitarian workers. At the beginning of 2001, the UN Security Council authorized the establishment of the Panel on Illegal Exploitation of natural Resources and Other Forms of Wealth of the Democratic Republic of Congo. The Panel produced a series of reports that illustrated the extent of the war economy operating on all sides of the war in DRC. In 2004, following the imposition of an arms embargo and targeted sanctions regime for the DRC, the UN Security Council mandated a second Group of Experts Panel with a narrow focus of monitoring the provisions of the sanctions regime. In 2006, the UN Group of Experts recommended that the UNSC should declare all illegal exploration, exploitation and commerce with natural resources of the DRC a sanctionable act. In 2006, the Heads of State/Government of the International Conference on the Great Lakes region committed themselves to a Protocol Against the Illegal Exploitation of Natural Resources. The German government and other G8 countries developed a Certified Trading Chains with legitimate mining sites linked to international purchasers. In late July, 2010, the United States of America passed the Wall Street Reform and Consumer Protection Act. The law requires that American companies disclose what kinds of measures were taken to ensure that minerals imported from the DRC do not contain "conflict minerals."

It is in this regard that we are optimistic that after 3 years from now the situation in Eastern DRC will be marked by improvement of the affected population and a significantly reduction of violence or the threat of it. The FDLR will no longer be a threat to Rwandan security. The CNDP and the M23 will be reduced to political movements with no military wings. Perpetrators of gross human rights violations, including war crimes and crimes against humanity will be brought to justice in DRC through an improved judicial system that will guarantee the rights, natural resources from eastern DRC will now no longer find their way to international markets due to a coordinated approach by all international actors. In the long term the United Nations, the African Union, SADC and the Great Lakes Conference will address the structural causes of the conflict in a comprehensive and realistic manner with the aim of finding a lasting solution to the conflict. In the interim the Congolese government will be encouraged to aggressively implement a program of decentralization, infrastructure development, poverty reduction and job creation. The International community will be urged to support DRC in state building efforts and capacity building. The International community will also act in a comprehensive and coordinated manner to ensure an effective DDR and SSR programs.

### **Worst Case Scenario**

The current rebellion staged by the M23 and allegedly supported by Rwanda forms the basis of the worst case scenario in three (3) years time. The natural hostilities between the government and the M23 will continue and intensify. The Congolese government will be forced to enlist the FDLR against the M23 and its Rwandan backers. Rwandan government in retaliation will openly intensify its support for the rebels. They will indicate that their national security is



compromised and they reserve a right to return to Eastern DRC to eliminate the threat posed by the FDLR. The Lords Resistance Army and other Armed Ugandan Rebel Groups will return to Eastern DRC to launch attacks against the government of Uganda. The Government of Uganda will return back to DRC to eliminate a threat the security threat posed by aforementioned rebel groups. Uganda will also come in support the Rwandan government and the DRC government will request assistance from SADC in terms of the SADC Mutual Defense Pact. Other countries in Central and East Africa will take sides depending on their strategic interests.

The African Union will be divided on this matter. The International community will also be divided on the matter. Open hostilities between the primary actors supported by different African countries will transform into a full blown armed conflict. There will be mass displacement. A lot of people will lose their lives as a result of the conflict. There will be gross human rights violations, war crimes and crimes against humanity committed against the civilian population by parties to the conflict. The DRC will be divided amongst the parties to the conflict, each party will claim control over areas under its occupation. Thereafter they will illegally exploit the natural resources and minerals in the DRC under their occupation. It will take a decade or more before a comprehensive is reached and full sovereignty is restored in the DRC. All the gains of the previous peace agreements will be eroded.

The DRC conflict will continue to pose a serious threat to international peace and security and the United Nations Security council will forever ceased in finding a lasting solution to the problem. The following key dynamics will counteract initiatives to find a long lasting solution to the conflict namely; unresolved regional and local conflicts over access to land and resources; as well as a failure to achieve structural reform within the security sector; poor governance and non-existent rule of law, and the inability to address the sources of financing for armed groups, failure to end impunity and excessive through failure to implement decentralization.

## **Policy Response Options**

The scenario whereby the situation in Eastern DRC will be marked by improvement of affected population and reduction of violence which is our best/optimistic case in scenario can be realized if interventions at the international community are coordinated, harmonized and streamlined towards the achievement of the same goals and objectives. All organizations with an interest in resolving the conflict will have to work together to find a lasting solution namely the International Conference for the Great Lakes Region, SADC, African Union and the United Nations. Given the fact that all the countries involved or having a direct interest are State Parties to the International Conference of the Great Lakes Region and its Protocols the Great Lakes Conference will be the appropriate regional mechanism to assist the African Union in terms of Article 16 of the African Union Peace and Security Council Protocol. The International Conference of the Great Lakes will act in accordance with the Pact on Security, Security, Stability and Development in the Great Lakes Region to ensure the improvement

of the affected population and deduction of violence. They will appoint a facilitator to bring Rwanda and the Government of the DRC together to ensure their commitment to the peace agreements between them. SADC, the African Union and the UN will send an observer teams to the facilitation.

In order to provide transparency to the facilitation and dialogue the African Union will provide good offices and the Chairperson of the AU commission will appoint a special envoy in that regard. The Peace and Security Council of the AU after consultation of the International Conference of the Great Lakes Region will publicly condemn anyone who disrupts the prevailing peace in Eastern DRC. They will both reserve the right to impose sanctions to any individual or actor. The United Nation Security Council and the International Community will be asked to support the process financially and in other means. The United Nations Peace keeping mission in DRC will be mandated to deploy more personnel in Eastern DRC to enforce the peace agreements, protect civilians and humanitarian workers and to assist in the DDR and SSR processes with the current mandate under Chapter VII of the UN Charter. They will further be mandated to assist the Congolese government in securing mining and other strategic areas in Eastern DRC.

The objectives and targets to be achieved immediately for the realization of the best case scenario are: immediate cessation of hostilities and support of armed groups by neighboring countries; unconditional resumption of negotiations between the parties; immediate engagement on disarmament, demobilization and reintegration process and commitment of the parties to finding a lasting solution to the crisis. On the short term, one (1) year, the objectives and targets to be achieved are: restoration of peace and security in eastern DRC; signing of the ceasefire agreement by the parties; completion of the DDR process; engagement of the parties with the aim of finding a lasting solution to the conflict; unconditional withdrawal of armed groups from mining and other strategic areas of eastern DRC; protection of civilians and humanitarian workers; and implementation of all the agreements.

In medium term, three (3) years, the objectives and targets to be achieved are: implementation of the decentralization policy the government of DRC; implementation of a comprehensive security sector reform; complete control of the government on all areas of eastern DRC; creation of a Special Tribunal on War Crimes and Crimes Against Humanity committed in DRC since the armed conflict started in 1996; development of infrastructure in eastern DRC and strict regulation of exploitation of resources in eastern DRC.



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# IPS 3

## The Libyan Crisis

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## Introduction

Inspired by the Egyptian and Tunisian uprising of 2011<sup>1</sup>, Libyans in the eastern region of Benghazi began organizing themselves to initiate similar revolutions. Although organizers had initially scheduled the protests to begin on 17 February 2011, a “day of rage”, to commemorate the five-year anniversary of previous anti- Government protests, the arrest of a prominent human rights lawyer Mr. Fathi Terbil on 15 February in Benghazi sparked a spontaneous mass demonstration in the city.<sup>2</sup> The authorities’ attempts to disperse the protests caused a number of casualties. This resulted in further public demonstrations. Protests in solidarity with Benghazi then broke out across the country, intensifying significantly on 17 February.

Although, Libya is often likened to the Egyptian and Tunisian experience, it is important that one points out something fundamentally different - unlike in both Tunisia and Egypt, where the protesters did not carry any guns, the Libyan protestors took up arms in the early stages of the crisis.<sup>3</sup> However, it is not the fact that the protestors were armed, but the government’s reaction to it that explains why the Libyan situation was quickly tabled before the United Nations Security Council (UNSC). This action led to the adoption of UN Resolution 1970, which imposed an arms embargo on Libya and various sanctions on Gaddafi and his inner circle. A further UN Resolution 1973 imposed a no-fly zone and was used to justify the military intervention in Libya by the North Atlantic Treaty Organization (NATO) which culminated in the killing of Libyan Leader Muammar Gaddafi on 20<sup>th</sup> October 2011.<sup>4</sup>

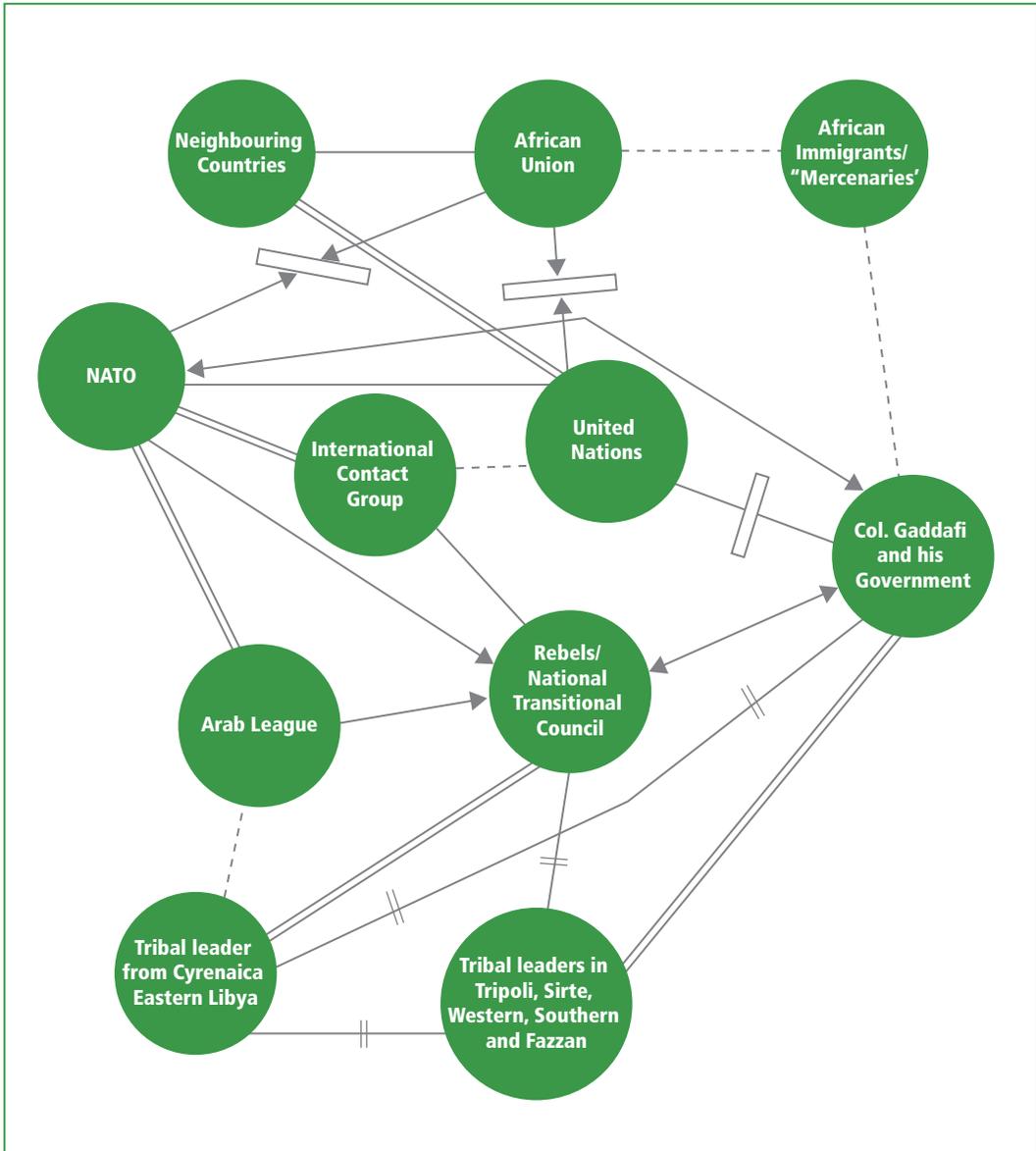
The Libyan conflict was a rude awakening for the African Union (AU). The AU, which tried to institute a mediatory roadmap to resolve the Libyan crisis, was completely sidelined by NATO and its allies. Although many will not admit, Libya has created deep rooted mistrust and reservations on the genuineness of the intentions and interest of the “west” by Africa. Furthermore the role of national, regional, international and religious relationships and alliances has had a bearing on internal and external dynamics of the conflict and its outcome.

This essay utilizes conflict analysis tools to assess the Libyan crisis which began in 2011 as part of the Arab spring. The paper provides an analysis of the actors in the conflict, the affected populations, a chronology of events, the interventions and media portrayal of the conflict. It also unveils the actors’ involved, their intentions, strategies of intervention as well as their origins and ideologies. In concluding chapters, the paper makes recommendations based on built scenarios and a critical analysis of the consequences of the 2011 war.

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- 1 The Revolutions in both countries witnessed the fall of long standing leaders, see Channel 4 News, *Arab Uprising: what happens next in Egypt, Tunisia, Libya?*, available at <http://www.channel4.com/news/arab-uprisings-what-happens-next-in-egypt-tunisia-libya> (accessed 20th May 2012)
  - 2 Accordingly on 17<sup>th</sup> February 2006 protests were organized to denounce the Danish cartoon incident. However the protests quickly transformed into anti-Gaddafi crowds and were violently suppressed. See, The Report of the Independent Civil Society Fact-Finding Mission to Libya, January 2012, p.10. available at [http://www.pchrgaza.org/files/2012/FFM\\_Libya-Report.pdf](http://www.pchrgaza.org/files/2012/FFM_Libya-Report.pdf) (accessed on 12th February 2012)
  - 3 In certain locations, such as Zawiyah and Misrata, this may have occurred as early as 19/20 February
  - 4 See, BBC News, *Libya's Col Muammar Gaddafi killed, says NTC*, available at <http://www.bbc.co.uk/news/world-africa-15389550>, (accessed 20th April 2012)



### Actor mapping in the Libyan crisis



Different actors played different roles in the Libyan crisis. The actions taken by many of the actors were made either in support of the Gaddafi regime or the rebel NTC. Below is a graphical representation of actual or perceived relationships between the actors, including the strength and nature of the relationships.

## Conflict Dynamics

The uprising and subsequent civil war which began in Libya in February 2011 resulted in historic changes to the political, economic and social fabric of the country. Although the long term dividends may be hard to project, it is clear that the conflict negatively affected the majority of the population in the immediate term.

When the protests began in Eastern Libyan city of Benghazi, security forces used excessive force against protesters. Although precise casualty figures were unavailable, the International Criminal Court estimates the deaths of approximately 755 individuals between 15 and 25 February 2011.<sup>5</sup> Whether these figures are plausible or not, it is undisputed that large numbers of civilians were killed or injured during this phase of the conflict. Furthermore, it has been revealed that express instructions were made by the authorities to harm the population. For instance on 20<sup>th</sup> February 2011, Saif Al Islam Gaddafi is quoted to have declared that, *"the army from now on will have a key role in imposing security and in returning things to normal at any price,"*<sup>6</sup> while his father, Muammar Gaddafi also declared: *"we shall move and seek the millions to sanitize Libya an inch at a time, a home at a time, a house at a time, an alley at a time, one by one until the country is rid of the filth and uncleanliness,"* and that: *"officers have been deployed to their tribes and their areas to lead these tribes and these areas, secure them, clear them of these rats."*<sup>7</sup>

Apart from allegations of the use of excessive, widespread and systematic force against protesters, forces loyal to Col. Gaddafi were also accused of conducting mass arrests of real or perceived political opponents even before the wide-spread protests began in January 2011. It is alleged that individuals were arrested from their homes, following inclusion on a list prepared by security forces.<sup>8</sup>

As the conflict escalated into a full blown civil war, the Gaddafi's army is accused of using civilian populations as human shields. In late August 2011, the media reported mass killing at a detention center south of Tripoli where at least 160 individuals are said to have been killed.<sup>9</sup>

Although much of what is heard in the media only focused on atrocities conducted by forces linked to late leader Col. Gaddafi, independent sources revealed that the opposition forces and their associates equally committed some atrocities on the populations. According to the Report of the independent civil society fact-finding mission to Libya, the opposition and their allies executed detained pro-Gaddafi fighters, including a former Minister of Justice. The

<sup>5</sup> See, Report of the Independent Civil Society Fact-Finding Mission to Libya, (ICC Decision on Prosecutor's Application, para. 36 – 39), n. 2 above

<sup>6</sup> Ibid. (ICC Decision on Prosecutor's Application, para. 26)

<sup>7</sup> See Mark Leon Goldberg, *ICC Arrest Warrant Offers Details of Gaddafi's Apparatus to Kill and Torture Dissidents*, available at <http://www.undispatch.com/icc-arrest-warrant-offers-details-of-gaddafis-apparatus-to-kill-and-torture-dissidents> (accessed 20th May 2012) 23 February 2011

<sup>8</sup> Report of the independent civil society, supra note.2, pg. 27.

<sup>9</sup> Ibid 34



execution of pro and perceived Gaddafi supporter's involved indiscriminate and retaliatory murders including the slaughter (throat slitting), Torture, inhuman and degrading treatment and abuses in detention also reported both during the military actions and post the fall of the Gaddafi regime. Furthermore, in the aftermath of military actions, the opposition forces were also said to be engaged in massive appropriation of property and other acts of intimidation, targeted at perceived pro-Gaddafi individuals<sup>10</sup>

Due to reports of Gaddafi's use of mercenaries during the civil war, dark skinned people found in Libya, primarily those from Mali and Chad, suffered arbitrary detention and abuse during the civil war and in the aftermath of it. Apparently many detained alleged mercenaries have repeatedly stated that they were African migrant workers some of whom had been resident in Libya for over five years prior to the crisis.<sup>11</sup> The plight of the African migrant workers in Libya is something that many observers, including the African Union, spoke about throughout the conflict.<sup>12</sup>

Forced displacement of suspected enemies of the revolution is another vice that characterized the Libyan conflict. It is reported that when opposition forces seized control of Tawergha, a town approximately 38 miles east of Misrata, alleged to have been as a base by Gaddafi forces to attack Misrata, in August 2011, they forced residents to leave their homes. Until now, the 30,000 residents of Tawergha who were given thirty days to leave town have never been allowed to return to their homes. The situation has apparently been the case because of a vow made by Ibrahim Halbus, one of the original commanders of the brigade during the battle, made: "we gave them thirty days to leave. We said if they didn't go, they would be conquered and imprisoned. Every single one of them has left and we will never allow them to come back."<sup>13</sup> Human Rights watch has detailed reports of attacks against residents of Tawergha including acts of willful killings and torture.<sup>14</sup> Residents of Tawergha are not the only victims of displacement. It is estimated that Since February 2011, more than 900,000 people have left the country. Most were third-country nationals, but more than 660,000 Libyans have also fled. A total of 200,000 people are said to be internally displaced.<sup>15</sup>

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10 n. 2 above. Para 138 - 183,

11 See, Human rights watch, *Libya: stop arbitrary arrest of Black Africans*, 4 September 2011, available at: <http://www.hrw.org/news/2011/09/04/libya-stop-arbitrary-arrests-black-africans> (available 3<sup>rd</sup> May 2012); See also, Amnesty International, *Detention Abuses Staining the New Libya*, October 2011, available at: <http://www.amnesty.org/en/library/info/MDE19/036/2011> (accessed 3<sup>rd</sup> May 2012)

12 See, *African Union chief: Libya rebels may be killing blacks*, available at <http://www.usatoday.com/news/world/story/2011-08-29/African-Union-chief-Libya-rebels-may-be-killing-blacks/50180642/1> (accessed 20<sup>th</sup> May 2012)

13 Gilligan, Andrew, *Gaddafi's ghost town after the loyalists retreat.*, The Telegraph, 11 September 2011, available at. (<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8754375/Gaddafis-ghost-town-after-the-loyalists-retreat.html>), (accessed 20<sup>th</sup> May 2012)

14 Human Rights Watch, *Libya: Militia Terrorising Residents of Loyalist Town*, 30<sup>th</sup> October 2011. Available at: <http://www.hrw.org/news/2011/10/30/libya-militias-terrorizing-residents-loyalist-town>

15 See, *Sophie McBain, Looking for a new life in Libya*, The Statesman, available at <http://www.newstatesman.com/world-affairs/world-affairs/2012/05/looking-new-life-libya> (accessed 20<sup>th</sup> May 2012)

NATO forces air strikes which often completely destroyed multi-story buildings equally caused various casualties on the population. Although NATO tried to make everyone believe that they only targeted military installations, civilian objects such as schools, colleges and regional food warehouse became targets when used for military purposes. On-site investigations by independent teams have been unable to find any convincing physical evidence demonstrating that these sites had been used for military purposes.<sup>16</sup> Evidently, civilian casualties were recorded during these air strikes.

Clearly, the uprising and consequent civil war in Libya has negatively impacted on people's livelihood. Although many Libyans are now returning home the Conflict resulted in instability with hundreds of thousands of affected people crossing the borders into neighbouring countries including Egypt and Tunisia. Affected populations, both inside and outside of Libya, require food, water, sanitation, and medical attention.

The conflict also generated numerous reports of rape and sexual violence mostly against women. However, due to the sensitivity associated with such crimes in Libya, the magnitude of the commission has left cases of rape and sexual violence as mere rumors.<sup>17</sup> It is estimated that up to 50,000 women and girls in Libya, especially in the eastern part of the country, experienced or are still experiencing gender-based violence.<sup>18</sup> It is against these circumstances that military intervention was deemed necessary in Libya and sanctioned by United Nations Resolution 1973 and implemented by NATO.

## Interventions in the Libyan Crisis

The intervention by the actors involved in the Libyan conflict was multifaceted, ranging from mediation, humanitarian, military threats as well as military actions. In order to fully understand the means, mandate and measures of intervention of the various actors in the Libyan conflict, this section opens with an analysis of normative and institutional as well as legal frameworks of intervening that were applied in the Libyan conflicts. It highlights principles underpinning the legality or illegality of military and non military actions and proceeds to also examine the legitimacy in applying the principle of Responsibility to Protect (R2P).

### Intervention within the United Nations Context

The United Nations Charter does not authorize any kind of intervention in matters which are essentially within the domestic jurisdiction of a state.<sup>19</sup> The rationale behind this prohibition is intrinsically linked to the very purpose that the UN was created for: to prevent interstate wars in the wake of the destruction of the World War II. Article 2 (4) of the Charter also

<sup>16</sup> See, Report of the Independent Civil Society Fact-Finding Mission to Libya, n. 2. above. para. 183 - 209

<sup>17</sup> Ibid. para 110 - 115

<sup>18</sup> See UNFPA's proposal to the Canadian International Development Agency, available at <http://www.acdi-cida.gc.ca/cidaweb%5Ccpo.nsf/projEn/M013550001>, (accessed 20<sup>th</sup> May 2012)

<sup>19</sup> United Nations Charter (1945), Art. 2 (7)



imposes on state members an obligation to refrain from the threat or use of force against the territorial integrity and political independence of any state. Again, this is a reflection of the mood within which the UN Charter was founded which was basically to prevent any state to use force against another. The only permissible avenue to use force against another state is under chapter VII of the UN Charter, which permits the use of force in two scenarios. First, if the Security Council determines that there is any threat to the peace, breach of the peace or an act of aggression,<sup>20</sup> it may authorize the use of force to maintain or restore international peace and security.

The second instance for the use of forceful action against another state is when countries resort to actions in individual or collective self-defence against an armed attack.<sup>21</sup> It should be understood though that a valid claim of self-defence generally requires proof of four elements. First, one acting in self-defence must believe another person intends to use unlawful force against him. Second, that belief must be reasonable. Third, the threat must be imminent. Fourth, the amount of force used must be proportional to the threat.<sup>22</sup>

In as much as chapter VII can be interpreted, it creates a notion of strict non-interference in the internal affairs of a state leading to what Gareth Evans refers to as sovereignty being essentially a license to kill.<sup>23</sup> Even if intervention using force in another state was backed by some valid humanitarian reasons, the action would be condemned for violation of territorial sovereignty unless and otherwise has been sanctioned by the UN Security Council under article 42 of the Charter.

Notwithstanding the provisions of the UN charter, a body of customary law has over the recent decade emerged that permits intervention on humanitarian grounds. The failure by the international community to intervene in Rwanda and the Kosovo atrocities in the 1990s, necessitated debate as to whether or not there should be a right to intervene on humanitarian grounds. In 2000 Kofi Annan, the then Secretary General of the United Nations (SG UN) addressed the General Assembly and posed a question that eventually led to the development of the framework of the principle of the responsibility to protect (R2P) – “if humanitarian intervention is indeed an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?”<sup>24</sup> Consequently, the International Commission on Intervention and State Sovereignty (ICISS) set up by the Canadian Government took the task

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**20** Ibid, article 39 UN

**21** Ibid, article 51 UN

**22** See, Mark Cohen, *The Law of Self defence in a nutshell*, available at [http://web.me.com/sumanthc/Superior\\_Self\\_Defense/The\\_Law\\_of\\_Self-Defense\\_in\\_a\\_Nutshell.html](http://web.me.com/sumanthc/Superior_Self_Defense/The_Law_of_Self-Defense_in_a_Nutshell.html) (accessed 20th May 2012)

**23** See, Cambodia “*Vietnam: was it liberation or invasion*” available at <http://www.mekong.net/cambodia/jan7.htm> (accessed 20th May 2012)

**24** The Secretary General, *We the People: The role of the United Nations in the 21<sup>st</sup> century*, chap 4, at 48, delivered to the General Assembly, (3 April 2000) UN doc no. A/54/2000, available at <http://www.unmillenniumproject.org/documents/wethepeople.pdf>, (accessed 20th May 2012)

of defining the scope and objectives of the responsibility to protect. A comprehensive report, called the Responsibility to Protect, then elaborated that when a population is suffering serious harm as a result of an internal war, insurgency, repression or failure of the State, and the State involved has no will or capacity to contain or prevent it, the principle of non-intervention cease to apply in the fact of international responsibility to protect.<sup>25</sup> A call was later made by the UN SG that indeed the emerging norm of responsibility to protect should be adopted by the international community as he opened the 2005 World Summit Session. The Outcome Documents of this Summit was later the same year adopted by the UN General Assembly therein endorsing the norm of Responsibility to Protect (R2P).<sup>26</sup>

### The Responsibility to Protect (R2P)

According to the ICISS report the responsibility to protect consists of both the responsibility to prevent as well as to rebuild. The Responsibility to Protect has three “pillars”, namely: it places a responsibility on the state to protect its population from mass atrocities; in the case where the state is unable, the international community also has the responsibility to assist the state in fulfilling its primary responsibility; however, where the state is unwilling to protect the citizens from mass atrocities and peaceful measures have failed, the international community has the responsibility to intervene through coercive measures such as economic sanctions. Military intervention is considered the last resort.<sup>27</sup>

Among the responsibility to prevent, react and rebuild, the responsibility to prevent has the highest priority. According to the ICISS report, knowledge of the fragility of the situation through early warnings, comprehension of policy measures that can stabilize the situation and political will are the three keys for an effective application of the responsibility to protect.<sup>28</sup> In addition to diplomatic and peaceful means of application of the responsibility to protect, coercive measures such as arms embargoes, economic sanctions, no fly zone and travel prohibitions. As a last resort, military actions can also be sanctioned by the UNSC as long as five criteria of legitimacy suggested by the ICISS report are met, namely:

- ❖ Just war: is there serious and irreparable harm occurring to human beings, or imminently likely to occur?;
- ❖ Right intention: the primary purpose of the military action must be to halt human rights violations;

25 See, Eduardo Posada, *The responsibility to protect*, available at [http://www.ideaspaz.org/secciones/publicaciones/download\\_articulos/24responsibility\\_to\\_protect.pdf](http://www.ideaspaz.org/secciones/publicaciones/download_articulos/24responsibility_to_protect.pdf) (accessed 25<sup>th</sup> June 2012)

26 See UN General Assembly, *In Larger Freedom: towards development, security and human rights for all*, Report of the Secretary General (21 March 2005) 59<sup>th</sup> Session (2005) UN Doc A/59/2005 para 135, available at <http://www.un.org/largerfreedom> (accessed 25<sup>th</sup> June 2012) ; see also, World Summit Outcome Document, United Nations General Assembly Resolution 60/1 (24<sup>th</sup> October 2005), UN Doc A/RES/60/1 at para 138 – 139, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement> (accessed 25<sup>th</sup> June 2012)

27 See, International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, International Development Research Centre, Ottawa 2001, available at [www.iciss.ca/menu-en.asp](http://www.iciss.ca/menu-en.asp) (accessed 25<sup>th</sup> June 2012)

28 Ibid

- ❖ Last resort: every non-military actions must have been tried;
- ❖ Proportional measures: minimum military action possible to restore the human rights situation; and
- ❖ Reasonable prospects: the military action should stand a good chance of restoring the situation.<sup>29</sup>

From the above, one realizes that as far as the norm of responsibility to protect is concerned, it advocates for both legality and legitimacy. The question then arises as to whether the intervention in Libya passed the legality and legitimacy tests. However, being still an emerging concept not yet defined by binding international instruments, there is always the danger of misinterpretation. States who act unilaterally by using military action may attempt to justify such actions using the newly born doctrine.<sup>30</sup>

### Intervention within the context of the African Union

Unlike its predecessor, the Organization of African Unity (OAU), the African Union's Constitutive Act (CA) provides in article 4 (h) "the right of the African Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity."<sup>31</sup> Article 4 (h) of the CA is essentially important as it allows the AU to intervene without the consent of the culprit state.<sup>32</sup> The right of the Union to intervene is further reinforced in article 4(j) of the Protocol Relating to the Establishment of the PSC of the African Union (PSCAU Protocol) which provides that the "PSCAU shall be guided by the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, in accordance with the article 4(h) of the Constitutive Act." Despite Article 4 (h) providing 'the threshold' for intervention, military action remains the last resort within the context of the African Union. Before military intervention, political dialogue and mediation is strongly encouraged. The AU has developed an elaborate Peace and Security Architecture (APSA) which provides a range of options for mediation by creating inter alia an Early Warning System (EWS) and Panel of the Wise (PoW). For military purposes, APSA provides for the formation of an African Standby Force (ASF).

Furthermore, Article 6 of the PSCAU Protocol states that the PSC will be active in the areas of peace making, utilization of good offices, mediation and enquiry. The Office of the chairperson

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<sup>29</sup> See G Evans, *The responsibility to protect and the use of military force*, paper presented to Seminar on International Use of Force, World League Forum, The Hague, 11 December 2011.

<sup>30</sup> See, The Global Voice of Legal Profession, *The responsibility to protect in the case of humanitarian crisis: an emerging norm of international law?* available at [http://www.ibanet.org/Human\\_Rights\\_Institutes/About\\_the\\_HRI/HRI\\_Activities/Responsibility\\_to-Protect.aspx](http://www.ibanet.org/Human_Rights_Institutes/About_the_HRI/HRI_Activities/Responsibility_to-Protect.aspx) (accessed 20<sup>th</sup> May 2012)

<sup>31</sup> Constitutive Act (2000)

<sup>32</sup> See, Kithure Kindiki, *The normative and institutional framework of the African Union relation to the protection of human rights and the maintenance of the international peace and security: A critical appraisal* 3 African Human Rights Law Journal, 2003. Pg. 107

of the AU is also another means for mediation and diplomacy in terms of good office. In addition, the AU PoW is empowered to carry out quiet diplomacy to alert the AU Commission, the PSC or the leadership of the country or countries concerned about a specific conflict.<sup>33</sup>

## Intervention by Key Actors in the Libyan Crisis

### i.) The United Nations

When protests began in the eastern Libyan city of Benghazi, the Deputy Libyan Permanent Representative to the UN, Amb. Ibrahim Dabbashi made an appeal to the international community to shoulder its responsibility to protect Libyans after Col. Gaddafi's declaration of war on Benghazi.<sup>34</sup> This call was acclaimed by former French President Nicolas Sarkozy who in turn called upon the European Union to impose sanctions including the freezing of assets of Col. Gaddafi and his family, alleging atrocities on Libyan people.<sup>35</sup> The United Nations Human Rights Council added its voice to this with a resolution on the human rights situation in Libya, urging the government to immediately release all arbitrarily detained persons, stop attacks against civilians, cease intimidation, cease blocking internet and telecommunications networks and to respect the popular will, aspirations and demands of the people. On the 26<sup>th</sup> February 2011, after assessing that the situation in Libya was one of 'gross and systematic human rights violations,' evoking Chapter VII of the UN Charter, the UN Security Council (UNSC) unanimously adopted resolution 1970 (2011) which imposed an arms embargo, assets freeze and travel bans on Col. Gaddafi, his family and members of his government. The UNSC also referred Libya to the ICC to investigate alleged crimes against humanity committed by Col. Gaddafi.<sup>36</sup> Four days after the adoption of Res. 1970, the UN General Assembly suspended Libya from the Human Rights Council.<sup>37</sup> On 15<sup>th</sup> March 2011, Nawaf Salam, Lebanon's Ambassador to the UN tabled a resolution to the Security Council for a no-fly zone over Libya backed by France and UK,<sup>38</sup> which the UNSC approved through resolution 1973, and passed on 17<sup>th</sup> March 2011. 10 members of the Security Council voted in favour, none against and five abstained (India, China, Russia, Brazil and Germany). Three African countries, South Africa, Nigeria and Gabon

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- 33** See, A Ramsbotham, *Safeguarding Civilians*, available at: [http://www.responsibilitytoprotect.org/files/safeguarding\\_civilians\[1\].pdf](http://www.responsibilitytoprotect.org/files/safeguarding_civilians[1].pdf) (accessed 25<sup>th</sup> June 2012)
- 34** Colin Moynihan, *Libya's U.N. Diplomats Break With Qaddafi*, New York Times, 21 February 2011, available on <http://www.nytimes.com/2011/02/22/world/africa/22nations.html> (accessed 12th February 2012)
- 35** *The EU finally imposed sanctions against Libya on, 28<sup>th</sup> February 2011, see, France calls for special EU summit on Libya*, available on <http://www.euractiv.com/global-europe/france-calls-special-eu-summit-l-news-502573> (visited 15th May 2012)
- 36** Pursuant to Resolution 1970, a committee was also established to oversee the application of the sanctions and monitor the situation. It was chaired by His Excellency Mr. Jose Filipe Moraes Cabra of Portugal. See, *Security Council Committee established pursuant to resolution 1970 concerning the Libyan Arab Jamahiriya*, available at <http://www.un.org/sc/committees/1970> (accessed 12th February 2012)
- 37** See, *General Assembly Suspends Libya from Human Rights Council*; 1 March 2011, available on <http://www.un.org/News/Press/docs/2011/ga11050.doc.htm> (accessed 12th February 2012)
- 38** James Denslow, *Libya and Lebanon: a troubled relationship*, available at <http://www.guardian.co.uk/commentisfree/2011/March/16/libya-lebanon-un-security-council-resolution> (accessed 20th May 2012)



were among the 10 that voted in favour of this resolution.<sup>39</sup> Aside from imposing a no fly zone on Libya, Resolution 1973 sanctioned the use of all measures necessary to protect civilians in Libya, which NATO later used to justify military intervention. It was this resolution which the United States and Canada used as justification for the immediate dispatching of naval forces to the coast of Libya.<sup>40</sup>

In succeeding months, the UN through its Secretary General played a crucial mediatory role in the conflict, speaking both to conflicting parties and their allies. Special envoys were also sent to Libya to negotiate for a ceasefire and the facilitation of humanitarian aid. For instance in March 2011, the UN SG appointed Abdelilah Al-Khatib, former Foreign Minister of Jordan as Special Envoy to undertake immediate consultation with Tripoli and the region on the humanitarian situation in and around Libya.<sup>41</sup> The UN also served as gatekeeper for the airspace, declining the request by the AU High Level Adhoc Committee to fly into Libya for consultations on 23<sup>rd</sup> March 2011. Following the UNSC's request earlier, on 27<sup>th</sup> June 2012, the International Criminal Court (ICC) issued arrest warrants for Col. Gaddafi, his son Saif Al Islam and close allies, charging them with crimes against humanity.<sup>42</sup>

In September 2011, the United Nations established a political mission to support the country's post conflict efforts. Ian Martin of the United Kingdom was appointed as Special Representative and Head of the United Nations Support Mission in Libya (UNSMIL). Before this appointment, Martin was his Special Adviser on Post-Conflict Planning for Libya, a position in which he led the integrated pre-assessment process, coordinating United Nations agencies, funds and programmes, the World Bank and the International Organization for Migration.<sup>43</sup>

The mandate of UNSMIL was to assist in the post conflict reconstruction and development. UNSMIL was tasked with assisting the Libyan authorities in restoring public security and the rule of law, promoting inclusive political dialogue and national reconciliation, and in helping the National Transitional Council (NTC) embark on the drafting of a new constitution and on laying the foundation for elections. It was also further mandated by the UN Security Council to help the Libyan authorities extend State authority, including through strengthening emerging accountable institutions, restoring public services, promoting and protecting human rights, particularly for vulnerable groups, supporting transitional justice and coordinate support from other multilateral and bilateral actors.<sup>44</sup>

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39 See, Nigeria News, *Nigeria votes in favour of no-fly resolution In Libya*, available at <http://news2.onlinenigeria.com/headlines/84063-nigeria-votes-in-favour-of-no-fly-resolution-in-libya.html> (visited 12th February 2012)

40 See *Aimée Kligman, US and Canadian warships dispatched to coast of Libya*, available at <http://www.examiner.com/article/us-and-canadian-warships-dispatched-to-coast-of-libya>, (accessed 20th May 2012)

41 See, BBC News, *Libya: UN appoints envoy and agrees humanitarian visit*, available at <http://www.bbc.co.uk/news/mobile/world-africa-12661604>, (accessed 10<sup>th</sup> May 2012)

42 See, *The Libya uprising timeline – The Irish Times*, [www.irishtimes.com/newspaper/breaking/2011/0822/breaking28.html](http://www.irishtimes.com/newspaper/breaking/2011/0822/breaking28.html) (accessed 27th May 2012); see also,

43 *Secretary-General Appoints Ian Martin of United Kingdom Special Representative, George Charpenter of Finland Deputy Special Representative for Libya*, SG/A/1307 AFR/2247 (19<sup>th</sup> September 2011)

44 See [http://www.un.org/wcm/content/site/undpa/main/activities\\_by\\_region/africa/libya](http://www.un.org/wcm/content/site/undpa/main/activities_by_region/africa/libya)

## ii) The North Atlantic Treaty Organisation (NATO)

Acting under chapter VII of the UN Charter, UN Security Council adopted Resolution 1973 establishing a no-fly zone over Libya,<sup>45</sup> authorising the enforcement of an arms embargo,<sup>46</sup> and authorising “all necessary measures’ to protect civilians.<sup>47</sup> Two days later, (19<sup>th</sup> March), international forces commenced air strikes against Libyan targets. Although the operations were initially carried out by France, it was joined by coalition forces, including British and American fighter planes and missiles. On March 31, 2011, NATO assumed control of all forces under the name of Operation Unified Protector and command over all contributing nations, including non-NATO member states.<sup>48</sup> About 40 governments and organizations met in London at the start of the Libyan war to create what became known as International Libya contact group. The mandate of this group was to coordinate efforts in a post Gaddafi Libya though they also worked to catalyze the fall of the Gaddafi regime by freezing assets and funds at the same time unfreezing some of it to fund rebel forces.<sup>49</sup> The NATO intervention was a well orchestrated combination of high level bombing and planning at low level on the ground.<sup>50</sup>

While Libyan Government and other planes were forbidden to fly on Libyan airspace, NATO had its spy planes and bombers flying by day and night over Libya while covert planning was taking place on the ground and airstrikes were providing advancing rebels with cover. NATO is also alleged to have engaged in denial operations, supported by Gulf money and weapons. These were measures to deny the enemy the use of not only space but all resources and facilities - destroying, removing, contaminating, or obstructing construction.<sup>51</sup>

Although NATO went into Libya under the UN mandate of protecting civilians and “civilian-populated” areas under threat of attack, and to exclude “foreign occupation force of any form”, it became apparent as the war progressed that like the rebels, NATO’s objective in Libya was that of regime change. Debate has since emerged on the ‘stretch given to the UN mandate” and on how it is necessary for the UN to evaluate what was or not permissible under resolution 1973. The actions by NATO to participate in a non-international armed conflict, between Gaddafi forces and the rebels, by supporting one of the groups, i.e. the rebels

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<sup>45</sup> UN Security Council Resolution 1973, UN.Doc S/Res/1973, 17 March 2011, para. 6

<sup>46</sup> Ibid, para. 13

<sup>47</sup> Ibid, para. 4

<sup>48</sup> See Further, NATO and Libya, available at <http://www.nato.int/cps/en/natolive/71679.htm> (accessed 27th May 2012)

<sup>49</sup> *World Powers agree to set up contact group to map out Libya’s future*, available at [www.telegraph.co.uk/news/worldnews/africaandindianocean/1](http://www.telegraph.co.uk/news/worldnews/africaandindianocean/1) (accessed 2nd June 2012)

<sup>50</sup> R. Norton-Taylor, *Libya: a new breed of military intervention*, The Guardian, available at <http://www.guardian.co.uk/commentisfree/2011/aug/25/libya-military-intervention> (accessed 25 June 2012)

<sup>51</sup> *Denial operations*, Global Security.org, <http://www.globalsecurity.org/military/library/policy/army/fm/5-102/Ch7.htm> (accessed 25 June 2012)



and consequently the killing of Col. Gaddafi on 20<sup>th</sup> October, has sparked controversy and conclusions of breach of international law. Legally, this is distinct from actions that are aimed at preventing Gaddafi from harming civilian populations as prescribed by the UN resolution 1973.

### iii) The African Union

Despite allegations of mass atrocities in Libya, military intervention seemed not to be a pathway to resolving the conflict by the AU. As can be seen from the actions of the AU, mediation and diplomacy was the preferred route. In the early days of the conflict, the AUC Chairperson condemned the disproportionate use of force against civilians in Libya by Col. Gaddafi's regime. At the same time, the AU PSC adopted a decision condemning human rights violations and appealed for political dialogue to resolve the conflict in Libya.

However, as the threat of western military intervention intensified, the African Union Peace and Security Council at the level of Heads of State and Government met on 10<sup>th</sup> March and reaffirm its commitment to the respect of the unity and territorial integrity of Libya, as well as its rejection of any foreign military intervention. It also decided to establish the AU ad hoc High level Committee on Libya comprising of five Heads of State and Government to engage in leading AU efforts in resolving the crisis.<sup>52</sup> The PSC agreed on a roadmap for resolving the Libyan crisis. Accordingly, this roadmap revolved around the following elements: i) immediate cessation of all hostilities; ii) cooperation of the concerned Libyan authorities to facilitate the timely delivery of humanitarian assistance to needy populations; iii) protection of foreign nationals, including the African migrant workers living in Libya; and iv) dialogue between the Libyan parties and the establishment of a consensual and inclusive transitional government.<sup>53</sup>

While the AU roadmap seemed to lean heavily on a mediatory process, the three African members of the UN Peace and Security Council voted for Resolution 1973, sanctioning the use of all measures necessary to protect civilians in Libya, which the NATO forces were later to use in justifying military intervention.<sup>54</sup>

On the basis of the roadmap, the Ad-hoc High Level Committee engaged in various shuttle diplomatic efforts, calling upon both the Libyan government and rebel – TNC leaders for a cease fire. The Libyan government representative accepted unconditionally the AU roadmap and agreed to declare a ceasefire and to implement political reform in line with the aspirations

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<sup>52</sup> The Adhoc High Level Committee on Libya composed of Heads of States of Mauritania, Republic of Congo, Mali, South Africa and Uganda, See, Communiqué of the 265<sup>th</sup> Meeting of the AU PSC, PSC/PR/COMM.2 (CCLXV), 10<sup>th</sup> March 2011

<sup>53</sup> See, *The African Union and the Libyan Crisis: Putting the Records Straight, Letter from the Chairperson*, Issue 1. November 2011

<sup>54</sup> See, *Voltairenet.org, UN SC Resolution 1973 in favour of a no-fly zone in Libya*, available at <http://www.voltairenet.org/UN-security-council-resolution> (accessed 25th June 2012)

of the Libyan people for democracy.<sup>55</sup> However, the NTC rejected the AU roadmap demanding removal of Col. Gaddafi from power among other things.<sup>56</sup>

Initially, both the AUC Chairperson and AU PSC engaged with various actors mobilizing support for the AU's roadmap on Libya – i.e. with the UN PSC and neighboring states,<sup>57</sup> with the UK Foreign Minister, William Hague and leadership of the European Union (EU) and NATO,<sup>58</sup> with the US,<sup>59</sup> and with the Arab League<sup>60</sup> and the international contact group.<sup>61</sup>

However, when it became apparent that NATO was creating allies with the Arab League and several other countries and would not listen to the AU, the rift between the two increased. Backed by the former African heads of state and government,<sup>62</sup> the AU accused NATO of having a regime change agenda, exacerbating the conflict and disrespecting Africa's principal responsibility to take the lead in terms of resolving the Libya crisis.<sup>63</sup> The AU lamented the lack of resources in resolving its own conflicts as the reason for the disrespect, and urged member states to work at mobilizing resources from within the continent to support the AU peace and security agenda.<sup>64</sup>

Libya however did not only create a rift between Africa and NATO, African countries also individually aired conflicting voices, sometimes even different from that of the AUC Chairperson and the PSC. For instance the President of Chad, Idriss Deby, the Central African President Francois Bozize and Malian President Amadou Toumani Toure expressed solidarity with Col. Gaddafi and abstained from every condemnation of the Libyan regime. Ugandan President,

**55** See, AU Press Release, The African Union ad-hoc High Level Committee on Libya convenes its second meeting in Addis Ababa, 25<sup>th</sup> March 2011

**56** The AU Adhoc Committee visited Tripoli and met with Col. Gaddafi on 10<sup>th</sup> April 2011; they also met visited Benghazi on 11<sup>th</sup> April and held extensive discussions with the Chairman and members of the National Transitional Council (NTC), see Report of the Chairperson of the Commission on the activities of the AU High Level ad-hoc Committee on the situation in Libya - PSC/PR/2(CCLXXV), 26<sup>th</sup> April 2011; see also Communiqué of the 275<sup>th</sup> meeting of the AU PSC PSC/MIN?COMM.2(CCLXXV); see also The African Union Communiqué Meeting of the AU High Level ad-hoc Committee on Libya in Pretoria 26<sup>th</sup> June 2011; and also The AU Chairperson holds important talks in London with UK Ministers and senior representatives, AU Press Release, London 4<sup>th</sup> July 2011

**57** Communiqué, *Consultative Meeting on the Situation in Libya*, Addis Ababa, Ethiopia, 25<sup>th</sup> March 2011

**58** AU Press Release, *Chairperson travels to Europe to discuss the situation in Libya*, 3<sup>rd</sup> April 2011

**59** US acknowledged AU's efforts in negotiating a ceasefire in Libya but reiterates a greater need for coordination with the international community. The US noted that a ceasefire requires an immediate end to all attacks on civilians and the withdrawal of Gaddafi's forces from all cities. Gaddafi and his regime also should comply with their obligations under international law, international humanitarian law, human rights and refugee law including protecting civilians. The US insisted that any ceasefire agreement should pave the way to an inclusive political process in Libya and that Gaddafi must leave power and Libya Joint Statement on the second annual US-AU High Level Meeting, 22 April 2011 <http://www.state.gov/r/pa/prs/ps/2011/04/161529.htm> (accessed 27th May 2012)

**60** Press Statement, Cairo Conference on Libya, 18<sup>th</sup> June 2011

**61** Press Release, Chairperson Jean Ping continues his consultations with AU's Partners on the Situation in Libya, 9 May 2011

**62** See, *AU Urgent Appeal On Libya former African heads of state and government*, May 25, 2011

**63** AU Urgent Appeal On Libya former African Heads of State and Government, May 25, 2011

**64** Declaration on the state of peace and security in Africa, enhancing Africa's leadership, promoting African, solutions, 25<sup>th</sup> May 2011, EXT/ASSEMBLY/AU/DECL(01.2011)



Yoweri Museveni blamed the west of being selective in the way they want to deliver justice and that they do so for their own interests. Zimbabwean President Robert Mugabe was of the view that it was all about the control of the Libyan oil.<sup>65</sup> Although Algeria did not publicly support Gaddafi, it gave refuge to his wife and three of his children.<sup>66</sup>

Meanwhile the President of Rwanda, Paul Kagame and Senegalese President Wade supported the military intervention and the raid by NATO. African Traditional leaders of Ghana, Congo, DRC, Sierra Leone, Sudan, Namibia, Mali, Kenya, South Africa, Zimbabwe, Ivory Coast and Chad were all vocal in support of Col. Gaddafi.<sup>67</sup>

When it became clear to the AU that its roadmap would not be followed by those that were bombing Libya, and that Gaddafi was losing his grip on power, while the NATO backed rebel forces were taking control of the country, African Union Peace and Security Council decided to recognize the NTC as the legitimate representative of the Libyan people.<sup>68</sup> Sitting in its 297<sup>th</sup> meeting, the PSC authorized the NTC to occupy the seat of Libya in the AU and its organs. It also sanctioned the opening of a Liaison Office in Tripoli,<sup>69</sup> with all this happening on the same day that Col. Gaddafi was killed, 20th October.

Throughout its efforts, the AU tried to explain that its policy of intervening is not only in the short term, rather that it looks at the protection of citizens both in the immediate and long term which incorporates social, political and economic stability of the country following intervention. In January 2012, the AUC Chairperson visited Libya to hold consultations with the Libyan authorities and UN Secretary General Special Representative and Head of the UN support mission to Libya to discuss the ongoing transition in the country. The Chairperson also appointed Mr. Mondher Rezgui, former Ministry Counselor in the office of the President of Tunisia as AU special Representative to Libya to head the AU Office in Tripoli who he introduced to the NTC leader Mustafa AbulJalil at his last visit to Libya in March 2012. The Libyan AU Liaison Office's mandate is to support the efforts to stabilise the situation, promote national reconciliation and facilitate the transitional process towards democratic institutions, in cooperation with the United Nations and the other international partner.<sup>70</sup>

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**65** See, Michel Chossudovsky, *The West Wants to take Control of Libya's Oil Wealth* Interview, available at <http://www.globalresearch.ca/index.php?context=va&aid=26227> (accessed 25<sup>th</sup> June 2012)

**66** Martin Chulov, *Muammar Gaddafi's wife and three children flee Libya for Algeria*, *TheGuardian*, available at <http://www.guardian.co.uk/world/2011/aug/29/wife-gaddafi-children-algeria> (accessed 25th June 2012)

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**68** Statement made by the Chair of the African Union, President Teodoro Obiang Nguema Mbasogo, at the UN-sponsored High Level meeting on Libya held in New York, 20 September 2011

**69** Whose mandate is to support the efforts to stabilize the situation, promote national reconciliation and facilitate the transitional process towards democratic institutions, in cooperation with the UN and other international partners. See, Communiqué PSC/PR/COMM/2.(CCXCVII)

**70** The AUC News, AU appoints special representative for Libya, February 2012, 10

## The Media in the Libyan Crisis

The media's role in the Libyan conflict has often seemed to convince its audience that the picture is that of black and white - a popular revolution and a battle between the good and the bad, western imperialism and battle for Libyan oil, the despot and the revolutionaries, the terrorists, the regime and the freedom fighters. While the state-controlled media outlets (naturally) presented a one-sided view of the Libyan conflict, their independent counterparts also downed similar flaws in both reporting and analysis. Libya has been a classic case of a conflict environment with huge presence and coverage of/in Media, and yet it had very little or no news for anyone to talk about. It's a classic example of the assertion that "if you don't have both sides of the news, then you don't have any news."<sup>71</sup> Propaganda from both sides of the conflict was channeled through the media and became a very important part of the war.

**Selection of stories & di-contextualising to conflict:** An attempt to analyze the Libyan conflict in general evokes several issues. However, listening to the news on the Libyan conflict, it is surprising how the stories are carefully chosen. Then one realizes how the media has played a big role in dicontextualising the conflict in a way that impedes the capacity of the audience from understanding the deeper and real issues. From the outset of the conflict, there was an acute dearth of in-depth analysis on broader issues surrounding the conflict such as the uniqueness of the Libyan uprising, nature and composition of the rebel forces, the impending economic costs of the war, the interest of actors including profits anticipated out of the war.<sup>72</sup> Instead, both sides did nothing but continuously demonize the enemy. While the International media carefully chose its experts that spoke about the atrocities of Gaddafi's 42 year rule and his threats to harm his opponents, state media also repeatedly tried to show the conflict as a terrorist invasion. The full context of the conflict in terms of real actors, issues, interests was missing. There was massive media use of democracy as public diplomacy and a validation too. When accounting for Gaddafi's legacy, certain facts were also deliberately left out from the media. The Media for instance did not inform the world that the autocratic leader actually also had a good developmental record. None of the facts below came out in the press:

- ❖ Libya's Gross Domestic Product (GDP) per capital stood among the highest in Africa;
- ❖ Libya had no public debt, in stark comparison to its Egyptian and Tunisian neighbors whose public debts amounted to 72% and 42% (of the countries total GDPs) respectively;
- ❖ The population living below poverty line in Libya stood at 7.4% at the beginning of 2011 in comparison to 23% in Algeria, 20% in Egypt, and 15% in Morocco;
- ❖ Libya had an impressive education system, with education being free from primary level up until tertiary levels;

<sup>71</sup> Mohammed Adow, *Media & war*, Lecture delivered to the MPSA 3 class, IPSS, 6<sup>th</sup> October 2011

<sup>72</sup> Consultancy Africa Intelligence, *The role of mass media in armed conflict: A Libyan case study*, available at <http://www.polity.org.za/article/the-role-of-mass-media-in-armed-conflict-a-libyan-case-study-2011-10-19>, (accessed 25th June 2012)

- ❖ Also successful were state initiatives to reach isolated parts of Libya through mobile school projects.
- ❖ Libya had one of the highest literacy rates in North Africa – 82%
- ❖ Libya had a health system fully subsidized by the state, with the number of medical practitioners and facilities on the increase, steadily since 1965. Attached to it was also the fact that Libya had one of the lowest infant mortality rates on the continent (20/per1, 000 live births) along with the highest life expectancy in Africa (78 years).<sup>73</sup>

**Failure to review the big powers interests:** The context provided of the Libyan conflict especially from the western media completely lacked any analysis of the interests of the big powers. In the aftermath of the conflict, there have been allegations of looting of Libya's investments abroad. Maybe had the media assisted in reviewing the interests, the nature and means of intervention would have been more accountable than it was.

**Reducing the parties and Demonizing one of the parties:** Western media picked up the Libyan uprising and immediately linked it up to that of Egypt and Tunisia when in fact Libya was different. Libya became very unique in the sense that unlike the revolution of Egypt or Tunisia, the Libyan uprising was, from the onset, not a mass movement and was violent in nature – the protestors took up arms, government properties such as police stations were set alight during the early days of the uprising and explosives were used to gain access to military barracks.<sup>74</sup> Unlike Egypt and Tunisia again, the Libyan conflict had two types of war, an international war, involving a state and international actors and a non-international war that involved an insurgent group and the state. However these facts did not go far in the media. What the world heard was basically how Libyan Leader Muammar Gaddafi was using airstrikes on his peaceful population. Libya became a matter of international urgency when it was continuously reported that Gaddafi had used airstrikes against his own population and the information was presented both as fact and as an action to which the international community was required to respond immediately.<sup>75</sup> As Amnesty International observed, up until the adoption of both UN Resolution 1970 and 1973, “Western media coverage” which “has from the outset presented a very one-sided view of the logic of events, portraying the protest movement as entirely peaceful and repeatedly suggesting that the regime’s security forces were unaccountably massacring unarmed demonstrators who presented no security challenge.”<sup>76</sup> At that point in time, even the fact that rebels had strong links to Al Qaeda was

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73 Ibid

74 Ibid

75 Jonas Thomsen Sekyere, *The Libyan Uprising Did Not Take Place*, Think Africa Press, 24<sup>th</sup> October 2011 available at <http://thinkafricapress.com/libya/uprising-did-not-take-place>, (accessed 25th June 2012)

76 The Independent, *Amnesty questions claim that Gaddafi ordered rape as weapon of war*, available at: <http://www.independent.co.uk/news/world/africa/amnesty-questions-claim-that-gaddafi-ordered-rape-as-weapon-of-war-2302037.html>, (accessed 13<sup>th</sup> June 2012)

played down and admission was only made after the bombing had started.<sup>77</sup>

The Libyan conflict, very often was portrayed as one between Gaddafi, the monstrous murderer who indulged in an opulent lifestyles and the rebel or democratic forces, who together with NATO were destroying the installations aimed at mass killing and pushing an autocratic rule out in order to restore democratic. Basically, the two main parties in this conflict were reduced to Gaddafi Vs. Rebel forces, with well wishers such as NATO heading to the UN call to enforce a no fly zone that protects civilian populations. When talking about Gaddafi, mass media always talked about him having loyalists, who accordingly were a bunch of armed forces or mercenaries imported from neighboring countries. The media completely ignored the existence of unarmed civilian masses that openly supported Gaddafi. Moreover, the media blacked out all Gaddafi rallies as it was intentional that the world should not see any support towards this tyranny. Unlike the constant interview with supporters of the rebel grounds, none of the western media provided any space for the Gaddafi supporters to give reasons behind such support.

**Exclusion of bereavement and casualties:** Casualties, especially caused by rebel or NATO forces, received little or no coverage. This was a deliberate strategy as photos of dead babies do not augur well with the public. For the international intervention to continue receiving support, the media dwelt little on the negatives rather emphasized more on the gains of cities made by the rebels. Even when Gaddafi officials attempted to provide evidence of casualties, there was always an international media outlet willing to dispute the allegations. As one Economist correspondent stationed in Tripoli wrote: “The picture presented by the regime often falls apart, fast. Coffins at funerals sometimes turned out to be empty. Bombing sites are recycled. An injured seven-year-old in a hospital was the victim of a car crash, according to a note passed on surreptitiously by a nurse.”<sup>78</sup>

**Embedding the Journalists:** Both parties to the Libyan war attempted to embed Journalists within their inner most circles so that the journalists feel compelled to tell their stories. Unfortunately for Gaddafi this failed. Western Journalists that were accommodated in posh hotels and given tours around bombed sites, immediately branded that as control and deprivation of media freedom. The Journalist claimed not to be allowed to go anywhere, or talk to anyone, without authorization from Gaddafi’s officials who always accompanied or followed them. Journalists who didn’t report events the way Gaddafi’s officials instructed faced problems and sudden deportations.<sup>79</sup> On the other side, a large portion of the foreign press reporting from Libya was embedded with Libya’s rebel force. As in Iraq, embedding of

77 The Telegram, *Libyan rebel commander admits his fighters have al-Qaeda links*, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8407047/Libyan-rebel-commander-admits-his-fighters-have-al-Qaeda-links.html> (accessed 13<sup>th</sup> June 2012)

78 *The Economist*, *Reporting from Libya – Close your window*. 1 July 2011. available at: <http://www.economist.com/blogs/newsbook/2011/07/reporting-libya> (accessed 20<sup>th</sup> June 2012)

79 Harriet Sherwood, *No freedom for foreign press at Tripoli’s Rixos hotel*, *The Guardian*, Thursday 14 April 2011, <http://www.guardian.co.uk/world/2011/apr/13/foreign-journalists-rixos-hotel-tripoli>. available at



Journalists in the rebel forces produced desired results of Journalists reporting on the conflict from the perspective of the rebels.<sup>80</sup> In as much as this provided an undue advantage for the rebels, the embedment of Journalists at times also proved to be fatal as the Media found itself in a media war. It was embarrassing for the Media to widely report of the arrest of Gaddafi's son, Saif Al-Islam, only to see him on Libyan television standing in a crowd of supporters as big as any shown of the rebels was an almost disturbing scene when he was supposed to be caught, defeated and under rebel authority.

The Media played a fundamental role in influencing the perception of the conflict by key actors. The one thing that western media achieved was to label the conflict as the "situation in Libya", as opposed to either a conflict or civil war. In doing so the media managed to swell the public from asking relevant questions on the real nature, actors, issues and interests of the conflict. Had it done so, there would have perhaps been greater objection to NATO's intervention into the country, as it is a fact that under international law, outside powers has no authority to involve themselves in the internal conflicts of other, sovereign countries especially if they are doing so in support of an armed internal rebellion.

## Detailed Actor Analysis/Groups

To understand the Libyan conflict, it is necessary to fully understand who the actors were in terms of their origins, position at the beginning of the conflict including contemporary objectives. As earlier stated the Libyan conflict had both an internal and international dimension and understanding it fully one needs to unpack what drove the various actors to participate in it. Understanding the actors and their apparent and implied interests is a fundamental step charting a sustainable post conflict Libya.

### i) Former Government of Libya/Col. Muammar Gaddafi

On 1<sup>st</sup> September 1969 a group of young military officers known as the union of free unionist officers staged a coup d'état removing then incumbent King Idris. The group's chairman, Captain Muammar Gaddafi quickly ascended to power, increasingly becoming the internally and internationally recognized leader of Libya. In 1977, Gaddafi renamed Libya the socialist people's Libyan Arab Jamahiriya, representing a system of government built upon the principles of his Green Book which professed to place power directly in the hands of the people. Jamahiriya literally interpreted means "state of the masses." The Jamahiriya system was a highly formal ruling system containing a number of congresses and committees, often with overlapping powers. At the time of the uprising in Libya, Gaddafi had reigned over Libya for nearly 42 years. His four decade rule was full of controversy within and outside of Libya.

Within Libya, Gaddafi's rule was described as a ruthlessly enforced authoritarian state with power delegated to autonomous – sometimes overlapping- entities, typically headed by one

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of the inner-circle, who comprised of his immediate family and in-laws. Gaddafi also tried to portray himself to the Libyans as a statesman-philosopher. He also professed a rule in accordance with the Green Book, which he authorized and was taught in Libyan schools.<sup>81</sup> Although Gaddafi himself said he did not have any formal position of authority within the Libyan State and preferred to be referred to as the “brother leader”, he had no accountability to anyone and when necessary, he still found the powers to question those that held formal positions. Gaddafi’s apparatus of power, including political, administrative, military and security wings consisted of a complex set of units and individuals from amongst his inner-circles, his immediate family, in-laws and tribes men.<sup>82</sup>

Internationally, Gaddafi was a very controversial figure, who was as hated as loved. Undisputedly, he was very famous in Africa but it has to be said that he was also widely regarded with suspicion.<sup>83</sup> His military escapades such as providing support for rebel groups in Sierra Leone and Liberia, sending of troops to help Idi Amin’s regime in Uganda and his call for Muslim Congolese to engage in holy war with Mobutu Sese Seko was not appreciated by African Leaders. His infamous call for the partitioning of Nigeria into Muslim and Christians also cast doubt on the genuineness of his call for the formation of the United States of Africa.<sup>84</sup> However Gaddafi did contribute to the establishment of the African Union – both ideologically as well as financially. It was in his home town, Sirte that Gaddafi hosted the famous extraordinary Summit that decided to transform the OAU into the AU.<sup>85</sup> Aside from Libya being one of the five largest funders of the AU under Gaddafi, contributing at least one third of the total budget, he was also contributing for several other countries that were not able to honor their contributions.

Elsewhere in the world, the Gaddafi led government was implicated in financing many anti-western groups, including some terror plots - The Black Panthers, Nation of Islam, and the Irish Republican Army all allegedly had links to Qaddafi. The United Kingdom cut off diplomatic relations with Libya for more than a decade. In the most famous case, Libya was implicated in

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- 81** The Green Book is a short book setting out the political philosophy of Muammar Gaddafi. The book was first published in 1975, rejecting modern liberal democracy based on electing representatives as well as capitalism. It proposes a type of direct democracy overseen by the General People’s Committee which allows direct political participation for all adult citizens. See, The Green Book, available at <http://www.mathaba.net/gci/theory/gb.htm> (accessed on 24th June 2012)
- 82** Gaddafi’s son, Saif Al Islam, became one of the most influential member of the inner circle who acted as a de factor prime Minister; Gaddafi’s other son Khamis Gaddafi headed the powerful “Khamis Katiba” which was responsible for Gaddafi’s personal security; Moatassim Gaddafi controlled another powerful Katiba and was appointed National Security Advisor in 2007; Abdullah Al Senussi, the head of the Military Intelligence, allegedly was Gaddafi’s brother-in-law. See, Report fo the Independent Civil Society Fact-Finding Mission to Libya, n. 2. above.
- 83** In 1980, following Gaddafi’s military intervention in Tchad, his country was isolated at the OAU and in 1982, most African countries decided to absent themselves from an OAU Summit in Tripoli. See, Adekeye Adebajo, The Guardian, *Gaddafi, the man who would be kind of Africa*. available at <http://www.guardian.co.uk/commentisfree/2011/aug/26/gaddafi-legacy-meddling-africa> (accessed 20th May 2012)
- 84** See, BBC, *Divide Nigeria into two, says Muammar Gaddafi*, available at: <http://news.bbc.co.uk/2/hi/8570350.stm> (accessed 20th May 2012)
- 85** See, *Sirte Declaration*, 9<sup>th</sup> September 1999, available at: <http://www.uneca.org/adfiii/rieforts/ref/other5.htm> (accessed 20<sup>th</sup> May 2012)



the 1988 Lockerbie bombing. A plane carrying 270 people blew up near Lockerbie, Scotland, killing 270 people. In 1988, U.S. warplanes carried out bombings in Libya, in a failed attempt to kill Qaddafi. Following Gaddafi's handing over of the suspects from the Lockerbie bombing, denouncing ambitions of manufacturing weapons of mass destructions and compensating Lockerbie bombing victims, he was seen welcomed in many western capitals and many of the western countries, including the US re-established diplomatic relations.

When the Libyan conflict began in February 2011, Qaddafi made several speeches on state television, claiming the demonstrators were traitors, foreigners, al Qaeda, and drug addicts. He urged his supporters to continue the fight for Libya, basically declaring that the main objective of their actions was to defend the country from rebellious elements as well as terrorists. However, as the conflict progressed to involve western allies, his intonation changed to accuse the west of attempting to recolonize Africa. He urged his supporters to defend their country transforming the objective of his troop's involvement in the conflict into one of defending sovereignty.

**Capabilities:** With Gaddafi's murder on 20<sup>th</sup> October 2012, the formal Libyan Armed Force was disbanded. However, its member and other paramilitia loyal to late Leader Col Muammar Gaddafi are still fighting low level insurgents. In January 2012, Gaddafi loyalists were said to have taken over Bani Walid and established authority there. Later, the leaders of the insurgent group disassociated themselves from Gaddafi stating their goal was the establishment of their own council in the city.<sup>86</sup>

**Leadership:** Because of his fear for military coups, Gaddafi is said to have kept a relatively weak security force in Libya. When the conflict began 2011, the Libyan Security Forces did not appear to have any institutional hierarchy or makeup traditionally associated with a State's armed forces and law enforcement agencies. All components of the Security Forces appeared to exit autonomously and was characterized by a vertical command structure, with all components reporting directly to the brother leader. In addition to a regular army, estimated at 50,000 forces in 2010, Libya also had autonomous military units distinct from the regular armed forces called Katiba.<sup>87</sup> The Katiba were well trained and equipped military units that possessed heavy weaponry. The Katiba were commanded by powerful individuals loyal to Gaddafi and were allocated areas of geographic control. Gaddafi's force also included revolutionary committees.<sup>88</sup> Initially all activities of the security forces seemed to be centralized under Gaddafi. However, Nato's bombing of communications installations and pursuance of Gaddafi increasingly isolated him. Consequently, in the absence of a Defence Ministry, the Gaddafi forces gradually lost coordination, resulting in the High Command of the Armed Forces (al-Qiyada al-ulya lil-quwwat al-musallaha), Katiba commanders and the revolutionary

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<sup>86</sup> See, *2012 Bani Walid uprising*, available at [http://en.wikipedia.org/wiki/2012\\_Bani\\_Walid\\_uprising](http://en.wikipedia.org/wiki/2012_Bani_Walid_uprising) (accessed 22nd June 2012)

<sup>87</sup> Report of the Independent Civil Society Fact-Finding Mission to Libya, n. 2 above. para. 32 - 35

<sup>88</sup> Ibid.

committees operating completely in isolation.<sup>89</sup>

**Organization:** According to the Report of the Independent Civil Society, the Libyan Security forces at the time of the civil war comprised of at least 50,000 armed forces, 30,000 active Katiba personnel and 60,000 members of the revolutionary committees. The army possessed a traditional internal command and control structure. The Katiba were trained, possessed heavy artillery units, tank units and mechanized infantry.

**Strategy:** At the start of the conflict, Gaddafi seemed determined to use his usual tactic of fear and repression to suppress the protests. Soon when he realized that the International Community was organizing to intervene militarily he resorted to dialogue. Apart from opening up to the AU mediators, and accepting the road map unconditionally, he also sent emissary to meet with western capitals including Turkey and the USA. According to Amnesty International 2011 report, he also released political prisoners as a reconciliatory gesture. Unfortunately for Gaddafi minds that he needed to go and his resignation alone is what would have stopped actions against him. As was discussed earlier, the strategy by the Gaddafi forces to embed media failed as western media seemed to have already been embedded in the rebel/NATO camp.

## ii) Rebel Forces/ National Transitional council

*Origin/position at beginning of conflict/current objectives;*

The Rebel forces emerged as local protesters/ armed civilian groups that spontaneously came together in early February 2011. Given the spontaneous nature of their initial engagement, these protesters/armed civilians primarily organized and commanded at local, town or city levels while everyone wondered as to where, when, and how this force was put together. Within no time, a different sort of group emerged at the forefront, providing leadership through the establishment of the transitional national council on 2<sup>nd</sup> March 2011. 'The National Transitional Council' (NTC) immediately self professed to be the sole representative of all Libya by 2<sup>rd</sup> March 2011 and was almost immediately recognized as legitimate representatives of the Libyan people by the west.

After March 2011, the rebels were openly armed and funded by countries such as Britain and France. The United States on 17 July 2011 recognized the Transitional National Council (TNC).<sup>90</sup> The media (western) also started portraying this group as an uprising or a democratic force. Both the rebels and the insisted the reasons for fighting was to remove Gaddafi's regime from power as well as NTC were to remove Gaddafi's regime. In the aftermath of the death of Gaddafi, the NTC has re-stated its objectives to be that of forming and fostering a new democratic dispensation.

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<sup>89</sup> Ibid.

<sup>90</sup> See, Libya: Chiefs of State and Cabinet Members of Foreign Governments, available at: <http://www.infoplease.com/world/leaders/libya.html> (accessed 12th May 2012)



**Capabilities:** The capabilities of the former rebel/NTC military forces - National Liberation Army, were unclear during the crisis. From the moment the interim government declared Libya “liberated” there has been scanty reporting on the situation in the country. In February 2012, there were reports that militia groups that fought alongside the NTC during the conflict were demanding payment from central government. With that, one would conclude that the national liberation army has not absorbed all their armed forces into the national army. The reason for that may be economic. According to Karlos Kurutuza, the Libyan economy has not recovered from the revolution. Government workers are not receiving their salaries. Liquidity is in such a dire situation that banks can only give out 2,000 dinars (about 1,500 dollars) per month per account. Apparently there is increasing mistrust with many rumours circulating about corruption and the infiltration of former regime members.<sup>91</sup>

### iii) Third Parties engaged in hostilities pursuant to security council resolution 1973 and acting under NATO command

#### *Origin/position at beginning of conflict/current objectives*

The North Atlantic Treaty Organization (NATO) is an international alliance of 28 countries of Europe and North America created to ensure the peace and security of the north Atlantic region. Signed April 1949, the NATO’s goal is to safeguard the freedom and security of its member states by way of political and military means.<sup>92</sup> A fundamental principle guiding NATO is the policy that an attack against one member is considered an attack against all members. However, in recent years, NATO has agreed to take over command and coordination of various international peace and military international. In Libya, Nato took command of the intervention at the end of March 2011. The stated objective of the Libyan intervention was to implement the UN resolution 1973, which was adopted in response to allegations of brutal suppression of civilian populations who were protesting in Libya. Specifically, NATO took complete control of the arms embargo on 23 March, under the banner of “operation protector”.<sup>93</sup> It took over control of no-fly-zone the next day (24<sup>th</sup> March) and left the command of targeting ground units with coalition forces.<sup>94</sup> Subsequently, NATO forces openly supported the rebel and NTC forces/leadership’s efforts to bring down the Gaddafi regime. Although throughout the conflict NATO’s actions were always justified as targeting military installations, the killing of Gaddafi’s son and his children in March 2011 showed that NATO’s hidden agenda was also to disable or kill Gaddafi and all his allies.

No talk with Gaddafi was certainly a very big part of the strategy that NATO upheld.

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**91** Karlos Kurutuza, Libya: New Nation Off to a Shaky Start, allAfrica.com, 5<sup>th</sup> February 2011, available at <http://allafrica.com/stories/201202050030.html>

**92** See, State, North Atlantic Treaty Organisation (NATO), Beureau of Public Affairs, Nov. 2006

**93** See, 2011 Military intervention in Libya, available at: [www.en.wikipedia.org/wiki/2011\\_military\\_intervention\\_in\\_Libya](http://www.en.wikipedia.org/wiki/2011_military_intervention_in_Libya), (accessed 11<sup>th</sup> April, 2012)

**94** Ibid.

## Conflict Issues (Or “Causes”)

Layer	Current conflict issues & parties involved	Actor
<b>Global</b>	The problematic personality of Gaddafi as a person	US, Britain, France and the Arab world
	Human rights violations concerns	Western countries, International Human Rights Institutions - ICC, UNHRC
	Hegemony in Libya & north Africa	Western countries, Arab countries such as Qatar
	Access & Control of Libyan oil	Western countries
	Regional stability, international peace and security	United Nations
	Instability in order to have access to oil	Global powers
	Weak State in order to have access to oil and other resources	Global powers
<b>Regional &amp; Sub-Regional Levels</b>	Creating of a Buffer zone	Neighboring countries, Mali, Chad, Sudan
	Hegemonies aspiration of Libya versus independence of weak	Sudan, Chad
	Regional stability aspirations of neighboring	African Union, neighboring countries
<b>National</b>	Aspirations for Power, Influence, Ideological win	Opposition parties
	Survival & Securing Financing by Gaddafi and his inner circles	Gaddafi
	State	Gaddafi
	Human rights violations	
<b>Sub National</b>	Power, influence & legitimacy	Clan leadership
	Stability, access	Businesspeople
	Demand for the upholding of human rights	Libyan populations
	Exclusion and demand for inclusion	Beghazi clans

As seen in the above table, there are many conflicting issues that might have led to the conflict in Libya, however, these can be summed up into two key issues, namely, the exclusion policies of the Gaddafi regime as well as the personality of Gaddafi.



## Key issue 1. Exclusion Policies (regional and clan)

When Gaddafi toppled King Idris Al Sanousi from power in 1969, he exploited the fact that the King was favoring the west against the eastern part of Libya. Ironically, Qaddafi's 41 years in power equally served to marginalize that same region - particularly Benghazi. He centralized power and government in Tripoli while at the same time initiating massive development projects in his small home town of Sirte. It is thus, not surprising, therefore, that the uprising began in the east, with its hub in Benghazi. Apart from regional exclusion, the policy of Libya during the Gaddafi rule was that exclusion from political activities of civil society and other interest groups in favour of kinship as the primary mechanism of political and social organizing. Thus, the system promoted discrimination based on ethnic lines – through it the people coming from his tribe were not only protected but also given better jobs in the military and government institutions, while other ethnic groups were marginalized. The suppression, regionalism, tribalism and nepotism during Gaddafi's reign has best been described as, *“systematic neglect of the region, along with fierce measures of repression and the assurance of the basic personal loyalty of certain figures through privileges and favours.”*<sup>95</sup> In the aftermath of the NATO intervention in Libya, there tribal clashes remain. For instance on 1<sup>st</sup> April 2012, clashes between two Libyan tribes in the South of the country were reported to have left 147 people dead.<sup>96</sup> As the new Libyan government strives to rebuild the state of Libya the challenge still remains of how to resolve ethnic rivalry which was a strong cause of protest in Benghazi and which indeed the military intervention has not dealt with.

## Key Issue 2. The personality of Gaddafi

As earlier stated, the personality of Gaddafi itself was a very controversial, sometimes problematic issue. Apart from sponsoring insurgent groups in Africa and elsewhere, Gaddafi was known for taking every opportunity to blast western countries for imbalances in the international order as well as for imperialistic tendencies. In his speech to the UN Assembly in 2009, he called for UN reforms in the following words:

*“Dear brothers, as you know, the United Nations was established and founded by countries who were against the Germans at the time....And granted we were not present at the time. But the United Nations was tailored according to the needs of these countries and now they want us to wear the clothes or the suit that was tailored against Germany. That is the real substance and context of the United Nations as it was founded 40 years or 60 years ago when over 165 countries were absent....Are we equal in the permanent seats. No. We are not equals. And the preamble says that all nations are equal whether they are small nations or whether they are big nations as far as rights. Do we have rights of a*

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<sup>95</sup> See, T. Huesken, Tribal political culture and the revolution in the Cyrenaica of Libya, paper presented at “Libya from Revolution to a state Building: challenges of the Transitional period” conference, Doha, 7 – 8 January 2012

<sup>96</sup> See, THISDAYLIVE, Libyan Tribal Clashes Leave 147 Dead, Health Minister Says, available at: [www.thisdaylive.com/articles/libyan-tribal-clashes-leave-147-dead-health-minister](http://www.thisdaylive.com/articles/libyan-tribal-clashes-leave-147-dead-health-minister) (accessed 26th May 2012)

*veto. No. Are we equals. No. The preamble says that we are equals in our rights whether we are big or small. This is what is stated, and this is what we have agreed in the preamble of the Charter of the United Nation.”<sup>97</sup>*

On the need for Africa to have a permanent seat at the UN, Gaddafi made the following case:

*“Africa was colonized, was isolated, was persecuted, was usurped (ph), was treated like animals, was treated like slaves, was treated like colonies, was colonized, was put under the trusteeship. These countries, the African Union deserves a permanent seat. It’s an outstanding bill to be paid. And it has nothing to do with the United Nation reforms. This is a priority and high on the agenda for the General Assembly, and no one can say that the African Union does not deserve a permanent seat.”*

Gaddafi’s relationship with the west soured almost immediately he took office. Hardly a year after taking office, in 1970, Gaddafi ordered the closure of British and US airbases, in Tobruk and Tripoli. In the 80s, Libya was linked to two bombing incidences in Europe, i.e. a Berlin disco frequented by US military personnel and the Panam Airliner over Lockerbie in Scotland; the shooting down of two US warplanes; the shooting of a British policewoman in London; the sentencing to death of Bulgarian nurses and a Palestinian doctor on allegations of having deliberately infected some 400 children with HIV; and engaging in a very bitter Diplomatic row with Switzerland and European Union after one of Gaddafi’s sons was held in Switzerland on charges of mistreating domestic workers.<sup>98</sup>

Apart from fighting western powers, Gaddafi also was at loggerheads with his Arab brothers. Arguably, the Arab leaders that are not so democratic themselves, rallied behind NATO’s intervention in Libya. The Arabs, intentions were as simple as settling scores with Gaddafi who had in many ways embarrassed and fought against them. Gaddafi had to be gotten rid of because his attitude was too unpredictable for the Arabs. In 2004, Colonel Gaddafi was accused of being directly involved in a plot to assassinate King Abdullah, who was then the crown prince. Then in 2009, Colonel Qaddafi embarrassed the emir of Qatar, Sheikh Hamad bin Khalifa al-Thani, and infuriated King Abdullah, during an Arab summit meeting in Doha, Qatar. Apparently Gaddafi began by denouncing King Abdullah “as a British product and American ally,” then concluded by calling him a “liar.” When Sheikh Hamad tried to challenge him, Gaddafi went on to say: “I am an international leader, the dean of Arab rulers, the king of kings of Africa and imam of Muslims, and my international status does not allow me to descend to a lower level,” before storming out of the room.<sup>99</sup>

<sup>97</sup> See, *Historic Speech of Gaddafi to UN General Assembly, 2009*, available at <http://metaexistence.org/gaddafispeech.htm> (accessed 26th May 2012)

<sup>98</sup> See, BBC, Libya Profile, available at: <http://www.bbc.co.uk/news/world-africa-13755445> (accessed 26th May 2012)

<sup>99</sup> See, Michael Slackman, *Dislike for Qaddafi Gives Arabs a Point of Unity*, The New York Times, available at: <http://www.rightsmonitoring.org/2011/04/why-the-west-wants-the-fall-of-gaddafi-an-analysis-in-defense-of-the-libyan-rai/> (accessed 30th May 2012)



For many people, this memory is what made Gaddafi sign his own death warrant and hence made it easier for the Arab leaders to endorse the no-fly zone, political analysts said.

Gaddafi's actions always received western retaliation. For instance, Britain broke off diplomatic relations following the shooting of the British policewoman; the US bombed Libyan military facilities, residential areas of Tripoli and Benghazi, killing 101 people, and Gaddafi's house, killing his adopted daughter; the UN imposes sanctions on Libya in an effort to force it to hand over for trial two of its citizens suspected of involvement in the blowing up of a PanAm airliner over the Scottish town of Lockerbie in December 1988; Libya was made to compensate the families of victims of the Lockerbie bombing; and also to hand in the accused of the Lockerbie bombing.<sup>100</sup>

Gaddafi did not believe in modern democracy and as such went ahead to devise his own political system, which he believed encouraged popular participation, yet practically suppressed his people. The Libyan Jamahiriya<sup>1</sup> – or 'state of the masses' – created by Gaddafi was a unique political system which basically did not allow political parties, civil society organizations, trade unions or a unified army to exist. In the end, he ruled his people with a very tight fist and attempted to sell his autocratic ideologies to other African nations. For instance, in 2009, while visiting Uganda, Gaddafi said Zimbabwean President, Robert Mugabe and Uganda's Museveni should stay in power until they have solved all the problems in their countries or die while still in power. He said both men should not be disturbed by elections because former colonial states want Africa to adopt their system of governance, which is not viable in Africa.<sup>101</sup>

Although several gestures were made, from both sides, to normalize the relationship between Libya and the west, in recent years, Gaddafi still posed a lot of threats to western economic interest. In 1992, he spearheaded the establishment of the Regional African Satellite Communication Organization (RASCOM) that enabled Africa to have its own satellite for communication purposes. The project only cost US\$4000 which Gaddafi pre-financed, yet it saved Africa a staggering \$500 million annually in satellite lease from Europe.<sup>102</sup>

In line with this analysis, Jean-Paul Pougala provides that the NATO intervention in Libya had little to do with any desire to protect the Libyan civilians from Gaddafi forces but rather to get rid of the man as he was a real threat to western interests.

### **Key Issue 3.** Control of Oil resources

Like other countries richly endowed with resources such as oil, Libya's oil reserves have proven to be both a blessing and curse, both internally and externally. Internally, the imbalance in development between oil rich eastern parts of the country, including Benghazi, and the western

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**100** Ibid

**101** See, NewZimbabwe.Com, *Gaddafi: 'Don't disturb Mugabe with elections*, available at: <http://www.newzimbabwe.com/pages/au13.17912.html> (accessed 30th May 2012)

**102** See, Jean-Paul Pougala, *why the West wants the fall of Gaddafi*, Rights Monitoring available at: <http://www.rightsmonitoring.org/2011/04/why-the-west-wants-the-fall-of-gaddafi-an-analysis-in-defense-of-the-libyan-rai/> (accessed 26<sup>th</sup> May 2012)

part of the country, left many people disgruntled. As stated earlier, it was in Benghazi that the 2011 rebellion began and the establishment of the NTC. Gaddafi's threats to nationalize oil companies in Libya of 2009, were widely believed as contributing to the international community's rush to remove him. Many critics have concluded that, if it was not for the oil, if Libya was like other countries that do not have the golden liquid (oil), no one would have cared about any harm on the civilian populations. The argument made is that, the international community disguised behind the need to protect the Libyan civilian populations from Gaddafi, to change the regime so that they can have a weak government or an unstable Libya where they can extract oil freely.<sup>103</sup>

## Lessons learned from Interventions

For good or ill, the Libyan intervention has brought in the realization that there is need for the world to redefine the doctrine of "R2P". Arguments for the intervention applauded the fact that R2P enabled an immediate military intervention on humanitarian grounds with little consensus and limitations. However, concern has also been raised on the abuse of the doctrine and demand is now being made for better guidelines to be provided and perhaps also for the adoption of a legally binding treaty to give both effect and meaning to it. The first lesson to be learnt therefore from Libya is the need to redefine, R2P, for both effectiveness and prevention of abuse. Current debate on the use of R2P on Syria for instance has received huge resistance from Russia citing Libya has a case study of the west hiding behind R2P in order to topple sovereign governments.

It might be too early to unravel all the socio, political and economic consequences of Libya on both the country and the Sahel region. However, recent happening in Mali, where a military coup occurred in March and the increased bomb attacks in Nigeria by Boko Haram, speak to Libya. During the conflict, neighbouring countries of Libya warned against military intervention, arguing that such actions would increase arms flow leading to various insecurities in the Maghreb region. The arms proliferation in the region would certainly be linked to both Boko Haram's increased capacities as well as the Toureg of northern Mali's invasion of northern Mali and their declaration of independence in that part of the country.<sup>104</sup>

Another fundamental lesson of the military intervention in Libya is the lesson that military actions alone without political dialogue are insufficient in bringing about peace and stability, let alone political transformation. Many months after Gaddafi has been gone, the new Libyan government is still struggling to assert its full authority on the country. For instance, until February 2012, the airport was still controlled by a militia group, while Gaddafi's son Saif al-

**103** See, *Libya War: Gaddafi Fall... but why did we invade in the first place?*, available at <http://georgewashington2.blogspot.com/2011/08/libyan-war-gaddafi-falls-but-why-did-we.html> (accessed 30th June 2012)

**104** See, *ACP-EU Assembly warning on consequences of Libyan conflict for the Sahel*, available at: <http://www.europarl.europa.eu/news/en/pressroom/content/20120529IPR45932/html/ACP-EU-Assembly-warning-on-consequences-of-Libyan-conflict-for-the-Sahel> (accessed 30th June 2012)



Islam is also being held by another militia in Zitan. There are many reports of tribal and ethnic clashes still, another sign that the government is indeed not in charge. The lesson that this scenario provides is that military victory alone does not bring about legitimacy and perhaps this is when everyone should revisit the AU's roadmap that provided a framework for political dialogue.

The sidelining of the AU by NATO and its allies in Libya has also not sat well with both the AU and majority of African nations. A policy relevant question being asked is whether or not the principle of subsidiary provided under chapter VI of the UN Charter should be respected and upheld when it comes to interventions involving African nations? And even more significantly, whether it is a good idea for powerful outside powers to use military force to cause regime change in weak states whose leaders hinder their interests in some way. This phenomenon has become known as "foreign-imposed regime change" which Africa feels is a new form of imperialism.<sup>105</sup>

## Scenarios

The Libyan conflict of 2011 has been analyzed in detail. Developing scenarios is a method which anticipates future developments basing the reflections on a thorough analysis of past and present and imagining possible (realistic) future developments. Contrary to classical analysis, scenarios go one step further to draw the attention to possible up-coming developments which helps thinking "out of the box" and therefore leads hopefully to more concrete and innovative policy recommendations.

However the fact that Gaddafi has been killed and his regime has fallen, there is still need to ensure that there is economic prosperity and stability in Libya. There is also need for reconciliation and peacebuilding efforts. Those that removed Gaddafi promised to put in place a democratic dispensation which the people of Libya will hold them accounts to. Scenarios for sustained instability include the following:

- ❖ *Continued violent resistance by Gaddafi loyalist forces.* Like other countries such as Iraq, Gaddafi's loyalists will continue fighting and conducting certain low and high violent operations. The NTC's and now the current government's efforts to assert its authority in certain parts of the country will continue failing as a result of this and important records of key ministries such as police, central bank, oil ministry might even be destroyed. A stay-behind operation is probably going to stay with the new government and will do everything possible to ensure that the elected government for that matter collapses. Gaddafi's surviving children, residing in neighboring countries will perhaps use some of their hidden resources to sow chaos home that would perhaps provide an opportunity for them to return and regain power.

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<sup>105</sup> See, Stephen Walt, *learning the right lessons from Libya*, FP Foreign Policy, available at: [http://walt.foreignpolicy.com/posts/2011/08/29/learning\\_the\\_right\\_lessons\\_from\\_libya](http://walt.foreignpolicy.com/posts/2011/08/29/learning_the_right_lessons_from_libya) (accessed 30th May 2012)

- ❖ *Rioting and looting.* Rioting and looting by former militias that fought along with the NTC who have not been incorporated in the army or been given any/adequate compensation will constantly break out, particularly targeting government officials, departments, merchants or private citizens believed to be benefiting from the economy or from being regime loyalists. Rioting and looting are more likely if there is uncertainty about how the country will be governed; the economy; and availability of food, fuel, and other commodities.
- ❖ *In fighting, power struggles.* The NTC was a formation of former regime loyalists (civilian and military who defected), liberal democrats, Islamists, expatriates, Berbers (*Imazighen*), various tribes, and *jihadis* whose primary union was based on the sole desire to kick Gaddafi out of power. With Gaddafi gone, fragmentation is likely to happen as efforts to reconcile the other interests fail. Within the NTC and now the new government factions will begin based on various interests. There is still a lot unknown about many in the new government that it will remain unclear for a while as to whether the new government is accepted and will be received well, both among all anti-Gaddafi militants and pro-Gaddafi civilians. Libya might continue revealing deep rooted political, tribal, ethnic, and regional fragmentations that the government has no capacity to handle. And the difficulty of dismantling the Gaddafi institutions which were ideologically embedded in the society, confusing, overlapping and too focused on Gaddafi as a person in a non-violent will remain a huge challenge for the government to handle.
- ❖ *Revenge violence and killing.* Many Libyans have suffered under the Gaddafi regime, losing family members, property, and freedom. People who have suffered in this way seek revenge, often using methods like those used against them. Libya is likely to continue with a cycle of violence which is exceedingly difficult to stop. This could lead to detention, imprisonment, and torture. Former police and intelligence services are likely targets. Few anti-Qaddafi citizens will speak up to protect them.
- ❖ *Looting of Libyan funds and investments abroad.* Because of the manner in which the Gaddafi regime was ousted out of power and the declaration during the war that Libyan investments and funds abroad will be made available to the rebels to use during the war, the new Libyan government has inherited a country which is almost bankrupt. Little or no accountability will happen as to how much Libya had in foreign countries and how much of this was actually given to the rebels as both the rebels/NTC and countries involved will want to benefit from this confusion. The looting of Libyan funds and investments abroad will result in economic pressures on Libya and suspicion by the public on the NTC and the new government.
- ❖ *Property disputes.* Similar to the looting of Libyan funds abroad, the new Libya, after Gaddafi will witness the return of displaced persons to the country. Once they do, there is likely to be a lot of disputes as the people return to recover their properties and expatriates who also left the country during the war attempt to do the same. The rebel militias that toppled Gaddafi, mainly from Benghazi will want to be honoured and to own the liberation. The sense of ownership will perhaps drive them to stay in Tripoli and other cities



and grab properties that do not belong to them. Recovery of real estate will particularly be contentious as the courts will also be going through a lot of reform.

## Policy Response Options

1. **Formation of an inclusive Government:** although until now this has been a very infamous proposal, for sustainable peacebuilding to occur, the NTC should consider forming an inclusive government, including both the NTC and other interlocutors. This inclusive authority should be the one that takes Libya into elections and design a timetable and strategy for creating new political institutions and engage the international community. Putting in place an inclusive authority will also enable political dialogue aimed at resolving ethnic and regional conflicting issues. It will also enable dialogue between the anti and pro Gaddafi elements in a constructive national building way.
2. *Insert an AU – UN observer mission:* with both the AU and UN opening offices in Tripoli, perhaps the two organizations should also consider putting together a joint observer mission in Libya that will monitor the security situation in highly contested cities. The joint mission could also extend its mandate to training of security forces and also have a civilian component that engages in humanitarian as well as peacebuilding initiatives. The countries that were part of the NATO bombing should in this case be challenged to deploy ground forces and so should Turkey and Arab countries that also were active in Libya. The African Union, through African Standby Force, should also mobilize its own units. The UN-AU hybrid mission in Libya will assist in mending strained relations between the AU and the NATO/Arab countries that were involved in Libya. It will also make the Libyans dispel the rumors of African mercenaries as many African will be engaged in peacebuilding efforts.
3. *International mobilization of funds* – the UN should adopt a resolution that compels nations that had made funds from Libyan investments abroad to account for its expenditure. Depending on the available, funds should then be made available to the legitimate Libyan authority for post conflict reconstruction and development activities. If no funds are available, the international community, through the International Contact Group on Libya, should hold a pledging conference for the reconstruction process. The funds mobilized should be used to rebuild Libya until such a time when the oil and gas production is restored. The PCRDR initiatives should give priority to rebuilding particular capacities—perhaps police, intelligence, counterterrorism operations, or other specialized requirements—that Libya lacks. It is also important that the Libyan government is financially assisted in ensuring that civil servants in the oil ministry, the army, and the police are paid timely and that basic services such as electricity and water are restored and maintained.
4. As a result of the proliferation of arms, there is need for urgent initiation of DDR in Libya. The immediate collection of weapons or demilitarization, demobilization, and reintegration (DDR) should be initiated – be it from the civilian populations, the army or the former rebel forces. This should be put in place immediately a legitimate government comes into power and it should also be extended to neighboring countries where possible.

5. *Civil Society initiatives* – both local and international non-governmental organizations should be encouraged to assist Libya through engagement in humanitarian relief, rebuilding the Libyan state and engaging in civic and human rights education in order to enable the society to embark on a more open and democratic direction.



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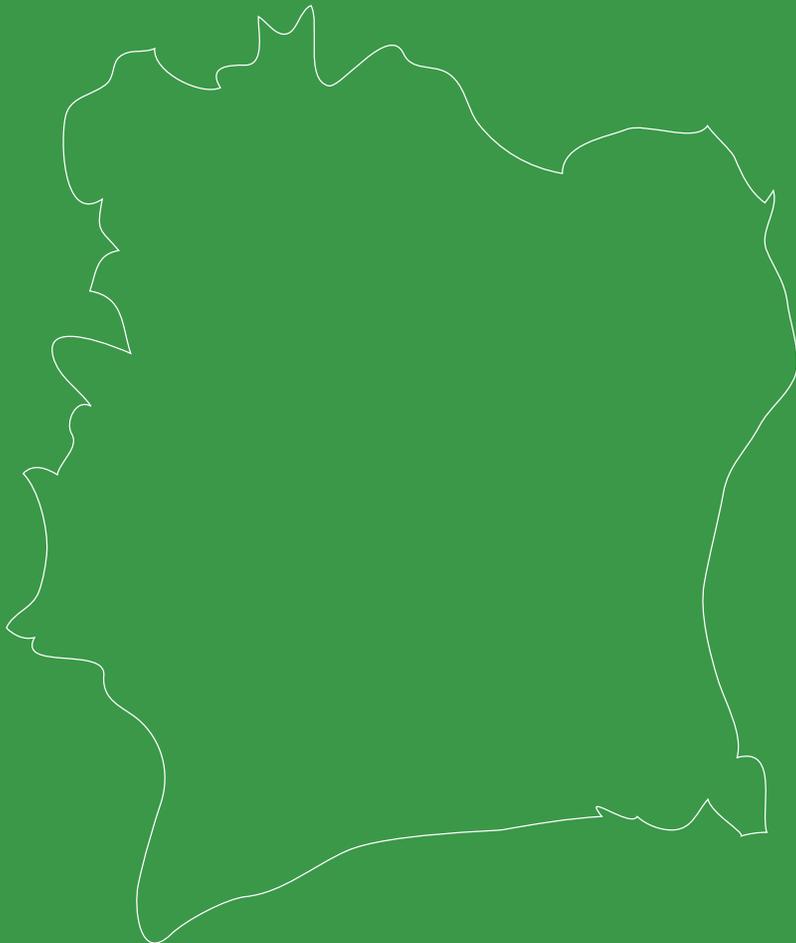


# 4

## The Ivorian Conflict: Perspectives on Intervention

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## Introduction

Cote d'Ivoire, also known as Ivory Coast is in West Africa. It is surrounded by Ghana to its east, Liberia and Guinea to its west, Burkina Faso and Mali to its north and the Atlantic Ocean to the south. A French colony since 1893, the country gained independence in August 1960 under Felix Houphouët-Boigny who ruled the polity until his death in 1993. Under Houphouët-Boigny's Parti Democratique de Cote d'Ivoire (PDCI), Ivory Coast enjoyed economic prosperity based on export of the country's main commodity produce; cocoa and coffee while promoting social cohesion through 'ethnic quotas' in appointments. The economic crisis of the 1980s which deteriorated in the 1990s, combined with the succession struggles between Henry Konan Bedie and Alassane Ouattara sowing the seeds that later precipitated the Ivorian crisis.

After succeeding President Boigny at the presidency, Konan Bedie developed the concept of 'ivoirite' to prevent Alassane Ouattara from first contesting the 1995 presidential elections and later used by General Robert Guei in the 1999 elections. Gbagbo after winning power under his Front Populaire Ivoirien (FPI) party also invoked the concept in order to exclude Ouattara from power. The concept finally became the basis for blaming cocoa and coffee immigrant plantation farmers for the country's economic woes and the consequent harassment, destruction and seizure of their farms. Eventually, social divisions and tensions were created towards the predominantly Muslim north and immigrant plantation farmers in the west on one hand and the Christian southerners on the other.

The political manipulation of national identity and ethnic, regional and religious differences among others finally led to the abortive coup of September 2002 by the Mouvement Patriotique de Cote d'Ivoire (MPCI), followed by the civil war between Soro's Forces Nouvelle (FN) and Gbagbo's government forces, Forces de Defence et de Securite (FDS) that led to the de facto partitioning of the country. After several initiatives to resolve the crisis including the Linas Marcoussis Accord (LMA), the Ouagadougou Peace Agreement (OPA) became acceptable and Soro was later appointed Prime Minister (PM) in Gbagbo's government as part of a coalition. It was expected that the civil crisis would end with the 2010 elections in which Ouattara was now allowed to contest under his Rassemblement d'émocratique Africaine (RDR) party. However, the intransigence of Gbagbo, after losing the run-off elections, led to an escalation of the conflict which finally saw the United Nations Operation in Ivory Coast (UNOCI) and French Operation 'Licorne' intervening to remove Gbagbo from office to make way for Ouattara.

The Ouattara government is currently implementing the OPA and other interventions, in an effort, to return the country to normalcy. The process of resolving the immigration and citizenship confusion started seriously in 2007 through the framework of the National Commission for the Supervision of Identification whose mandate was to register persons 13 years and above who could exhibit evidence of Ivorian nationality through their birth certificates. The process which is still ongoing allows for the acquisition of national identity



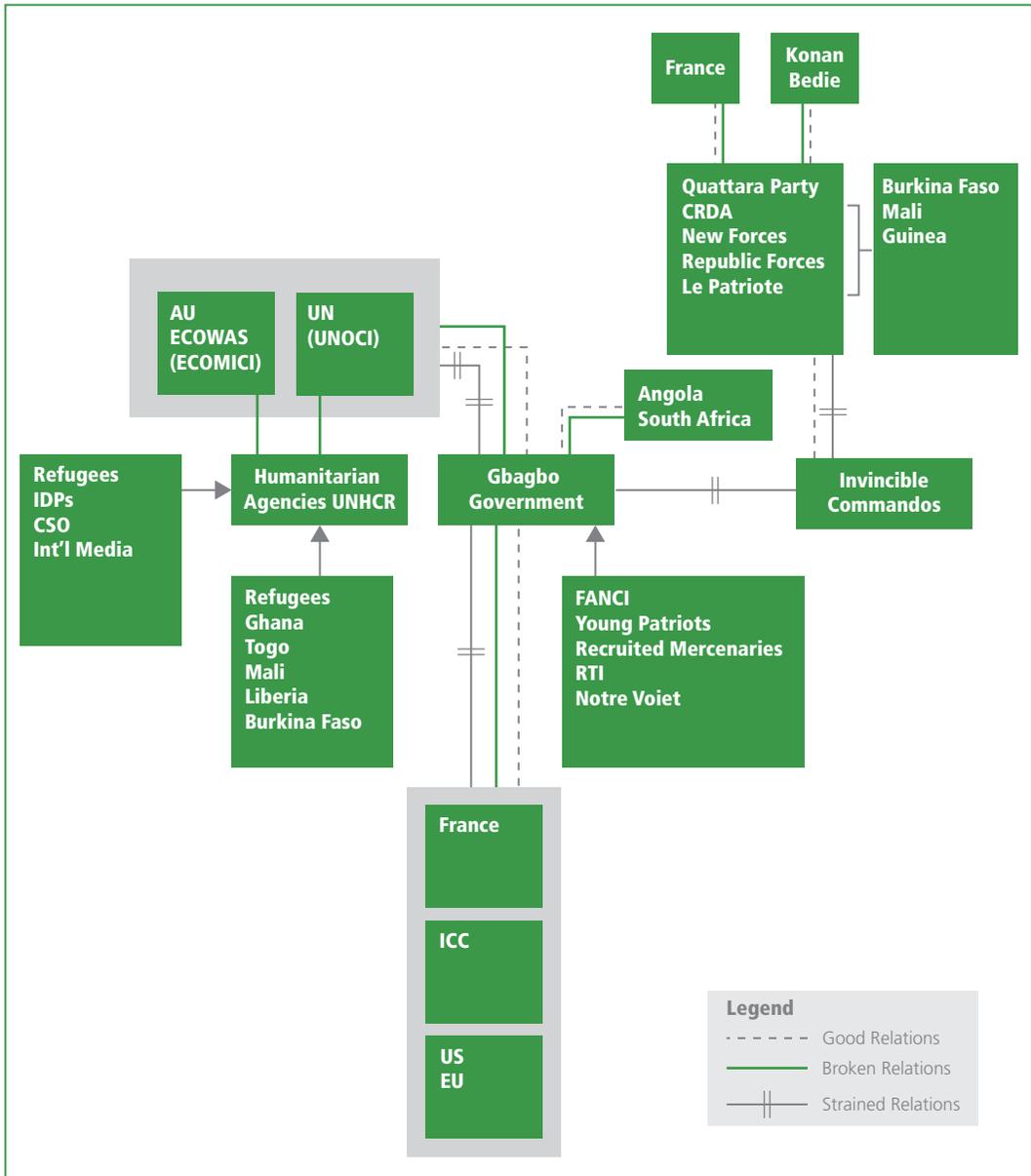
documents needed for the processing of electoral identity cards required to vote. Legislative elections were held in December 2011 successfully and plans are afoot for the conduct of local and regional elections in 2012. This also, when conducted successfully will bring democratic governance to the grassroots.

Vigorous attempts are being made to resuscitate the economy. First, the imposed economic sanctions have been lifted and the export of cocoa and coffee, the mainstay of the economy, has begun in earnest. Both products are enjoying good international prices. The presidential emergency programme created in March 2011 with a budget of CFA 45 billion (68 million Euros) is being invested in drinking water, health, education, electricity and urban sanitation projects. International debt cancellation and fiscal donor support have also been forthcoming. Moreover, it has not taken long for promises of funds to reach Ivory Coast in the form of loans, donations and debt reduction. For example, a \$200 million loan from the African Development Bank has reached the government (ICG, 2011). It is projected that these interventions coupled with prudent management would lead to economic growth and development in the coming years, since Ivory Coast has all the resources necessary to achieve that.

In an attempt to normalize security, the Disarmament, Demobilization Reintegration/Security Sector Reform (DDR/SSR) processes have also been prioritized in conformity with the OPA recommendations. The creation of the Integrated Command Centre (CCI) is in the right direction and it is hoped that the successful implementation of these interventions would lead to the integration of suitable members of the FN into the national armed force, Force Republicaines de Cote d'Ivoire (FRCI). The Dialogue, Truth and Reconciliation Commission (DTRC), has also been established to help in healing wounds and reconciling the country. It is the objective that all persons, irrespective of their political affiliations found to have committed crime against humanity, would be prosecuted by the appropriate agencies. The government and the United Nations High Commission for Refugees (UNHCR) are also working to tackle the Internally Displaced Persons (IDPs) and refugee situations.

It is believed that a strict adherence to the OPA as well as the ECOWAS Protocols for (Democracy and Good Governance, the Mechanism for Conflict Prevention, Management Peace and Security, the Conflict Prevention Framework) and the AU Post Conflict Reconstruction and Development and Peacebuilding programme, the ECOWAS Vision 2020 approach which emphasizes on "ECOWAS of people instead of ECOWAS of States" peace will quickly return to Ivory Coast and its economy will be boosted. However the tendency for the system to engage in selective justice and vindictiveness has the potential of re-igniting the conflict.

Actor Mapping – Ivory Coast Crisis





## Effects of the Conflict

Ivory Coast has gone through a severe crisis that has affected the political, social and economic aspects of the lives of millions of people especially their livelihoods, particularly after the post elections violence of November 2010. Socially, there were human rights abuses and humanitarian crisis culminating in about 3,000 killed, 300,000 displaced and 200,000 refugees (Cote d'ivoire Country Profile, 2008). At the educational front, some 800,000 children could not attend school between December 2010 and May 2011 due to insecurity. Absence from school for such long periods increased the risk of child labour, exploitation and recruitment of children into armed groups. From 2002 to 2005, an estimated 5,000 children were recruited by force to join armed groups. The crisis exacerbated the health/medical situation and about 50% of trained health workers abandoned their duty stations leading to epidemics such as measles, yellow fever and cholera. There was also great impact on household's food security. Subsistence domestic stocks had to be sold, seeds were destroyed and there were no secured environment to farm. The sanctions imposed also aggravated this situation. Prices of basic food items increased from 10% to 30% in the first quarter of 2011. In all, nutrition levels of household suffered with severe adverse consequences (Humanitarian Country Team, 2011).

Economic and financial systems slowed down to a point where certain sectors such as cocoa and coffee exports became paralyzed leading to massive lay-offs. This was due to insecurity, limitations on circulation of people and goods, human rights violation, freeze on external funding and imposition of sanctions by the European Union. The West Africa Economic Monetary Union (UEMOA) and the Central Bank of West Africa (BCEAO) also withdrew their services (Cote D'ivoire Country Profile, 2008; Humanitarian Country, 2011)

## Interventions in the Ivorian Conflict

The two prominent negotiations, mediations and agreement processes aimed at resolving the Ivory Coast crisis were the LMA of 24 February 2003 and the OPA of 4 March 2007. Earlier, there were the Lome Ceasefire Agreement in 2002, Accra Agreements 1 and II in 2002 and 2003 concerning the ECOWAS peacekeepers, Accra Agreement III in 2004 reaffirming the LMA's principles and the Pretoria Agreement in 2005 brokered by the AU-mandated Thabo Mbeki.<sup>1</sup> The main points of LMA were; the indivisibility of the country, the creation of a national unity government including representatives of the armed groups, the election of a consensus prime minister, the preparation of elections and electoral restrictions and the exclusion of those perceived to be ineligible were scrutinized, examination of the land issue, the demobilization of combatants and the setting up of new Armed Forces which would incorporate the members of the Forces Nouvelles. The LMA nonetheless had two controversial issues of increasing executive powers of the PM at the expense of the president, and giving the

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<sup>1</sup> The logic behind these agreements was to mandate an even –handed government of national reconciliation with the implementation of the agreement, while the main conflict parties were seen as spoilers that had to be kept on a short leash through an International Working Group. Unfortunately they proved to be ineffective and unsuccessful.

Defence and Interior Minister Portfolios to the FN which Laurent Gbagbo resisted. Also there was no provision in the Accord for neighbours such as Liberia and Burkina Faso to engage constructively in the Ivorian conflict bearing in mind the harbouring of one another's rebels. The OPA took its roots from the LMA and was drafted in Ouagadougou, Burkina Faso at the initiative of Gbagbo with direct dialogue with Guillaume Soro and supervised by President Blaise Compaore. It differs, in that it was exclusive from the start and timelines were set for the activities with responsibilities which were later realized to be unrealistic, responsibility for the conduct of the transition has been transferred to the protagonist themselves, President Gbagbo and PM Soro, about one month was used for the negotiations against 9 days for that of the LMA.

Some important issues addressed in the OPA were; the National Identity/Elections, Disarmament, Demobilization and Reintegration (DDR)/Security Sector Reform (SSR) and Reconciliation. The issues of national identification and who qualifies to vote were not fully ironed out. These notwithstanding, presidential elections were held in October with a run-off in November 2010. The Parliamentary elections were held as planned, despite being boycotted by the FPI. The DDR process was fraught with challenges hence the aim of retrieving arms and ammunitions from militias/rebels was not fully achieved as evidenced by the weapons in circulation during the post election violence. Currently, efforts are being made to do so in the environs of Abidjan and the western parts of the country, where there are isolated cases of insecurity. Coupled with this is the SSR which seeks to integrate qualified elements of the FN into the FRCI.

The issue of reconciliation is still very thorny despite the setting up of the DTRC. Gbagbo is on trial before the ICC for crimes against humanity whilst most of his key supporters are under investigation. It seems the process is biased and ignoring the atrocities committed by the Ouattara side. However, the consent by Ouattara for the ICC to investigate crimes committed since 2002 is welcome news. From the OPA's implementation so far, it appears to be the definitive text that is propelling the peace process in Ivory Coast. It renewed the commitment of the Ivorian political actors and also marked a turning point in the strategy of the international community, giving the Ivorian a greater say in the peace process which has brought it this far. The implementation of the OPA was jointly funded by the Ivorian government and international financial organizations such as the World Bank (Thonon, et. al., 2008).



## The conflict as portrayed by the media

The media network in Ivory Coast comprises Publications, Television, Radio, News Agency and Internet/Telephone<sup>2</sup>. This network which increased in number during the conflict could further be categorized into international and domestic. On the domestic scene, the media was highly polarized and partisan and reportage was inflammatory on both government and opposition fronts, though pronouncements by the former seemed worse. For example, the state-owned television 'Radiodiffusion Television Ivoirien' (RTI) was controlled by Gbagbo's government and used mainly to disseminate propaganda, hate and inciteful messages against the opposition, particularly the Ouattara elements. The FN rebel supporting Ouattara in retaliation tapped into the RTI facilities in the north and also put the government in bad light (Free Online Research Papers, 2012). For example, the 19 January 2011 headline of the 'Notre Voie' declared that Ouattara opts for 'terrorism' a storyline that alleged that Ouattara supporters had issued death threats to those suspected of supporting Gbagbo. On the other side, the pro-Ouattara 'Le Patriote' newspaper referred to Gbagbo as a 'dictator' and 'assassin of democracy' who kills his own countrymen with support of Liberian and Angolan militias (IRIN, 2011). Similarly such negative propaganda by Gbagbo's controlled media compelled the UNOCI to also form a radio station to dispel unsavory reportage about them and tell their side of the stories, as well as preach peace.

The international media such as Cable News Network (CNN), British Broadcasting Corporation (BBC) and Al Jazeera drew the attention of the international community to the human right abuses and the humanitarian catastrophe calling for intervention and support to resolve the conflict through peaceful means.

## Detailed actor analysis/groups

### Actor 1: Laurent Gbagbo

Laurent Gbagbo was born on 31 May, 1945 in Gagnoa, Ivory Coast. He is a Catholic and a Bete from the centre-west. He completed his undergraduate education at University of Abidjan, Masters in History and PhD in Philosophy at University of Paris VII at Sobornne in 1979. He was then made the Director at the Institute of History, Art and African Archaeology (IHAAA) at the University of Abidjan. (Cote d'Ivoire Country Profile, 2008).

Gbagbo was arrested and imprisoned in 1969 and 1971. First, as a university student leader for his political activism and secondly, for alleged subversive activities when he returned from France to teach history at the University of Abidjan. While a director at IHAAA, after his PhD, his reputation as a dissident continued to grow and was highly critical of the one-party system

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<sup>2</sup> Radio is Ivory Coast's popular medium for media with 7 radio stations run by state-owned RTI. There are also non commercial radio stations run by local church groups as well as UNOCI peacekeepers. The News Agency, 'Agence Ivoirienne de Presse', equivalent of the United States America Associate Press and required to regulate the legitimacy of news produced is state owned and therefore have lineage towards government.

of Houphouet-Boigny. This culminated in his clandestine organization of the FPI, formed in 1982. Coming under increasing scrutiny and pressure from the government, he went into self-imposed exile in France in 1982. While there, Gbagbo maintained his FPI and continued his subversive activities which caused the displeasure of the French government, forcing him to return home in September 1988. On return, his party held an inaugural congress and he was elected as the Secretary-General. He used this platform to continue his criticism of the one-party rule of Houphouet-Boigny until multi-party elections were held in 1990, which he lost. Gbagbo continued his 'protest' activities and led a 20,000 public demonstration on 27 April 1992 against a planned decrease in teachers' salaries. He was then arrested on 30 April 1992 and jailed for two years, but pardoned and released on 31 July 1992 under an amnesty by Houphouet-Boigny (BBC, 2011).

In 2000, Gbagbo contested and won the presidential elections against General Robert Guei, the military leader who had ousted Henry Konan Bedie through a coup. Gbagbo held on to the presidency after surviving the coup attempt of 2002, which eventually led to the civil war, until he was forced out on 11 April 2011. Thus, at the beginning of the conflict, Gbagbo was the incumbent president and his objective was to hold on to power (Wikipedia, 2012).

### Gbagbo's organisation

The FPI party was formed in 1982 by Laurent Gbagbo. From 2000 when the party came to power, it had strong party structures at all levels country-wide. However, with the onset of the civil crisis in 2002, the party structures in the north got weakened while those in the south were strengthened. The party also had the state's machinery at its disposal. For example, the state-owned television, RTI was controlled by Gbagbo's government alongside his party's newspaper, 'Notre Voie', which he used to project his party as well a means of spreading false propaganda against the opposition, particularly the Ouattara side (Free Online Research Papers, 2012). During this same period that the party was in power, there was a strong bond amongst the members and loyalty to the leader as well as state resources were used as incentives for this patronage. The radical wing of the party, the 'Young Patriots' enjoyed this gratuitously. However, on losing power, the FPI got somehow demoralized. Nonetheless, through the strong leadership of the current president of the party, Pascal Affi N'Guessen, the FPI is trying to remain relevant as the main opposition political force, using its newspaper to wage a propaganda war against Ouattara's government. The FPI currently has no legislative voice as they boycotted the December, 2011 Parliamentary elections. It is hoped the party would take part in the forthcoming regional/local elections to garner some grass root support.

Currently, Gbagbo is facing trial at the ICC for crimes against humanity. If found guilty, that ends his political career. However, if acquitted and he decides to return home, he still has a support base, which could be used to re-launch his political ambitions. Alternatively, he could use his FPI to support a viable candidate to compete for political power.



## **Key Actor 2:** Alassane Ouattara

Ouattara was born in Dimbokro-Ivory Coast on 1 January 1942. His paternal ancestry could be traced to the Muslim rulers of the Kong Empire, also known as the Ouattara Empire. Ouattara obtained his B.Sc. Business Administration at the Drexel Institute of Technology, Philadelphia (1965); and his M.A. Economics (1967) as well as his Ph. D. in Economics (1972) at the University of Pennsylvania, all in the United States of America (USA) (Wikipedia, 2012).

He has held many international appointments. Notable among them include the Governor of BCEAO in October 1988 and the Deputy Managing Director, IMF from 1994 to 1999. Ouattara was also appointed by President Houphouët-Boigny as Prime Minister of Côte d'Ivoire on 7 November 1990.

Ouattara contested the October 2010 presidential elections and won the run-off with 54.1% votes which was confirmed by the international observers. However, with the refusal by Gbagbo to hand over power, the country went into a civil crisis again. This time round, Guillaume Soro's FN supported Ouattara with the help of UNOCI and Operation Licorne Forces to eject Gbagbo out of office on 11 April, 2011 (Wikipedia, 2012). At the beginning of the conflict, Ouattara was the leader of the RDR but was later declared winner of the presidential run-off elections. His objective was to become the president, which he succeeded in achieving in the end (Wikipedia, 2012).

## **Ouattara's Organisation**

Ouattara also belongs to the RDR which is an offshoot of the PDCI. It was formed in 1994 and he became its leader in 1999. The RDR party runs the 'Le Patriote' newspaper which was counter propaganda machinery when the party was in opposition and still operates as a communication tool for the current government.

The party has become stronger and has a wider support base now, considering its alliance with the PDCI and the FN which is being integrated into the FRCI. As a result of incumbency, the RDR also has the state machinery under its control. The party also now enjoys majority seat with 127 out of 255 seats, thus consolidating its legislative power (Wikipedia, 2012).

Ouattara is well disposed now to use his leadership qualities and opportunities through good governance to re-position the country for economic recovery and prosperity. However, he needs to be wary of the threats and weaknesses in order to achieve the fore-mentioned.

## **Key Actor 3:** Guillaume Soro

Guillaume Soro is a Roman Catholic from Diawala in the north of the country. He holds a Bachelor of Arts degree in English from the University of Cocody in Abidjan. Soro schooled in London and then Paris where he studied English and political science at the Paris VII and Paris VIII universities (Wikipedia, 2012).

He returned to Ivory Coast a few weeks before the 1999 military coup, which overthrew former President Henry Konan Bédié. Soro led the MPCl in a September 2002 rebellion against the government of Gbagbo triggering the civil war. In December 2002, Soro's MPCl join forces with two other rebel groups, MPIGO and MJP, to form the FN of which he became Secretary-General (Wikipedia, 2012).

The LM Peace Accord in 2003, led to an alliance between the FN and the FPI which made it possible for Soro and other members of the FN to serve as ministers in the Gbagbo led government. Later, as a result of the OPA, Soro became the PM. Soro was elected to the National Assembly in the December 2011 parliamentary election after serving as Ouattara's PM for about a year, and resigned on 8 March 2012. He was then elected as Speaker of the National Assembly on 12 March 2012, a move that ensured that he would remain a key figure on the political scene (Wikipedia, 2012).

## Soro's organization

Guillaume Soro was a student leader of the Student Federation of Cote d'Ivoire which flirted with the then opposition FPI. Later, he formed the MPCl, which merged with the MPIGO and MJP to form the FN in December, 2002 and became the Secretary-General. As a Catholic Christian from the north, he had the dual advantage of eliciting the support of muslim elements and the origins of the other rebel movements which merged to form the FN.

The communication and propaganda tool of the FN involved tapping into the RTI facility in the north. After the run-off presidential elections in which Ouattara was declared the winner, Soro switched camp and was appointed the PM to Ouattara. In conclusion, Soro through maneuvering, has been able to achieve his political ambitions.

Soro took advantage of his youthfulness and alliance with student bodies as well as the FN to manipulate the political landscape to achieve his political objective of shooting himself into power as the number two person as the current President of the National Assembly.

## Key Issues in the Ivorian Crisis

**Key issue 1:** Succession crisis and 'ivoirite'

### *Current conflicting positions on 'ivoirite' as declared and confirmed by facts*

The current conflicting position is centred on the issue of citizenship, 'ivoirite', which was introduced by Henri Konan Bedia and exploited by successive leaders. According to data presented by the Norwegian Refugee Council, there are some three million stateless people in the country who although born in Ivory Coast are not entitled to be considered nationals since their parents are foreign, a key condition for gaining ivoirian nationality. They are also frequently refused this right in the country of origin of their parents, since they were not born there. As such, this inequality is perpetuated and the lack of access to rights by a significant section of the population is one of the main causes of the conflict (ISN, 2012).



### ***Historic background and evolution of 'ivoirite' in different arenas***

Felix Houphouet-Boigny upon independence in 1960 became the country's first president. He maintained the plantation economy established by the French and encouraged immigration by allowing migrants to quickly gain ivoirien citizenship, stating that 'land belongs to he who works it'. Thus, the rapid economic growth across the southern coastal belt of the country encouraged migrants from the north and from Burkina Faso, Mali, Guinea, Niger and beyond to work in plantations. By 1998, a quarter of the population were migrants. The world recession in the 1970s and early 1980s saw the gradual deterioration of the economy which reached its apex in the 1990s. Immigrants were made the scapegoats for the teething economic problems, eventually resulting in Bedie, the president in the 1990's, to introduce the concept of 'ivoirite', which was reinforced by Gbagbo from 2000. This development led to the questioning of the citizenship and land rights of immigrants (ISN, 2012).

### ***Forces and factors that make 'ivoirite' particularly relevant***

The key forces and factors that made the issue of 'ivoirite' particularly relevant were the struggle for political power and the economic crisis. After the resolution of the succession problem in 1993 in which Konan Bedie won, he still saw Ouattara as a threat to the presidency and hence introduced the policy to sideline him from political leadership, which Gbagbo entrenched. Again, the economic crisis which heightened in the 1990s, led to the introduction of the Structural Adjustment Programmes (SAPs) to ameliorate the situation. Unfortunately, this led to massive unemployment forcing the indigenous 'ivorians' to return to their homelands where they began to contest with the immigrant plantation workers over land ownership rights. These contestations eventually contributed to the conflict (ISN, 2012).

### ***Impact of interventions***

The OPA establishes a framework through the National Commission for Supervision of Identification for the registration of persons 13 years and above who could exhibit their evidence of ivoirien nationality through their birth certificates. The process allows for the acquisition of national identity documents needed for the electoral identity cards required to vote. Contentious citizenship issues were adjudicated by the 'Audience Foraines', which were special mobile courts. Though this process allowed qualified persons to vote in the 2010 elections, the problem of the stateless people and others should once and for all be addressed to solve the question of the 'ivoirite'. This intervention led to Ouattara finally being declared as an eligible candidate in the 2010 presidential elections (Thonon et. al.,2008).

### ***Interaction with other conflict issues at the same or different layers***

The 'ivoirite' crisis had a negative impact on the economy as it led to lowered production of cocoa, coffee and palm oil which affected international trade. The crisis also endangered peace and security and exacerbated human right abuses. With the world being a global village, all stakeholders, both external and internal are interested and continue to make attempts at restoring total peace, security and good governance to the country. For instance, the World

Bank and African Development Bank among others have contributed \$100 million and \$150 million respectively to address the immediate economic priority areas including the delivery of basic public services and alleviating the plight of about 200,000 refugee who have moved into other countries like Liberia and Ghana (UN, 2011)

## **Key issue 2:** Economic crisis

### ***Current conflicting positions on the economic crisis as declared and confirmed by facts***

While a section of the Ivorian populace including Konan Bedie and Gbagbo attributed the then economic crisis to the unfair international trade exploited by France and other foreign entities, others thought that the introduction of the SAPs by the IMF and World Bank was the cause. For instance, social indicators during that time revealed a significant drop in the living standards across all the social layers (Kuaodio, 2009).

### ***Historic background and evolution of the economic crisis in different arenas***

The Ivory Coast has been experiencing economic crisis since the late 1980s partly due to falling prices on the market of its main commodities (coffee and cocoa). The international financial institutions in an attempt to solve the problem imposed SAPs in the 1980s and 1990s, which unfortunately did not yield the expected results. The 1994 devaluation of the currency made matters worse and consumer goods became more expensive and unaffordable for many Ivorians. The situation deteriorated even further under the nine month military rule of Gen. Robert Guei, and did not improve before Gbagbo took power in 2000. This led to rising poverty and unemployment. Thus, the economic crisis impoverished a huge segment of the Ivorian population, resulting in a huge dissatisfaction among the people and loss of confidence in the government (Kuaodio, 2009).

### ***Forces and factors that make the economic crisis particularly relevant***

Economically, the prices of the main export commodities, cocoa and coffee dropped on the world market while prices of consumer goods increased astronomically beyond the reach of many. Socially, the situation created poverty, unemployment and a drop in the living standards of the populace, thereby, creating dissatisfaction and loss of confidence in the government.

## **Impact of interventions**

With the lifting of sanctions on exports, Ivory Coast has begun to vigorously export its' main export commodities which now enjoys attractive international prices This expectedly will bring in the much needed revenue for economic recovery. In March 2011, Ouattara created a presidential emergency programme with a budget of CFA 45 billion (68 million Euros) for drinking water, health, education, electricity and urban sanitation projects. International support in the form of loans, donations and debt reduction are also trickling in. For example, a \$200 million loan from the African Development Bank, a budgetary aid of \$400 million



from France through the French Development Agency (AFP), and aid of \$129 million from the IMF under the Rapid Facility were announced on 8 July, 2011 (ICG, 2011). A visit by an IMF delegation to Ivory Coast on 14<sup>th</sup> March, 2012 appraised the economy and forecast that the economy will bounce back with a growth rate of 8% this year after 5 % retraction last year due to the political crisis (ECOWARN, 2012).

### ***Interaction with other conflict issues at the same or different layers***

The economic crisis and the implementation of SAPs led to large scale retrenchment of the indigenes who were employed in the formal sectors. In an attempt to re-create their livelihoods, they began to appropriate the 'ivoirite' policy to harass and chase out immigrant plantation owners and workers arguing that the lands belonged to them. The economic crisis also led to blame game by the successive political actors after Houphouet –Boigny. The nature of the crisis also affected the Franco-Ivorian relationship and trade suffered significantly as a result.

### **Key issue 3: Governance crisis**

#### ***Current conflicting positions on governance crisis as declared and confirmed by facts***

Houphouet-Boigny, although autocratic, nonetheless ensured social cohesion and the unity of the state through 'ethnic quotas' in appointments etc. However, successive governments who adopted the multi-party democracy structure have rather tended to promote social disunity, favouritism, nepotism and patronage to consolidate their power, thus creating dissatisfaction amongst the marginalized.

#### ***Historic background and evolution of governance crisis in different arenas***

Houphouet-Boigny was considered paternalistic and all inclusive in his three decades of rule. He for instance created a discussion forum (*Le Dialogue*), which he often used to address the nation during times of crisis. Again, the '*La Démocratie à L'Ivoirienne*' (Ivoirian Democracy) that he created, ensured all inclusiveness through the use of 'ethnic quotas' by including all the major ethnic groups and communities in government appointments and in the security agencies. After his death however, the successive presidents used exclusionary and divisive politics to rule which created social disunity among the citizenry.

#### ***Forces and factors that make governance crisis particularly relevant***

The neglect of the precious heritage of the 'all inclusive governance' under Houphouet-Boigny by the democrats, who rather resorted to factionalism and divisive politics created apprehension and dissatisfaction amongst the populace. This contributed to the governance crisis. The governance crisis led to a deepening in the economic crisis resulting in escalating poverty, high rates of unemployment, retrenchment, infrastructural deficits, etc. These led to increasing frustration and tension in the society.

### **Impact of interventions**

So far, the socio-political and economic initiatives being implemented by Ouattara in accordance with the OPA, with the support of the international community is yielding some dividends. For example, legislative election was held successfully in December, 2011. Ongoing economic recovery programmes are projected to lead to a 8% growth rate in 2012 as against the 5% recorded for 2011 (ECOWARN, 2012). Again, inspite of a few hiccups, the security situation is generally improving gradually.

### ***Interaction of the governance crisis with other conflict issues at the same or different layers***

The governance crisis that erupted after the country adopted democratic governance also had repercussions in the economic sphere. This is because the key political actors, rather than focusing on economic recovery, were actively engaging in either ascending (opposition) or consolidating power (incumbent). The governance crisis also led to the emergence of rebels who were interested in ousting Gbagbo and correcting the injustices that had engulfed the society.

### **Key Issue 4:** Democratization process

#### ***Current conflicting positions on the democratisation process as declared and confirmed by facts***

Some of the political parties such as Gbagbo's FPI are seen as nationalistic while others, particularly, Ouattara and his RDR is seen to align itself more to France and its interests. Houphouët-Boigny, maintained a very close relationship with France, through a policy that became known throughout West Africa as *Françafrique*. This ensured that France enjoyed priority access to all those "raw materials classified as strategic" from Ivory Coast and vis versa, provided a defence scheme to protect the regime (ISN, 2011).

#### ***Historic background and evolution of the democratisation process in different arenas***

The democratization process of the 1990s, which led to multi-party elections in 1995 and 2000 also brought significant changes to Ivory Coast. Not only did it allow competitive elections, but it also introduced a new political culture and aspirations among the people. While the new context created new opportunities for the opposition parties, the old regime (PDCI) has been weakened because of internal dissidence which made some of them create new parties like Ouattara's RDR. In their quest for power, the key political actors made and re-made alliances. For example, Ouattara and Gbagbo formed the *Front Républicain* (republican front) against Bédié. Ouattara also aligned with Bedie against Gbagbo under the banner of the *(Rassemblement des Houphouëtistes, or RHDP* for Ouattara to win the presidential run-off elections. The political alliances and betrayals have dominated Ivorian politics since the death of Houphouët-Boigny. It is in part, the new political context, which has brought more tensions and divisions instead of peace and harmony in the population which these leaders have manipulated for their own individual gains that finally triggered the war.



### ***Forces and factors that make the democratisation process particularly relevant***

The democratization process initiated after Houphouet Boigny's death was good. However, elements of greed, avarice, personal interest and power struggle which characterised the process, created fertile conditions for the crisis that erupted.

### **Impact of interventions**

Ouattara's government made an attempt to encourage Gbagbo's FPI to contest in the legislative elections as contained in the OPA, but the party boycotted the process after Gbagbo was hurled to The ICC in The Hague for crimes against humanity. Again, by keeping to his alliance agreement, some members of Bedie's PDCI-RDA party have been appointed into Ouattara's government, such as the prime minister's position which is currently held by Jeannot Ahoussou-Kouadio.

### ***Interaction with other conflict issues at the same or different layers***

Although democratization in the 1990s itself was good and laudable, the necessary institutions which should go with it were not established as appropriate. Rather, patronage of party system was entrenched, corruption was at its peak and divide and rule strategies interacted to cause the conflict.

### **Key issue 5: Franco-Ivorian relationship**

#### ***Current conflicting positions on the key issue as declared and confirmed by facts***

Unlike the cold-war period, during which Ivory Coast had a strong colonial link with France, the demands of the post-cold war era and increasing globalizing process with its challenges forced some of the subsequent Ivorian leaders to develop a wider foreign policy regime that challenged the almost monopoly of France over it. This created some disagreements among Bedie, Guei, Gbagbo and France over foreign policies. However, Ouattara seem to be toeing the tradition of Houphouet-Boigny by nurturing good relations with France.

#### ***Historic background and evolution of Franco-Ivorian Relationship in different arenas***

Houphouet-Boigny's regime had a good working relationship with France, which ensured that their interests were bilaterally met. While France obtained the raw materials needed for its industries, the security and other needs of Ivory Coast were also met. However, this was not the case under subsequent regimes of Bedie, Guei and Gbagbo. France therefore adopted a different attitude toward these leaders, their associates, and the country as a whole. In fact, France could have foiled both the coup of December 1999 as well as the September 2002 attack by providing at least some important intelligence, and other forms of support. It only intervened limitedly, thus signaling to the rebels that their action would suffer no interference from France (Kouadio, 2009). In sum, the Franco-Ivorian relations did play a significant enabling role in the crisis.

### ***Forces and factors that make the Franco-Ivorian relationship particularly relevant***

The economic crisis in both Ivory Coast and France in the Euro Zone, created the need to re-visit the foreign policies of both countries in the light of their worsening relations for the purpose of deriving mutual benefits.

### **Impact of interventions**

Contrary to the provisions of the OPA, Gbagbo decided to hold on to power even though he was internationally recognized to have lost the run-off elections. This compelled France under Operation Licorne to support his removal to make way for Ouattara. The success of this operation has so far contributed to the prevailing peace and relative stability in Ivory Coast (ISN, 2003).

### ***Interaction with other conflict issues at the same or different layers***

The economic crisis in Ivory Coast negatively affected the economy of France, which had a good foreign policy and longstanding economic relations etc with the former. This was worsened by the Euro Zone economic crisis to which France belonged. France thus took an active interest in restoring stability, economic recovery and development in Ivory Coast.

## **Lessons Learned From Interventions**

### ***Lessons learnt on assumptions about the conflict***

Drawing from the 1961 mutual defence pact<sup>3</sup> between Ivory Coast and France, it was assumed that France would help Gbagbo's government to totally quell the 2002 rebellion, but rather, they did it on a limited scale by creating a buffer zone. France resorted to this, as a result of the worsening Franco-Ivorian relations. Because of these antecedents, during the post-election crisis, Gbagbo might have assumed that France would stand aloof and continue the normal security role they were playing despite the threat by ECOWAS to use legitimate force to get him out. In contrast, France's Operation Licorne supported the UN and FRCI to force him from power when Ouattara proved to be an ally of France. The lesson learnt here is that, despite the arrangement for a defence pact, it is not automatic that positive help would come, particularly during worsening relations.

Also, the emerging trend at that time was for coalition governments to be formed during post election conflicts as happened in Kenya and Zimbabwe. With this in mind, it is believed that Gbagbo was dilly dallying, hoping that a compromise would be reached with his government and making concessions to the opposition, particularly, Ouattara. This was never to be, until he was ejected. The lesson learnt is that, you cannot necessarily project seeming political trends in other countries to fit yours when the contextual issues are at variance.

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**3** See Taiwan News (2012). Ivory Coast chief signs defense pact with France [http://www.taiwannews.com.tw/etn/news\\_content.php?id=1824990](http://www.taiwannews.com.tw/etn/news_content.php?id=1824990) Accessed on 25<sup>th</sup> April, 2012



Again, initially, it was thought that the conflict was ethnically and religiously rooted. However, this assumption was proven false when for instance, an alliance was easily created by the leaders of the three rebel groups (MPCI, MPIGO and MJP) who came together to form the FN, even though they belong to different ethnic and religious backgrounds. Furthermore, Ouattara who is a muslim from the north was able to form an alliance with Bedie who is a Christian from the south in order to wrestle power from Gbagbo, though it was initially Bedie who introduced 'ivoirite' to exclude him from power.

### ***Lessons learnt on objectives***

The LM Accord was a good initiative and set the pace for a ceasefire with Operation Licorne supporting ECOWAS to create a buffer zone between the conflicting parties. It also considered key structural and proximate causes of the conflict such as the 'ivoirite' and land ownership issues etc. That notwithstanding, it had some shortcomings such as; allocation of the Defense and Interior Ministries to the rebels, reduction of the powers of the president to the PM and failure to include key neighbouring countries such as Liberia and Burkina Faso in the Initiative.

However, the OPA on the other hand was a direct and exclusive dialogue between the two main conflicting groups (Gbagbo and Soro) with the mediatory role of President Blaise Campaore and supported by Mario Gido from the Catholic community of Sant Engidio. The mediators did not put pressure on the process and neither did they suggest any solutions. All the solutions were proposed by the two factions themselves thereby making them responsible and accountable. The code and conduct for the process was also established by both actors. Some significant outcomes of the OPA were that, it allocated responsibilities to all stakeholders in the implementation of the agreement thus making it inclusive. Two bodies, the Permanent Coordination Committee (CPC) and the Evaluation and Support Committee, were in charge of supervising the implementation.

In conclusion, the lesson learnt is that, when peace agreements are initiated and directed by the main contending actors themselves, devoid of pressure and media fanfare etc, progress is likely to be made.

### ***Lessons learnt on means and actors***

From the start of the conflict, the FN generated its funds from illegal trade in cotton, diamonds and cocoa with neighbouring countries such as Burkina Faso, Mali and Ghana. The FN is believed to have obtained billions of CFA francs from the sales of illegal diamonds for years. Also, the FN raided some banks in Bouake and mounted checkpoints on main routes to extort monies from travelers and traders. On the government side, it relied on the export of cash crops and oil to fund the crisis but the revenues dwindled with the imposition of trade sanctions. The government militias also resorted to illegal means to supplement official funding.

On the side of the actors, Soro with his youthful age played for time in order to manoeuvre his way to power. Gbagbo also played delay tactics to hang on to the presidency but his refusal to hand over power after losing the run-off elections led to his disgraceful removal. Ouattara on

the other hand had international support and played on the 'ivoirite' issue to win the support of the immigrant population and the muslim north.

One lesson learnt is that access to funding is a key means of maintaining conflicts, thus in conflict resolution, it is important to impose and enforce sanctions among others. It is also important for actors to compromise when international appeals are made to them in order to avoid humiliatory actions against them.

## Scenarios

### *Best case/optimistic scenario*

The OPA is the current framework which if implemented fully would lead to restoration of security, peace, democracy and good governance for economic recovery and development. Legislative elections were organized in December 2011, although it was boycotted by the FPI for reasons assigned. Nonetheless, if Ouattara's government put in measures to ensure fair play in the upcoming regional and local elections successfully in 2012, it would help improve the conditions for democratic political life (ICG, 2011). If the DTRC does its work transparently and fairly, then the Commission would be able to successfully reconcile the nation. Critical to this effort is the ICC's investigations which have begun and have the consent of the president for its activities to cover the period 2002 to date (ICC, 2012). Also, the meeting held in Grand-Bassam from 27 to 28 April 2012 between government and opposition parties, which led to the creation of a Permanent Framework for Dialogue (CPD) served as a platform for deliberations and actions on electoral and reconciliation matters (ECOWARN, 2012). The economic recovery process that has began, if maintained would lead to development. Also, if the DDR/SSR process is done transparently and holistically, it would lead to re-unification, security and peace.

### *More of the same or worse scenario*

According to Rinaldo Depagne (2012), the economic revival so far has focused on urban centres and highlights a lack of political will to prioritize the regions and communities that suffered most from the conflict. If this is not corrected, it has the potential to induce uncontrolled urbanization with its attendant economic and social problems. Again, if the DDR/SSR fails, it has the potential of creating a future armed conflict. Biased justice is still at work. To date, no member of the ex-FN in the FRCI, has been investigated and prosecuted, despite strong suspicions of serious crimes against some of them. International justice system is also perceived as biased by a significant part of the Ivorian public opinion, which considers the transfer of Laurent Gbagbo to the ICC as an impediment to reconciliation. This is a big challenge which if not addressed by Ouattara's government could degenerate into another conflict.



## Policy Response Options

### *Proposal for intervention - Contribution by AU and ECOWAS*

From the best scenario, commitment by all stakeholders in the Ivory Coast conflict to the OPA will ensure security, peace and development. Thus, the contributions of the AU and ECOWAS with the support of the UN and Partners would be to ensure that the framework established in the OPA is followed. First, in the area of democracy and good governance, they must take key interest in the forthcoming regional and local elections by assigning monitors and observers to ensure that the process conforms to the OPA (ICG, 2011; ECOWAS Protocol, 2001). The African Peer Review Mechanism (APRM), and other foundations committed to democratic consolidation in Africa such as Transparency International, Mo Ibrahim Foundation, etc should take an active interest in indexing the democratic processes currently underway under Ouattara's government.

Under peace and security, ECOWAS, through the regular meetings of CCDS and CCSS should appraise the DDR/SSR process as outlined in the OPA in order to make appropriate recommendations when it is running into problems (ICG, 2011; ECOWAS Protocol, 1999).

ECOWAS and AU should again ensure through their Macro Economic Policy Departments that, the OPA framework on economic recovery programmes which include undertaking labour-intensive infrastructural work, repair of main roads and projects in small towns and villages most affected by the post-electoral crisis, especially in the far west are followed. Again, conscious efforts should be made to re-activate the ECOWAS Protocol on the free movement of persons, goods and services to ensure a quick economic re-integration of the country in the sub-region, particularly with Liberia, Burkina Faso and Mali. International donor support and debt cancellation by IMF, World Bank, etc should continue in order to accelerate the economic recovery and development programmes.

ECOWAS and the AU must ensure that the DTRC established under the current Ouattara regime, remains impartial as stipulated in the OPA in their invitation of suspected perpetrators of human rights abuses and crime against humanity. That would ensure that the country is truly and genuinely reconciled. Again, ECOWAS and AU should collaborate effectively with the government and the ICC in identifying and prosecuting all persons accused of committing crimes against humanity since 2002. The Department of Political Affairs, Peace and Security of ECOWAS Commission should vigorously implement the sub-regional strategy to address threats of mercenaries, militias and cross-border movement of weapons through the National Commissions. The UNHCR should be encouraged in collaboration with the government to create a congenial atmosphere and take appropriate measures to address the IDPs and refugee situations. As at November 2011, these stood as 138,000 refugees in Liberia and an estimated 25,000 in other countries in the region against 17,000 IDPs still in camps in the country (OCHA, 2011).

Considering that there is the likelihood of security vacuums to be created during the DDR/SSR, ECOWAS and AU should appeal to France and the UN to continue to renew the mandates of their forces, Operation Licorne and UNOCI, until security and peace finally returns to Ivory Coast.

## Expected Impact Chain

### *Citizens identification and electoral process*

From the 'optimistic scenario' it is expected that by one year, national identification would have been provided for all eligible persons of age 13 years and above to enable them engage in voter registration and issuance of ID cards. This would enable them participate in the presidential elections in the first year followed later by legislative, regional and local government elections.

### *Good governance*

It is expected that by one year, Ouattara's government would have created the enabling environment for political party activism, by encouraging constructive participation of opposition parties in dialogues. This process should be buttressed with the strengthening of weakened state institutions at all levels including; executive, legislature and judiciary to create confidence in the people. By the third year, it is expected that targeted extension and legitimization of state authority countrywide, including former rebel areas, through decentralization, would have been achieved.

### *Economic recovery*

Within the first year, it is hoped that emergency programmes aimed at restoring basic socio-economic activities and services, as well as infrastructure would be initiated. This would be coupled with massive labour intensive infrastructural development, starting from the urban areas. In the third year, it is targeted that this process would have been expanded to the rural areas to ensure egalitarian development. Also, all illegal tax and revenue collection systems established by the rebels would have been replaced with government agencies nationwide. Finally, a 5-10 year development plan is expected to be initiated in line with poverty reduction strategy.

### *Security*

The DDR/SSR process is expected to commence immediately and carried into the first year. The security vacuum created would then be covered by UNOCI and Operation Licorne and by the third year, the state security apparatus would assume full control. Again, for the first year, the Mano River Union should be re-activated to prevent cross-border rebel and mercenary activities and this should be strengthened into the third year.



### ***National reconciliation***

In the first year, investigations are anticipated to commence into alleged crimes committed against humanity by both government legal institutions and the ICC. By the third year, those implicated would be under prosecution. Again, in the first year government in collaboration with the UNHCR should begin the process of repatriation and re-settlement of Ivorian refugees and this is expected to be carried into the third year. The same process is expected to be followed for the IDPs from the first into the third year.

### **Chances of Success**

In developing the proposals, all the key stakeholders including; the government and its parastatals, ECOWAS, AU and other development partners were consulted. The process also adopted a participatory approach, integrated local content and made realistic and practical recommendations. The important incentives for the relevant organs to implement the proposal include good working conditions, availability of resources, national recognition of efforts through awards and citations. The pre-conditions that will ensure the success of the proposal include a general sense of good-will amongst Ivorians and consensual acceptance of the need for peace, security, good governance, rule of law and development. There is also the need for good political leadership and appointment of competent and dedicated persons to supervise the process.

The likely constraints are lack of resources, corruption, excessive bureaucracy, unfavorable investment policies and environment and bad fiscal and monetary policies. To ensure the success of the proposal, the framework was designed in line with the current policies, protocols and conventions of participating organs. These includes the ECOWAS Protocols for (Democracy and Good Governance, the Mechanism for Conflict Prevention, Management Peace and Security, the Conflict Prevention Framework) and the AU Post Conflict Reconstruction and Development and Peacebuilding programme, the ECOWAS Vision 2020 approach which emphasizes on “ECOWAS of people instead of ECOWAS of States” and the OPA.

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# 5

## Ethiopian-Eritrean Conflict: Options for African Union Intervention

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## Introduction

The conflict between Ethiopia and Eritrea is one of the most complicated and protracted interstate conflicts in Africa with a lot of local, national, sub-regional, regional and international interests behind it. The roots of the conflict go as far back as the 1880s and persist to date. According to Dirar, "In fact, the early colonial administration [of Italy] devised a successful policy of social and political manipulation revolving around ethnicity, religion, and social stratification."<sup>1</sup> In a nutshell, this seed of conflict grew in the Eritrean society resulting in rebel movements for self-determination (secession) since 1950s, which became formally realized in 1993, though the conflict within the framework of border disagreements.

Although the post-secession relation looked deceptively peaceful and harmonious, it took a U-turn in 1998. The modalities of post-secession relations were not properly addressed at the time of secession. This oversight made latent, systemic, and structural problems between the two countries resurface leading to and compounding other unforeseen problems. These include the subsequent introduction of excessive port charges; the manipulation of Exchange rates followed by introduction of *Nakfa*, the Eritrean currency; incessant abuse of freights to and from Eritrea, mainly along the Assab route; and the release by Ethiopia of a map in October 1997, which redefined the borderlines, culminating in Eritrea sending its troops across the common border at an area called Badme causing the May 6, 1998 crisis.

The war of 1998-2000 consumed an inconceivable number of human lives and made the countries incur significant financial costs which negatively affected economic development. It also resulted in hundreds of thousands of IDPs and refugees with ominous human insecurity, yet to be addressed. Although mediation interventions resulted in the negotiated Algiers Peace Agreement of 12 December 2000, which created several arbitral and peacekeeping bodies, none of them were able to address the underlying causes of the conflict. As a result, all of them failed to assist in resolving the conflict. This arose mainly due to Ethiopia's refusal to accept the April 2002 decisions of the Boundary Commission, particularly with regards to the town of Badme, the flashpoint of the conflict. When this was patent, the UN tried to intervene again in 2004, through its Special Envoy Lloyd Axworthy invitation for the parties to dialogue; nonetheless, this also proved unworkable, as Eritrea accused the UN of disrespecting an arbitral decision. United Nations Mission in Eritrea and Ethiopia (UNMEE) the peacekeeping body was also compelled to drawdown in 2008 leaving the foes out in the cold. Since then,

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1 Uoldelul Chelati Dirar, *Colonialism and the Construction of National Identities: The Case of Eritrea*, **Journal of Eastern African Studies**, 2007, Vol.1, No. 2, 258. The Italians occupied Eritrea following a devastating war in 1889, which was a time when Ethiopia was hit by a 'Great Famine' that lasted from 1888 to 1892, and caused "ecological and social devastation, a food crisis and a high degree of social and political instability." This was manipulated by Italians to gain support from the historically oppressed minorities in Eritrea. As will be discussed later, this was aggravated by similar faults committed by successive regimes in Ethiopia.



the two countries have lived in an impasse of “no-war”, “no-peace”, with continued isolation of Eritrea. Of late, however, low intensity conflicts have been witnessed along the common boundary<sup>2</sup>.

At present, it is evident that the conflict has reached a point where it can no longer be ignored by the international community and more so, by the African Union (AU) the continental organ in charge of peace and security matters. Despite the extant divisive arbitral settlement, this paper argues that the AU should engage the parties so that they enter dialogue to resolve the root-causes of the conflict. With the benefit of hindsight, *conflict resolution* is the preferred mechanism of dealing with this conflict as opposed to *dispute settlement*, which is a manifestation of the Boundary Commission’s decision.

Thus, the first part of this paper assesses the conflict, the actors and issues involved in the conflict as well as interventions made to resolve it. The second part analyses the actors (groups) involved in the conflict to be followed by the main causes of the conflict and the conflict dynamics. Then the conflict storyline with the lessons learnt from the interventions will be dealt with in the fourth and fifth parts respectively. Part six builds the scenarios and, finally, part seven puts forward options for intervention by the AU mechanisms for conflict prevention, management and resolution.

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<sup>2</sup> See, for e.g., Ethiopia’s attack of certain areas in Eritrea to dismantle training grounds and kidnapping bases for alleged terrorists operating from Eritrea; Government Communication Affairs Office, *The Ethiopian Defence Forces Strike at Terrorist Camps near Ethio-Eritrea Border*, 15 March 2012, [http://www.mfa.gov.et/Press\\_Section/Defence\\_Force\\_Strike\\_Terrorist\\_Camps.jpg](http://www.mfa.gov.et/Press_Section/Defence_Force_Strike_Terrorist_Camps.jpg), accessed 18 April 2012.





## Effects of the Conflict

As in any conflict or war, the Ethiopian-Eritrean war had tremendous impact on both populations economically, socially as well as politically. Both countries had to mobilise huge military forces and spend their resources on them. The total cost of the war for Eritrea was estimated to amount to a loss of 11% of GDP (during which Eritrea was expected to grow by 4.8%, but grew by -3.8%), amounting to about USD 280 million<sup>3</sup>. On the other hand, some estimate that Ethiopia incurred USD 397 million due to the war in addition to at least USD 3.1 billion for property looted or damaged by Eritrea at the port of Assab as well as from Ethiopian civilians in various parts of Eritrea<sup>4</sup>. Corroborating this, the Ethiopia-Eritrea Claims Commission (EECC or Claims Commission hereinafter) ruled that Ethiopia is entitled to a compensation amounting to USD 174 million from Eritrea while Eritrea is entitled to USD 164 million from Ethiopia<sup>5</sup>. As regards, human loss, conservative estimates suggest that both sides lost between 50,000 and 75,000 troops<sup>6</sup>.

In addition, the war caused a series of ethnic deportations. Ethiopia expelled more than 67,000 Eritreans, who before their expulsion enjoyed Ethiopian nationality; and Eritrea retaliated by deporting about 39,000 Ethiopians<sup>7</sup>. Moreover, since the war, the two countries totally stopped trading with each other affecting both sides though Eritrea seems to lose more as “up to 70 per cent of Eritrean exports were destined for Ethiopia.”<sup>8</sup> Added to that “the rerouting of Ethiopia’s import and export trade from the Eritrean ports to Djibouti. ... puts additional stress on the Eritrean economy.”<sup>9</sup> On the Ethiopian side as well, the total disruption of trade and the cost of rerouting ports from Massawa and Assab to Djibouti and Port Sudan severely affected the development of the northern parts of Ethiopia<sup>10</sup>.

Furthermore, the local populations near the border areas were immeasurably affected in a number of ways. Jon Abbink succinctly summarises this as follows: (i) they were direct war victims, not only as conscripted soldiers, but many because they were kidnapped, abused or killed by the invading army; (ii) there was large-scale displacement of people internally (and

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3 International Action Network on Small Arms, Oxfam and Safeworld, *Africa’s Missing Billions: International Arms Flows and the Cost of Conflict*, October 2007, 9-10.

4 See Ethiopian Economist Unveils Economic Cost of War with Eritrea, [http://english.people.com.cn/english/200107/17/eng20010717\\_75161.html](http://english.people.com.cn/english/200107/17/eng20010717_75161.html), accessed on 19 March 2012.

5 See <http://www.pca-cpa.org/upload/files/ET%20Final%20Damages%20Award%20complete.pdf>, and <http://www.pca-cpa.org/upload/files/ER%20Final%20Damages%20Award%20complete.pdf> for the final award on Ethiopia’s damages claim and the final award on Eritrea’s damages claim respectively, rendered on 19 August 2009. Note that the compensations did not cover damages for loss of troops, environmental damages, loss of overseas assistance and other unsubstantiated claims.

6 Negash and Tronvoll, *Supra* note 1, 3.

7 *Ibid*, 47-48.

8 *Ibid*, 41. As the Ethiopian and Eritrean economies are largely controlled by party-affiliated companies, it is clear that the large-scale businesses of the respective parties became primary losers. The war has debilitated the PFDJ-affiliated businesses of Eritrea as a result of which TPLF managed to debilitate its competitor in the Horn, the Eritrean government. *Ibid*, 50.

9 *Ibid*, 48. This made Ethiopia in constant search for alternatives including Mombasa and Lamu ports further south in Kenya.

10 See *Ibid*, 51.

externally creating refugees in Sudan) and massive loss of property in the war zones; (iii) detention of innocent people, many of whom still unaccounted for in particular on the Eritrean side, for instance, for not showing the 'expected amount of enmity' vis-à-vis the Ethiopians when the latter occupied their area; (iv) purposive destruction of the civilian, administrative and economic infrastructure such as in Badme, Zalambessa, and the Irob where churches, schools, houses, government buildings were desecrated, looted and destroyed to which the Ethiopian revenge came in May 2000 when in the wake of the blitz offensive Barentu, Tessenai, Haykota and other places were razed to the ground, and shops and industries like the big Eritrean textile mill in Ali Gidir was blown up; (v) there was serious environmental destruction: massive deforestation to make trenches of several hundred kilometres, the burning of fields and forests, the destruction, e.g., in the Irob area, of indigenous irrigation systems, the pollution of the area with oil, waste and armory rubbish; and (vi) the area still suffers from extensive mining of the fields, pasture lands and forested areas of the people, so that normal life, farming and herding cannot be done safely in the coming years.<sup>11</sup>

All of these entail loss of business relationship for the local population, loss of labour such as in the ports of Assab and Massawa, thereby affecting essentially their means of livelihood, and division of families along the border. Women, children and the elderly became the main victims in the middle of the deportations; internal and external displacements; the war being fought on their lands (they used for farming, grazing etc); planting of landmines; destruction of schools, houses and basic infrastructures; the occupation of the border areas by the respective armies (and UNMEE) forcing them out of the areas and making it unsuitable for peaceful life; and the loss of cross-border formal and informal trade.

As a by-product of the conflict, the people in the two countries lost the opportunity of democratisation that was underway before the war. Although the effect of the war on democratisation was visible in Ethiopia entailing, among others, devastating splits in the TPLF in 2001, hardened human rights violations and narrowed "political space" for opposition; it took a complete U-turn in Eritrea entailing suspension of a fledgling constitutional development process, with lack of transparency, accountability, gross human rights violations and worsened censorship of press freedom in 2012<sup>12</sup>.

11 Jon Abbink, *Creating Borders: exploring the impact of the Ethio-Eritrean war on the local population*, **Africa: Rivista trimestrale di studi e documentazione dell'Istituto italiano per l'Africa e l'Oriente**, Vol. LVI, No. 4, 2001, 452-453, <http://www.jstor.org/action/showPublication?journalCode=africa2>, accessed 19 March 2012.

12 See Siphamandla Zondi and Emmanuel Rejouis, *The Ethiopia-Eritrea Border Conflict and the Role of the International Community*, [kms1.isn.ethz.ch/serviceengine/Files/ISN/98403/...c762.../Chapter4.pdf](https://kms1.isn.ethz.ch/serviceengine/Files/ISN/98403/...c762.../Chapter4.pdf), 77-81. Note also that Eritrea was ranked first among the top ten oppressors of freedom of press in 2012 by the Committee to Protect Journalists. See *10 Most Censored Countries*, <http://www.cpj.org/reports/2012/05/10-most-censored-countries.php>, accessed 10 May 2012.



## Interventions in the Ethiopian-Eritrean conflict

Before the war erupted on 12 May 1998, although there were some expressions of conflict especially since July 1997, no third-party interventions took place to prevent a war mainly because the parties were deceptively hiding their differences and trying to deal with it by themselves. Within five days after the conflict broke out, on 17 May 1998, however, US and Rwandan delegations, commonly referred to as “Facilitators”, commenced a mediation process<sup>13</sup>. The Facilitators shuttled between the capitals, Addis Ababa and Asmara, from 17-29 May 1998 and submitted their peace proposal, the salient points being: (i) The parties commit themselves to seeking the final disposition of their common border, determined on the basis of established colonial treaties and international law applicable to such treaties; and, (ii) Within 24 hours of the arrival of an Observer Team, Eritrean forces begin to redeploy to positions held before May 6, 1998, and immediately following that, the civilian administration in place before May 6, 1998 returns...<sup>14</sup> This was rejected by Eritrea for two simple reasons: (a) this confirmed Ethiopia’s position as Ethiopia was accusing her of being the aggressor, and (b) Eritrea contested the exact geographic location of the position before May 6, which had to be determined again by Ethiopia. Then the first mediation effort failed.

The second round of the mediation effort was taken up by the Assembly of Heads of State and Government of the OAU. The 34<sup>th</sup> Ordinary Session of the Assembly held in Ouagadougou, Burkina Faso, from 8-10 June 1998 adopted the peace proposal made by the US/Rwanda Facilitators. Based on this, a document known as the OAU Framework Agreement originated and was submitted to both parties for consideration. Two weeks later on 26 June 1998, the UN Security Council also endorsed the OAU’s decision to support the peace proposals. Furthermore, the European Union also gave all its support to the OAU-led mediation efforts.<sup>15</sup> At this stage, due to the successive adoptions of the peace proposal by regional and international organisations, it looked obvious that Eritrea was the aggressor and Ethiopia was the aggrieved. This made Eritrea reject the peace proposal again. Eritrea declared its acceptance only subsequent to losing Badme to Ethiopia during “Operation Sunset” in February 1999. Then, it was Ethiopia’s turn to refuse to sign the OAU Framework Agreement mentioning a series of pretexts, as it was by then determined to resolve the conflict using force. Consequently, by May 2000 Ethiopia controlled large areas of Eritrea from the Western, Central and Eastern sectors, which was “halted only due to rising international pressure as well as additional Eritrean concessions” in the negotiations to stop the war leading to a

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13 See the chronology of events relating to the conflict at <http://www.ethioembassy.org.uk/articles/briefings/briefings/Chronology/ETHIO-ERIT-CONF-2.htm>, 1, accessed on January 15, 2012.

14 Leenco Lata, *The Causes, Mediation and Settlement of the Ethio-Eritrea Conflict*, in Leenco Leta (ed), **The Search for Peace: The Conflict between Ethiopia and Eritrea** (Fafo, Oslo, 2007), Proceedings of Scholarly Conference on the Ethiopia-Eritrea Conflict held in Oslo, Norway, 6-7 July 2006, 83.

15 *Id.* It is evident that the presence of the US in the negotiating team managed for the proposal to sail through at all stages although they failed to stop the war before it caused the damage it entailed.

comprehensive agreement commonly known as “the Algiers Peace Agreement”<sup>16</sup>.

The Algiers Peace Agreement set up the following bodies to handle the conflict:

- i. *An OAU investigation team*: to investigate into the origins of the conflict (i.e., the incidents of July and August 1997 and 6 May 1998)<sup>17</sup>;
- ii. *The Eritrea-Ethiopia Boundary Commission*: established with a mandate to delimit and demarcate the border through binding arbitration based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law<sup>18</sup>;
- iii. *The Eritrea-Ethiopia Claims Commission*: established to decide through binding arbitration all claims for loss, damage or injury by one Government against the other, and by nationals (including both natural and juridical persons) of one party against the Government of the other party or entities owned or controlled by the other party<sup>19</sup>; and
- iv. *The UN Mission between Eritrea-Ethiopia*: established with a force strength of up to 4,200 troops, with a mandate, among others, to: (a) monitor the cessation of hostilities; (b) assist, as appropriate, in ensuring the observance of the security commitments agreed by the parties; (c) monitor and verify the redeployment of Ethiopian troops from positions taken after 6 February 1999 which were not under Ethiopian administration before 6 May 1998; (d) monitor the positions of Ethiopian forces once redeployed; (e) simultaneously, monitor the positions of Eritrean forces that are to redeploy in order to remain at a distance of 25 kilometres from positions to which Ethiopian forces shall redeploy; (f) monitor the temporary security zone (TSZ) to assist in ensuring compliance with the Agreement on Cessation of Hostilities; (g) chair the Military Coordination Commission (MCC) established by the UN and the OAU in accordance with the Agreement on Cessation of Hostilities; (h) coordinate and provide technical assistance for humanitarian mine action activities in the TSZ and areas adjacent to it; and (i) coordinate the Mission’s activities in the TSZ and areas adjacent to it with humanitarian and human rights activities of the UN and other organizations in those areas<sup>20</sup>.

As noted before, the war and its aftermath consumed billions of dollars. It is worth noting that the EEBC and EECC also consumed hundreds of millions of dollars from the two countries, and UNMEE’s total expenditure is estimated to be USD 1.32 billion<sup>21</sup>. Nonetheless, although it can be argued that these bodies accomplished their mandates by implementing their respective

16 *Ibid*, 85; and *Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea*, 12 December 2000, done at Algiers, Algeria.

17 This body never took off the ground though its task was taken up by the Claims Commission during its decision on *Jus Ad Bellum* deciding Eritrea started the war. See United Nations, *Eritrea-Ethiopia Claims Commission Partial Award: Jus Ad Bellum-Ethiopia’s Claims 1-8, 19 December 2005*, **Reports of International Arbitral Awards** (New York, 2009), Vol. XXVI, 469.

18 Algiers Peace Agreement, Art. 4(2).

19 Algiers Peace Agreement, Art. 5(1).

20 See Resolution 1320 (2000), S/RES/1320 (2000), adopted by the UN Security Council at its 4197<sup>th</sup> meeting on 15 September 2000, paragraph 2.

21 Facts and Figures, <http://www.un.org/en/peacekeeping/missions/past/unmee/facts.html>, accessed on March 19, 2012.



tasks in accordance with the Algiers Peace Agreement<sup>22</sup> and Resolution 1320(2000)<sup>23</sup>, the conflict continued in the pretext that the EEBC decision was unfair as it awarded the town of Badme to Eritrea and that it could divide communities if it were to be implemented as handed down<sup>24</sup>. To resolve this controversy again in 2004, the Secretary General of the United Nations named Lloyd Axworthy, a former Foreign Affairs Minister of Canada, endorsed by the AU, to provide good offices, but this, too, proved to be a non-starter as Eritrea brushed it off saying this will work only if UN wishes not to respect the international arbitral decision.

## The conflict as portrayed by the media

The media, “a rubric under which are grouped institutions and individuals pursuing dramatically different purposes, under a wide variety of technological, political and social conditions, within markedly divergent cultural worlds”<sup>25</sup>, is a powerful tool at the disposal of conflicting parties as well as interested groups. According to Manoff, media constitutes a major resource who’s potential to help prevent or moderate social violence begs to be discussed, evaluated, and, where appropriate, mobilized.<sup>26</sup> In terms of conflict prevention and management, media may serve as channel of communication between parties; medium of educating the public, of confidence building, of countering misperceptions, of analysing the conflict, of emotional outlet, and of de-objectifying the protagonists for each other; to identify interests underlying the issues; to encourage a balance of power and bringing to the negotiating table; to frame and define the conflict; for face-saving and confidence building purposes as well as to build solutions<sup>27</sup>.

The media portrayed the conflict between Ethiopia and Eritrea in different ways; some media houses such as national and party media fan the conflict exacerbating the situation; some undermine it as simply a fraternal war<sup>28</sup>; while others try to remain neutral analysing the

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- 22 Note that Boundary Commission’s *delimitation* of the boundary had to be *demarkated* on the ground using pillars, posts etc, but this could not be achieved due to the loggerheads of Ethiopia with it.
- 23 See, for instance, Zondi and Rejouis, *Supra* note 17, 74-75, where they argue that UNMEE has been relatively successful in its peacekeeping mandate.
- 24 See Eritrea-Ethiopia Boundary Commission, *Decision regarding the “request for interpretation, correction and consultation” submitted by the Federal Democratic Republic of Ethiopia on 13 May 2002*, <http://www.pca-cpa.org/upload/files/Decision24June2002.pdf>, accessed on 19 March 2012. As a result, UNMEE drew-down by July 2008 and left the two countries alone.
- 25 Robert Karl Manoff, *Telling the Truth to People at Risk: Some introductory thoughts on media and conflict*, Prepared for The Legitimacy of Intervention for Peace by Foreign Media in a Country in Conflict, New York University, July 3-4, 1998, 2, <http://www.bu.edu/globalbeat/manoff0798.html>, accessed on 2 February 2011.
- 26 *Id.*
- 27 *Ibid.*, 9-11. See also, generally, Ryan Guiboa and Edge T.A. Sahil Khanna, *Media Influence of Public Opinion during War: A good or bad capability?*, June 6, 2003, <http://www.stanford.edu/class/e29/a/Media%20Influence%20of%20Public%20Opinion%20during%20War.html>; and *The Media and the Rwanda Genocide*, available at [http://web.idrc.ca/openebooks/338-0/#page\\_343](http://web.idrc.ca/openebooks/338-0/#page_343), accessed on 2 February 2011.
- 28 See Negash and Tronvoll, *Supra* note 1, for instance, among the myriad of sources. The two countries, however, deny that this is a family quarrel. Meles Zenawi, the Ethiopian premier, was quoted as saying to the UN Security Council that “[Ethio-Eritrean war] is not a family quarrel; it is a regional problem.” See 6674th meeting of the UN Security Council, S/PV.6674, 5 December 2011, 5.

conflict with the view to preventing further destructive war. Both regimes in power believe and preach using all available media outlets (radio, television, print, internet etc) that as long as the other regime remains in power there is no chance for peace. This is exacerbated by lack of democratic culture and lack of public scrutiny in the two countries. The divided communities such as the Kunama, Tigray, Saho and Afar, who established small armed opposition groups operating around the border areas, increase the level of insecurity and antagonism generated by the war and propaganda<sup>29</sup>.

## Detailed Actor (Group) Analysis

In conflict analysis, actor analysis answers the key question as to who the main parties to a given conflict are; and enables a conflict analyst identify, *inter alia*, the main actors in a conflict, its leaders, army, allies, intellectuals, external supporters and spoilers. In the Ethiopian-Eritrean conflict, although there are several actors, the PFDJ (formerly EPLF) and the TPLF (which formed a coalition to become EPRDF) are the main actors. EPLF started the Eritrean secession struggle in late 1950s, while TPLF started the struggle to liberate Tigray from tyranny in mid-1970s. These two groups achieved their respective objectives in early 1990s though they in turn started fighting each other shortly afterwards.

This section examines the positions of these groups at the beginning of the conflict, their objectives, current capabilities, leadership, organisational strength and strategies to achieve their respective objectives. In doing so, it reviews the relationship between these actors since their establishment to show their historical relations and longstanding differences, with implications for the current conflict.

## Eritrean People's Liberation Front/ Peoples Front for Democracy and Justice

### Origin, position at the beginning of the conflict and current objectives

EPLF started off with the establishment of its predecessor the Eritrean Liberation Front (ELF) in July 1960. When ELF was established, its main agenda was the alleged suppression of Muslims living in Eritrea. In 1941, when Ethiopia was liberated from Italian occupation through the support of the allied forces, there was notable nationalist sentiment among certain groups in Eritrea. The nationalist agenda was clearly articulated by those who advocated for secession supported by the Muslim population which feared a future united to an overtly Christian Ethiopian state.

The Muslim population of Eritrea was at the forefront of the movement towards armed opposition to the Ethiopian state. Muslims were arguably the most alienated by unity with Ethiopia, a state that made much of its ancient Christian roots. The Muslim group that emerged

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29 Abbink, *Supra* note 16, 454-455.



first was the Eritrean Liberation Front (ELF), established by Eritreans living in Egypt<sup>30</sup>.

The Muslim group that established the ELF included Hamid Idris Awate (leader), Idris Mohammed Adem, Idris Osman Galaydos, Mohammed Saleh Hummed, Said Hussein, Adem Mohammed Akte and Taha Mohammed Noor, most of whom studied in Cairo, Egypt<sup>31</sup>.

The 1962 dissolution of the federation became aggravated by the “replacement of indigenous languages of Tigrinya and Arabic with Amharic as the languages of instruction in the schools”<sup>32</sup>. In the 1970s, the ELF split into various factions as a result of divergent understandings of what the future Eritrean national identity ought to be. Afterwards, a group of ELF fighters left the organisation and formed another organisation, Eritrean People’s Liberation Front (EPLF), an armed faction that was ideologically dedicated to the equality of Muslims and Christians and in the future Eritrean state<sup>33</sup>. This philosophy of secular nationalism and prevalence of Eritrean identity over ethnic or religious identities made the EPLF prevail over the other factions and ensure that after three decades of ferocious civil war, the Province of Eritrea seceded in May 1993.

After secession, the Eritrean government composed of EPLF (renamed as a political party with the acronym PFDJ) commenced the process of state-building with a vision of a stronger, secular, united and economically advanced Eritrea to be in the group of the Asian Tigers. It set out the objective of utilising the huge untapped potentials of its neighbours to develop its war-ravaged economy and signed dozens of agreements relating to economic cooperation with Ethiopia to expedite its development<sup>34</sup>. It also drew its foreign policy, as stated in PFDJ National Charter, based on preserving Eritrea’s national interest, working in the interests of peace and stability in the region and in the world, and enhancing cooperation in all areas with all governments and peoples<sup>35</sup>. However, history affirmed that this was not meant to be and it went through another bloody war with Ethiopia from 1998-2000, whose aftermath still continues unresolved.

## Eritrean Capabilities

The State of Eritrea is led by a populist government which garners large support from its populace. It can be described as a military state for several reasons. First, it uses national service as an obligation for every major Eritrean. According to the Eritrean Movement for Democracy and Human Rights (EMDHR), Eritrea is marked by increasing militarization of the society and

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30 Sandra F Joireman, *Secession and Its Aftermath: Eritrea*, in Ulrich Schneckener and Stefan Wolff (eds.), **Managing and Settling Ethnic Conflicts** (New York: Palgrave MacMillan, 2004), 179.

31 See *The History Maker*, <http://www.omaal.org/ar/news.php?readmore=1298>, accessed on 17 April 2012.

32 Joireman, *Supra* note 35, 178.

33 *Ibid*, 179.

34 See Negash and Tronvoll, *Supra* note 1, in general and pages 30-45 in particular.

35 See PFDJ National Charter adopted by the 3rd Congress of the EPLF/PFDJ, Naqfa, February 10-16 (PFDJ National Charter), 1994, 26.

the country. By 2008, though accounts differ, nearly 700,000 Eritrean youth were conscripted under the national service<sup>36</sup>. Second, the government maintains a large number of military compared to its population size. During the Ethiopian-Eritrean war of 1998-2000, the total armed forces had expanded to close to 300,000 members, almost 10% of the population, which are yet to be demobilised, and is currently utilising about 17% of its gross domestic product (GDP) of the currently recovering economy for defence budget<sup>37</sup>. And finally, the country is still being led by the so-called freedom fighters, most of whom are militarily inclined.

In addition, in terms of resource mobilisation, the Eritrean government is one of the few countries that heavily depend on external support constituted in the form of the Diaspora, which “today are approximately one-quarter to one-third of Eritrea’s total estimated population of up to 5.6 million people.”<sup>38</sup> The government collects forced “Diaspora tax”<sup>39</sup> and acquires a lot of support from the Diaspora, which is commonly said to be its mainstay<sup>40</sup>. The support of the Diaspora to the EPLF/PFDJ was stronger during the pre-secession period and continues to date though there are alleged fragmentations due to the violent nature of the government and absence of democratisation process, the linchpin for the support, especially since the 1998-2000 war<sup>41</sup>.

Despite these capabilities, it seems that if the conflict has to be pursued through military or diplomatic means, the Eritrean government might not influence the global perception of the conflict simply because the State has become pariah due to its misbehaviours and lost trust. This has weakened the position of the State as well as the PFDJ, the sole political party in the country.

## Organisation of the EPLF/PFDJ

The organisation of the EPLF can be seen from two distinct, but related aspects: external organisation and internal organisation. In terms of external organisation, EPLF was heavily supported by the community. It observed the ELF’s shortcomings and took lessons from it: “The ELF’s major shortcoming was that it submerged itself in divisions in the Eritrean society along ethnic, religious and regional lines, and fomented such divisions instead of working to

36 EMDHR, *Eritrea: Youth and Militarisation*, A discussion paper presented to the European Union Delegation, 1 July 2008, Brussels, Belgium, [www.eepa.be/wcm/component/.../145-eritrea-youth-and-militarisation.html](http://www.eepa.be/wcm/component/.../145-eritrea-youth-and-militarisation.html), accessed on 17 April 2012, 1.

37 See *Background Note: Eritrea*, <http://www.state.gov/r/pa/ei/bgn/2854.htm>, accessed on 19 September 2011; See also Zondi and Rejouis, *Supra* note 17, 78; and *Eritrea Forecast to be the Fastest Growing in the Horn*, <http://www.thereporterethiopia.com/News/eritrea-forecasted-to-be-fastest-growing-economy-in-horn.html>, accessed on 15 May 2012.

38 Clara Schmitz-Pranghe, *Modes and Potential of Diaspora Engagement in Eritrea*, Working Paper No.3, July 2010, <https://jyx.jyu.fi/dspace/handle/123456789/36877>, accessed on 17 April, 2012, 1.

39 This tax is condemned by the United Nations Security Council as the Eritrean Government uses it “to destabilize the Horn of Africa region”, see UN Security Council Resolution 2023 (2011).

40 See Schmitz-Pranghe, *Supra* note 43, in general.

41 *Id.*



mobilize all Eritreans.”<sup>42</sup> The broad-based participatory nature of the EPLF is visible from the fact that women comprised about 30 per cent of its fighters, who “became a powerful symbol of determination and depth of the national agenda.”<sup>43</sup> It also had a huge support from the Diaspora for its financial and political support abroad. Internally, the organisation was tight in discipline and commitment. In 1977, it conducted its First Congress and setup the necessary structures including a Secretary General, Romedan Mohamed Nur, to enable it conduct its business appropriately.

In February 1994, when the EPLF transformed itself into a political party with the name Peoples Front for Democracy and Justice (PFDJ), it adopted somewhat similar but improved dynamic people-based organisational structure that, it argues, can be adjusted from time to time based on the needs of the time and the situation. The PFDJ National Charter states that:

“Thus, it is crucial to build an active, flexible and effective organizational structure which serves as a strength to the Front, linking it to the grass-roots, facilitating two-way communication, and covering the whole country. An organizational structure is not something that is designed once to serve forever. It must change with new developments and changes in conditions. An organizational structure should be bottom-heavy, rather than top-heavy, for it to properly function. The Front must establish its organizational structure and procedures so that its branches and activities are not limited to urban areas, nor its leaders and cadres are isolated from the rural areas, nor that it encourages too much bureaucracy and isolationism.”<sup>44</sup>

### **EPLF/PFDJ Strategy**

The EPLF provided a forum of struggle in which all Eritreans who were desirous of secession could participate regardless of their religion, language, ethnicity, class and gender. This made the EPLF become a melting pot for hundreds and thousands of Eritreans who came from rural and urban areas, from highland and lowland areas, and from the most marginalised localities making sure that there is equitable regional representation. By doing so, it enhanced Eritrean nationalism, and prepared the ground for national unity, overriding divisive issues. In all its policies and actions, the EPLF cultivated nationalism and unity of the people of Eritrea<sup>45</sup>. In terms of military strategy, EPLF adopted a three-point military strategy during its First Congress held in 1977. The Congress agreed that “First, they should conduct positional or fixed warfare, defending the liberated areas from enemy attack, and from these positions proceed to liberate the country step by step; second, in the contested areas they should wage mobile warfare; and thirdly, in the *Dergue* controlled territory they should depend upon a strategy of guerrilla warfare.”<sup>46</sup> Further, during the liberation struggle, the EPLF kept tactical relationship with

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<sup>42</sup> See PFDJ National Charter, *Supra* note 40, 5.

<sup>43</sup> Joireman, *Supra* note 35, 179.

<sup>44</sup> PFDJ National Charter, *Supra* note 40, 29-30.

<sup>45</sup> See *Ibid*, 5.

<sup>46</sup> Negash ad Tronvoll, *Supra* note 2, 17.

those liberation movements who have the common objective of defeating the *Dergue* such as the TPLF<sup>47</sup>.

Upon being re-established as PFDJ, the EPLF developed six basic principles which served it as guidelines for its activities, which aim at remaining a broad-based dynamic organisation in Eritrea and beyond. These are national unity, active public participation, the human element, linkage between national and social struggles, self-reliance, and finally, a strong relationship between people and leadership.<sup>48</sup> Further, PFDJ set out its security objectives: (a) to ensure that its doctrine on national security and defence is people-oriented, and has a national basis; (b) to establish appropriate army, security and police institutions which serve public and national interests, are accountable and function openly, and are bound by a national constitution; (c) to ensure that the army and security institutions, continuing the good tradition of the people's army, are strong, committed and productive, are guided by love for the people and country, and respect law and order; and (d) to ensure that the army and security forces acquire skills and organizational abilities in order to properly perform their tasks.<sup>49</sup>

Although PFDJ has such lofty policy and strategies in place and claims to be flexible, it is notoriously known for fighting neighbouring countries. Thus far, it had wars with Yemen, the Sudan, Ethiopia and Djibouti all relating to territorial claims. It tends to use force before exhausting legal and peaceful avenues, which makes its use of force uncontrolled. Contrary to its stated policy, it has also failed to understand changing global circumstances and be flexible to promote the national interest of Eritrea rather than acting with a survivalist, siege mentality<sup>50</sup>.

## Tigrayan People's Liberation Front/Ethiopian People's Revolutionary Democratic Front

### Origin, position at the beginning of the conflict and objectives

On 14 September 1974, immediately after the downfall of Emperor Haile Selassie (1916-1974), a group of Tigrayan university students in Addis Ababa formed an organisation called Tigrayan National Organization (TNO), which formed clandestine cells and carried out propaganda work amongst the people mobilizing the people of Tigray<sup>51</sup>. After the takeover of power by the *Dergue* junta, led by Mengistu Hailemariam, TNO resolved that armed struggle was necessary to remove this new regime and transformed to Tigray People's Liberation Movement in February 1975, which then had to be changed again to Tigray People's Liberation Front

<sup>47</sup> *Ibid*, 20.

<sup>48</sup> PFDJ National Charter, *Supra* note 40, 8.

<sup>49</sup> *Ibid*, 26.

<sup>50</sup> See in general ICG, *Eritrea: The Siege State* (ICG, Nairobi/Brussels), September 2010.

<sup>51</sup> See [http://en.wikipedia.org/wiki/Tigrayan\\_People's\\_Liberation\\_Front](http://en.wikipedia.org/wiki/Tigrayan_People's_Liberation_Front), and <http://eprdf.homestead.com/TPLE.html>, accessed on 18 April 2012.



(TPLF) in 1979<sup>52</sup>.

The time was a period when Ethiopia experienced a strong revolution initiated by students' movement and peasants' protest as well as a myriad of armed struggles and political movements across the country. These were mainly instigated by the systemic oppression by the then regime, which were feared to be continued by Mengistu. For TNO, the main grievance was that the regimes in Ethiopia neglected the north, which is mainly mountainous and barren, in search of more resources in the central and southern Ethiopia. TPLF then understood "the revolution within a Marxist-Leninist framework, blaming the economic, social and political problems of Ethiopia on the suppression of 'nationalities'..., the ethnic domination of the Amhara ruling elite, which suppressed and exploited Ethiopia's other 'nationalities'<sup>53</sup>. Subsequently, when the TPLF developed its programme in 1976, it mimicked the EPLF and "called for the establishment of an independent republic of Tigray, and defined its struggle as a war of independence."<sup>54</sup>

But soon afterwards, TPLF realised that the idea of secession was not workable and retreated to a national agenda to manage diversity in a federal arrangement based on ethnicity, which the Constitution refers to as "nations, nationalities and peoples"<sup>55</sup>. In keeping with this, TPLF formed a coalition with other groups established along similar objectives<sup>56</sup>. Currently, the general foreign policy of the EPRDF is to establish friendly relations with other countries with the principles of protection of national interest and security as well as peaceful resolution of disputes<sup>57</sup>.

## Ethiopian capabilities

EPRDF currently boasts of gigantic military capability and public support. At the time of the war, EPRDF had more than 300,000 forces and advanced military hardware to defend the country's sovereignty<sup>58</sup>. Currently, it has about a third of that human capability with more advancement in military assets. The country has been registering improved economic growth since 2003/2004<sup>59</sup>. This gives the EPRDF the financial wherewithal required for military use. In addition, it has significant public support in the various sectors of the community: the

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<sup>52</sup> *Id.*

<sup>53</sup> Negash and Tronvoll, *Supra* note 2, 15.

<sup>54</sup> *Id.*

<sup>55</sup> See *The Transitional Period Charter of Ethiopia No.1, 1991*, 22 July 1991, Art. 2; and *The Federal Democratic Republic of Ethiopia Constitution (FDRE Constitution)*, 8 December 1994, Arts. 39 and 62(3).

<sup>56</sup> Please, note that though TPLF formed a coalition and is ruling the country based on a federal arrangement, its name "Tigray Peoples Liberation Front" still remains, making one wonder if the liberation agenda is still intact. See Section 3.2.3 *infra* for the coalition members of EPRDF.

<sup>57</sup> See FDRE Constitution, *Supra* note 62, Art. 86; and *The Federal Democratic Republic of Ethiopia Foreign Affairs and National Security Policy and Strategy*, November 2002, 56-57.

<sup>58</sup> See [http://en.wikipedia.org/wiki/Ethiopian\\_National\\_Defense\\_Force](http://en.wikipedia.org/wiki/Ethiopian_National_Defense_Force), accessed on 18 April 2012.

<sup>59</sup> See, for example, African Development Bank Group, *Ethiopia's Economic Growth Performance: Current Situation and Challenges*, **Economic Brief**, Volume 1, Issue 5, 17 September, 2010.

rural community, unemployed youth and millions of party members all over the country. This is supplemented by the ethnic-based party system that extends to the village level ensuring better control. This is, of course, without prejudice to certain segments of ethnic groups such as Somalis and Oromos influenced otherwise by their respective liberation movements in certain parts of the country.

Following the end of the war in 2000 and the disagreement on the ruling of the Boundary Commission, Ethiopia's diplomatic position before the international community kept improving; while, in stark contrast, that of Eritrea kept plunging steadily due to her obstinacy. This seems to have given Ethiopia a leverage to influence the international media and court of public opinion as observed during the March 2012 attack by Ethiopia<sup>60</sup>, which was meekly condemned only by the former colonial master of Eritrea, Italy<sup>61</sup>.

## Ethiopian Leadership

Upon establishment, TPLF's leaders including Sebbat Nega, Meles Zenawi and Seyoum Mesfin were recruited from each province of the then administrative units of Tigray<sup>62</sup>. Afterwards, the leadership started to be elected directly by the organisational Congress, the first of which was conducted in February 1979 at Mai Abay, Shire Province, in Tigray province. This Congress elected the current Chairman of the TPLF, Prime Minister Meles Zenawi, into the Central Committee<sup>63</sup>. At the time, the Front was being led by Sebbat Nega, a prominent and influential founding member of the Front. Later, Meles was elected to TPLF's Executive Committee in 1983, and became chairman of both the TPLF and the Ethiopian People's Revolutionary Democratic Front (EPRDF), a coalition of the Oromo People's Democratic Organization (OPDO), the Amhara National Democratic Movement (ANDM), the Southern Ethiopian People's Democratic Movement (SEPDM) and the Tigrayan People's Liberation Front (TPLF), since 1989.

The Statute of EPRDF, which forms the coalition, provides for the management structure of the coalition and the manner of representation among the coalition parties<sup>64</sup>. Each coalition member organization is represented by 45 persons making up the total membership of the EPRDF Council of 180 persons. The 36 members of the EPRDF Executive Council are also elected from within the EPRDF Council; nine members representing each political party. The 180 member Executive Council elects the Chairperson and Deputy Chairperson of the EPRDF<sup>65</sup>.

Notwithstanding this, the top leadership of the TPLF split over ideological issues and alleged

<sup>60</sup> Though the attack was admitted by Ethiopia, it received no serious objection including by the UN Security Council though Eritrea reportedly complained to it. See Government Communication Affairs Office, *Supra* note 3.

<sup>61</sup> See Ministry of Foreign Affairs of Ethiopia, *Press Release on Italy's Biased and Ill-Informed Statement*, 21 March 2012, [http://www.mfa.gov.et/Press\\_Section/statement\\_on\\_gov\\_of\\_italy.pdf](http://www.mfa.gov.et/Press_Section/statement_on_gov_of_italy.pdf), accessed on 18 April 2012.

<sup>62</sup> See *Tigray People's Liberation Front (TPLF)*, <http://eprdf.homestead.com/TPLF.html>, accessed on 18 April 2012.

<sup>63</sup> *Id.*

<sup>64</sup> See *Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) Statute (EPRDF Statute)*, revised version, September 2006.

<sup>65</sup> *EPRDF: The Change in Leadership*, [http://eprdf.homestead.com/EPRDF\\_Excerpt\\_Article\\_1\\_1\\_.pdf](http://eprdf.homestead.com/EPRDF_Excerpt_Article_1_1_.pdf), August 2009, accessed on 18 April 2012.



disagreements over the manner in which the war with Eritrea was dealt with in 2000. Though this affected the leadership style of the TPLF, worsening the dictatorship, TPLF is still strong. This can be seen from Table 3 below showing the TPLF/EPRDF leadership strategy SWOT.

Table 3: SWOT analysis of EPRDF leadership

	Strength	Weakness	Opportunity	Threat
<b>EPRDF</b>	Introduced ethnic politics Formation of coalition Forms alliances Closer relation with neighbours Belief in dialogue	Introduced ethnic politics Lost access to the sea Wavers on EEBC decision	Fight against terror Eritrea's weak external relations Use AU in its favour as host	Search for alternative ports Ethnic based liberation movements

## Organization of the EPRDF

TPLF is a well-organised and effective Front with a Central Committee and a politburo. Prior to taking power from the *Dergue* regime, TPLF was divided in four regional organizations; three in Tigray and the fourth for those who operated from outside of Tigray. Each of the regions in Tigray had politburo members coordinating their activities while the foreign committee supervised subdivisions in the Sudan, Middle East, Europe and North America<sup>66</sup>.

As discussed above, a few years before taking power, TPLF created an alliance with other similar minded organisation further strengthening its capability. At the time of the debacle of the *Dergue*, it was also able to form alliance with other armed movements and political parties such as the OLF, though temporary. This was evidently helpful to the EPRDF in negotiating the transitional arrangement in 1991 and reaching out to the various ethnic groups. Immediately after forming the coalition, EPRDF drew its Statute, which is amended from time to time by the Congress, outlining the organisational structure of the Front.

According to Article 17 of the EPRDF Statute, the management organs and various structures of the Front include: General Congress of EPRDF, Council of EPRDF, Executive Committee of EPRDF, Chairperson of EPRDF, Assistant Chairperson of EPRDF, Controls Commission of EPRDF, Office of EPRDF, EPRDF Parliament members, Women League, Youth League and Lower Bodies of EPRDF<sup>67</sup>. The Front uses several means of communication including the state media, and party media such as *Weyin* radio and newspaper. It ensures loyalty through its structures that

<sup>66</sup> Gösta Torstenson, *Befrielsekampen i Tigray* (Stockholm: Kommunistiska Arbetarförlaget, 1986), 4-5, quoted in [http://en.wikipedia.org/wiki/Tigrayan\\_People's\\_Liberation\\_Front#cite\\_note-2](http://en.wikipedia.org/wiki/Tigrayan_People's_Liberation_Front#cite_note-2), accessed on 18 April 2012.

<sup>67</sup> For the detailed powers and functions of these organs of the EPRDF, please see Arts. 18-29 of the EPRDF Statute, *Supra* note 71.

go down to the village level such as, for instance, the youth and women leagues. It also pays attractive salaries and allowances to its cadre and supporters to maintain good attachment at the various levels.

### EPRDF Strategy

EPRDF uses all means to achieve its objectives as set out in its manifesto. It mobilises large public support and follows a state controlled capitalism for economic development<sup>438</sup> investing significantly on infrastructure development that affects the lives of the majority of the public such as in roads, telecommunications and power generation. It maintains alliance with western countries in the fight against terrorism. With its strong security apparatus, it threatens to use force against any external and internal force that threatens its existence and uses force when the need arises. This is the case with the use of force to counter threats by Islamic Courts Union (ICU) of Somalia in 2006 and 2012, and the containment policy of Eritrea's threats. It attempts to exhaust peaceful means before resort to force; a case in point being the invitation to dialogue of Eritrea, as summarised below in Table 4.

Table 4: SWOT analysis of EPRDF/TPLF strategy to resolve conflict

EPRDF	Strength	Weakness	Opportunity	Threat
Strategy to resolve conflict	Introduction of ethnic based politics Alliance with the West and international organisations Diplomatic tactics Culture of dialogue Attempt to win poverty	Division of the public along ethnic lines Vulnerability to terrorism attacks Failure to extricate from poverty Obstinate on positions	Terrorism/alliance with West Eritrea's weak external relations Use of the UN, AU and IGAD in its favour	Poverty and lack of alternative ports Ethnic-based liberation movements Eritrea's policy of militarization

### Conflict Issues ("Causes") and Conflict Dynamics

The Ethiopian-Eritrean conflict, as one of the most protracted inter-state conflicts of the 21<sup>st</sup> century in Africa, is historical in nature and complicated in time. It has its roots from the colonial era in 19<sup>th</sup> century. However, this Section analyses the causes of this conflict with emphasis on the 1998-2000 war between the two countries and the subsequent disagreements yet to be resolved. The analysis in Table 5 below shows the conflict dynamics by identifying the major

**68** State capitalism is another name for the theory of 'developmental state' whereby government intervenes in the operations of the market and controls economic development to ensure social justice or equitable distribution of resources in society. For lack of space, suffice it to say that this benevolent approach in economic governance is being contested, for instance, as witnessed by the Arab Spring.



issues and the parties involved at the various levels. This will be followed by a brief explanation of the key issues in the conflict.

Table 5: Analysis of Ethio-Eritrean conflict issues and dynamics (1998 -present)

Layer	Current conflict issue and parties involved
<b>Local/Sub-national</b>	Tension between ethnic groups on both sides of the border e.g. right to farm and grazing land.
<b>National</b>	Ideological difference and grievances from the days of liberation struggle between TPLF and EPLF as well as diversion of ethnic pressure by Eritrea. Incompatible economic policies of Ethiopia and Eritrea. Lack of negotiated secession and post-secession conflict prevention, management and resolution mechanism as well as Eritrean troops crossing the Ethiopian border illegally. Disagreement on border demarcation between Ethiopia and Eritrea.
<b>Sub-regional</b>	Lingering aspirations of Eritrea to become a regional power, e.g. in IGAD.
<b>Regional</b>	Distrust of EPLF to the AU (then OAU).
<b>Global</b>	Distrust of EPLF to the UN system and international community.

## Tension between ethnic groups along the border

### Current conflicting positions on the key issue as declared and as confirmed by facts.

The fact that both sides of the border are mainly occupied by Tigrayans and other ethnic groups such as Afar, Saho and Kunama of the same ethnicity creates problems. For instance, that they are essentially the same people makes the demarcation process very difficult, if not impossible, as a single family living along the border might be divided. Farming and grazing was a subject for the border commission between 1993 and 1997 as there were repeated conflicts between the local people in the border areas. Joireman explains that “neither side seemed certain of which farmers should be able to plant crops in the disputed area, the result of which was a great deal of fear and insecurity in the local population, not to mention the opportunity costs of lost land use”<sup>69</sup>, which is an issue of livelihood in those rural areas.

<sup>69</sup> Joireman, *Supra* note 35, 183.

## Historical background and evolution of the key issue in different arenas.

Tigrayans shared the highland parts of Eritrea and the present Tigray Region of Ethiopia until the separation. They also share, among others, the same language (*Tigrinya*); the same religion (Christianity); and similar culture. "About five million Tigrayans, mainly in the Tigray Region of Ethiopia and about three million in the highland traditional provinces of Akele-Guzai, Hamassen and Seraye in Eritrea, speak Tigrigna. It is practically the national language in Eritrea and the fourth important language in Ethiopia."<sup>70</sup> Further, Kifleyesus asserts that "[t]he people on both sides of the Eritrean and Ethiopian border have shared common historical traditions. ..., exchanged commercial goods, experienced inter-border seasonal migrations and, more importantly, intermarried with one another for far too long to overlook these realities."<sup>71</sup> However, they became divided by geography following the secession.

## Forces and factors that make the key issue particularly relevant.

The tension between the ethnic groups residing on both sides of the border and more specifically the division of the Tigre community continues to be aggravated by local authorities that wish to score political gains from it. Residents as well as the local authorities are not willing to handover Badme to the Eritrean side convinced that they are Ethiopians.<sup>72</sup> In fact, this was one of the main reasons behind the split in TPLF in 2001 when the hardliners, constituting the centre of power in Addis and representing the local community back in Tigray, opposed the way the war was ended in 2000 followed by the skewed Algiers Peace Agreement. They argued that Ethiopia should have pushed with the war and re-occupied part of Assab before any negotiations. This also brought to the fore the debate that the Premier of Ethiopia and the president of Eritrea have close blood relations, which certainly plays a significant role in the quest of searching solution to the conflict.

## Impact of interventions.

The intervention of mediators and particularly the presence of the UNMEE (2000-2008)<sup>73</sup> did not resolve this longstanding problem at the level of the local communities apart from abetting it for a while. In fact, UNMEE withdrew before being able to witness the demarcation process, which has become stalled since then.

<sup>70</sup> Berhane Woldegebriel, *Eritrea: A war for national unity*, in Lata, *Supra* note 19, 36.

<sup>71</sup> Abbebe Kifleyesus, *Perceptions of Pacifism: Renewed Respect within the Wisdom of "Good Fences Make Good Neighbours" between Eritrea and Ethiopia*, in Alfred G. Nhema (ed), **The Quest for Peace in Africa: Transformations, Democracy and Public Policy** (International Books with OSSREA, Addis Ababa, 2004), 25.

<sup>72</sup> Kalewongel M Gedamu, *Ethiopia and Eritrea: The Quest for Peace and Normalizations*, (University of Tromsø, Centre for Peace Studies, Norway, MSc Thesis, 2008), 87-96.

<sup>73</sup> See Zondi and Rejouis, *Supra* note 17 in general to get a better feel of the UN intervention, the conundrum surrounding the Boundary Commission and the role of the AU.



## **Interaction with other conflict issues at the same or different layers.**

It needs to be underlined that the Ethiopian side of the government is dominated by TPLF and TPLF members are influential from the local level to the provincial and national levels, not to mention that even the Prime Minister and his core team come from Tigray region, where the conflict is. This no doubt intertwines the analysis of the conflict at various levels, particularly the local and national levels.

## **Ideological difference, past grievances and need for diversion of ethnic pressure**

### **Current conflicting positions on the key issue as declared and as confirmed by facts.**

After the fall of the *Dergue* regime, the TPLF/EPRDF government implemented an ethnic-based federal policy in attempt to manage the prevalent ethnic diversity. As noted above, this was enshrined by the Transitional Period Charter and the current Constitution of Ethiopia, which require regions to be drawn based on ethnicity. EPLF, however, adopted a unitary state structure advancing its nationalist policy, which would not address ethnic issues the way it is addressed in Ethiopia. Beginning from the days of liberation struggle, these ideological and political differences used to worry, and still worry, EPLF for “the possible spill-over effect of the ethnic federal system in Ethiopia”<sup>74</sup>.

### **Historical background and evolution of the key issue in different arenas.**

Although TPLF was created years after EPLF and acquired military training from it, TPLF chose to follow a different military doctrine than that of EPLF. As discussed in Section 3 above, EPLF followed and trained TPLF on the conventional warfare strategy of occupying a territory and defending it with the view to expanding the gains, which is criticised by TPLF. TPLF adopted guerrilla warfare, which employs military tactics such as ambush, sabotage, raid, surprise attack, and striking vulnerable targets and withdrawing immediately. This is because TPLF couldn't afford conventional methods of warfare with the small number of forces it had. This was not well-received by EPLF, which considers itself a senior, negatively affecting the relationship between the two. In addition, EPLF closed the western Barka route to the Sudan from 1983-85, which was badly needed by the TPLF for transit to the Sudan and to provide relief to the famine affected Tigrayans during the 1984 Famine. This was meant to erode the popular support TPLF had from that community.

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<sup>74</sup> See, for example, Negash and Trovold, *Supra* note 2, 16.

## Forces and factors that make the key issue particularly relevant.

Ethiopia's approach to ethnicity seems to have influenced the various ethnic groups of Eritrea who are divided between Ethiopia, Djibouti and some in the Sudan. For instance, Afar Democratic Unity Front (ARDUF) is already waging armed struggle in Ethiopia and Eritrea for the unity of the Afar people. As such, the 1998 war was somehow "necessary to ensure the unity of the various ethnic and religious groups within [Eritrea]."<sup>75</sup> For TPLF, the conflict could be used as a good pretext for punishing the small country to revenge for its past misdeeds and prove it is no more the junior partner<sup>76</sup>.

## Impact of interventions.

Before the war in 1998, intervention was not possible as the two Fronts used to behave as friends and never exposed the problem to the outside world. However, even the mediation attempts and the peacekeeping force, which intervened after the end of the war, could not address the differences between the Fronts, as a result of which the conflict still persists.

## Interaction with other conflict issues at the same or different layers.

The ideological and political difference seems to have created distrust between the Fronts convincing the EPLF to pursue a policy of militarisation after secession. The over-militarisation of EPLF made it believe that it can subdue every neighbour using the theory of "might is right". This needs to be addressed together with the other issues discussed in this Section.

## Access to the sea and incompatible economic policies

### Current conflicting positions on the key issue as declared and as confirmed by facts.

The fact that the Ethio-Eritrean conflict has as one of its roots in the economic relations of the two countries is a public secret. Though the two countries concluded various agreements in 1993 to harmonise and integrate their economic relations, by 1997 it was clear that those agreements were not being properly implemented despite joint review efforts. This was so due to various reasons, chief among which are (i) incompatible stances on areas such as investment and free movement of persons (Eritrea wanted quick liberalisation, while Ethiopia wanted a slow pace with restrictions on certain areas such as banking, insurance, electricity), (ii) subsequent introduction of new and incompatible tariff regimes, interest rate and exchange rate policies, (iii) the introduction of new currencies as well as disagreement on parity and how to reduce the effect on Eritrea's new currency, *Nakfa*, and (iv) the competition between

<sup>75</sup> Joirman, *Supra* note 35, 185.

<sup>76</sup> The former Minister of Defence of Ethiopia, General Tsadkan GebreKidan, is remembered for having said at the heyday of the 1998-2000 war that "They [Eritreans] know how to dig trenches, but we know how to get them out of it!"



Eritrea and Tigray region, which had then shown significant development<sup>77</sup>. On top of this is, of course, the access to the sea issue, which was, and is, critical for Ethiopia. Eritrea kept on charging excessively high port and related fees beyond what is economically feasible, for instance, for Ethiopia's coffee export, which is the main foreign exchange earner, and tried to strangle Ethiopia and its businesses<sup>78</sup>. It should also be highlighted that upon outbreak of the war, Eritrea confiscated large volumes of shipments destined to Ethiopia at the port of Assab<sup>79</sup>.

### Historical background and evolution of the key issue in different arenas

Though all ports are left to Eritrea upon secession, this should have been wisely dealt with at secession for the sake of sustainable peace. However, due to a glaring injudiciousness of TPLF, the port of Assab was abandoned irrespective of the various wars waged to prevent that over the centuries. As a liberation fighter and former General in the Ethiopian Air Force admits, the relinquishment of Assab was a result of "combination of ignorance and arrogance"<sup>80</sup> on the part of TPLF leadership, as TPLF policy on the matter relied on colonial treaties that did not ensure Ethiopia's interests. Though various joint committee negotiations and agreements between the countries were used to maintain the right of access, the 1998 war deactivated all the agreements as well as the right of access.

### Forces and factors that make the key issue particularly relevant

The issue of access to the sea is an issue of fierce and emotional discussion in Ethiopia. Some argue that Ethiopia needs to have unfettered, permanent access to the Red Sea, while others maintain that Ethiopia needs to regain the port of Assab as part of its sovereign territory. Be that as it may, access to the sea was one of the critical issues that contributed to the success of the opposition and the declining support for EPRDF during the 2005 election. Some opposition groups, such as Coalition for Unity and Democracy (CUD) went to the extent of declaring that they will fight to return the port of Assab to Ethiopia and won large public support for that promise. This dimension will have great impact on the search for solution to the conflict.

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**77** For elaborate discussion, please, see Negash and Tronvoll, *Supra* note 2, 30-45. See also Gebru Asrat, *Towards Sustainable Peace between Ethiopia and Eritrea*, in Lata, *Supra* note 19, 58.

**78** See, for instance, Joireman, *Supra* note 35, 183.

**79** See United Nations, *Supra* note 22, 489-503 in which the Claims Commission affirmed that large volumes of Ethiopian property were stranded and taken by Eritrea, but for legal reasons applicable at the time of war, it could not hold Eritrea liable.

**80** Abebe T. Kahsay, *Ethiopia's Sovereign Right of Access to the Sea under International Law* (University of Georgia School of Law, LLM Thesis, 2008), 2 at footnote 3, [http://digitalcommons.law.uga.edu/stu\\_llm/81/](http://digitalcommons.law.uga.edu/stu_llm/81/) accessed on 30 May 2012.

## Impact of interventions

The intervention by UNMEE to assist and witness the boundary demarcation was supposed to give finality to this issue of access to port and thereby the economic disharmonies, but failed to achieve that. Unfortunately, the mediation efforts to resolve the conflict also failed to touch this crucial issue, which is the crux of the trouble between the two countries.

## Interaction with other conflict issues at the same or different layers.

The issue of access to the sea and its economic ramifications is a cross-cutting issue at every level and affects any attempt to resolve the conflict. Short of addressing this issue, no attempt to reconcile the two countries and normalise relations seems to work.

## Lack of Negotiated Arrangement at Secession

### Current conflicting positions on the key issue as declared and as confirmed by facts

As the post-secession relations of the two states is not dealt with properly at the time of secession, when conflict started to emerge in mid- and late 1990s, there was no mechanism to resort to for prevention. “The two states did not work out a process and programme to ensure that separation was without hurdles and that there would be no hang-overs. For instance, no process was put in place to resolve potential and existing border disputes, administration of overlapping populations, the status of each other’s nationals living on both sides, and the nature of state-to-state relations.”<sup>81</sup> Such was the case with secession of South Sudan, which emerged from the Comprehensive Peace Agreement (2005). It is to be underlined, however, that such arrangements are not guarantee for harmonious relations as evidenced by the war between North and South Sudan since April 2012. The lack of such arrangements, however, further exacerbated the conflict in the case of Ethiopia and Eritrea.

### Historical background and evolution of the key issue in different arenas.

During the Italian colonisation, the issue of boundary and sovereignty was critical entailing several wars with Italy including the famous battle of Adwa (1889) and the Ethio-Italian war (1935-41). After secession, the issue of the boundary demarcation had been discussed at the level of local authorities of the two countries as well as the Heads of State in 1997<sup>82</sup>, one year before the war. As a result of the high-level discussion, a joint border commission was also set up to negotiate on the matter, but to no avail.

<sup>81</sup> Zodi and Rejouis, *Supra* note 17, 71.

<sup>82</sup> See the extracts of letters exchanged between the Eritrean President and the Ethiopian Prime Minister in August of 1997 relating to boundary demarcation concerns in Negah and Trovoll, *Supra* note 2, 115-116.



## **Forces and factors that make the key issue particularly relevant.**

One of the factors that militate for proper negotiation of secession processes is the issue of access to the sea. This has become a divisive instrument in the Ethiopian society such as opposition political parties. Unfortunately, they are right and the issue needs close scrutiny. In addition, as the border between the two countries was not properly negotiated and agreed upon at secession, the Badme incident had to occur in 1998 inciting an all-out war. Then, none of the parties knew how to handle this emerging conflict. Had there been clear mutual agreement before secession, maybe we wouldn't have to undergo that bloody war for nothing; and day-to-day confrontation 11 years after the formal end of the full-scale war.

## **Impact of interventions.**

The mediation efforts to resolve the conflict tried to deal with crucial historic issue of boundary and managed to convince the parties to stop the war and resort to colonial treaties to demarcate their common boundary. But this was let down by the complicated nature of the boundary as well as UNMEE's withdrawal without creating sustainable conditions for peaceful coexistence.

## **Interaction with other conflict issues at the same or different layers.**

It can be concluded from the foregoing discussion that the secession of Eritrea was not properly negotiated. No firm post-secession conflict prevention, management and resolution mechanism was put in place. TPLF made one of its greatest historical blunders when it allowed Eritrea to secede without any condition. This together with the pursuant invasion by Eritrea compounded the resolution of other causes of the conflict.

## **Disagreement Regarding Demarcation of Common Boundary**

### **Current conflicting positions on the key issue as declared and as confirmed by facts.**

After the Boundary Commission rendered its decision in April 2002, Ethiopia requested it to make some adjustments to its decisions and indicated that "there was a need to conduct demarcation in a manner that would take into account the human and physical geography through a study of facts on the ground."<sup>83</sup> By this time, it was clear from the geographic coordinates in the decision that the town of Badme, the flash point of the conflict, was awarded to Eritrea. Ethiopia's request memorandum indicates that if the decision is implemented as rendered impractical conclusions will be reached that would divide communities not only in Badme, but also along areas such as Zalambessa and Irob. As noted above, the communities

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**83** United Nations, *Special report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea, S/2008/226*, 7 April 2008, 3.

in Badme and their authorities are not willing to handover Badme<sup>84</sup>. Hence, Ethiopia refused to implement the decision, while Eritrea insists that she is legally entitled to Badme<sup>85</sup>.

### Historical background and evolution of the key issue in different arenas.

As pointed out above, the issue of boundary has been an issue that started during colonial times and it was a subject of dispute ever since. In December 2000, after two years of war, the Agreement on Cessation of Hostilities and the Comprehensive Peace Agreement were signed as a result of the mediation efforts. Under the Agreement on Cessation of Hostilities, Eritrea and Ethiopia committed themselves to resolving the border conflict and any other dispute between them through peaceful and legal means; rejecting the use of force as a means of imposing solutions to disputes; and respecting the borders existing at secession and determining them on the basis of pertinent colonial treaties and applicable international law and, in case of controversy, resorting to the appropriate mechanism of arbitration<sup>86</sup>.

Further, under the Algiers Peace Agreement, which is complemented by the Cessation of Hostilities Agreement, the two parties pledged to permanently terminate military hostilities between themselves; refrain from the threat or use of force against each other; and respect and fully implement the provisions of the Agreement on Cessation of Hostilities<sup>87</sup>. This led to the establishment of the Boundary Commission, as an arbitral body to legally resolve the matter. Subsequently, the guarantors of the Algiers Peace Agreement tried to convince the parties to proceed with the demarcation, but Ethiopia's recalcitrance could not be surmounted. Rather than implement the decision, Ethiopia requested for "dialogue with Eritrea to facilitate demarcation in Sectors Centre and West"<sup>88</sup>, which was rejected outright by Eritrea stalling the demarcation process.

### Forces and factors that make the key issue particularly relevant.

The award of Badme to Eritrea subjected both parties to a dilemma. The whole war was waged by both sides convincing the population that Badme belonged to it, but the Boundary Commission decided in favour of Eritrea. Due to local pressures and the promises during mobilisation for war, both sides became stuck on getting that territory or their national pride is lost. The sentiment in the populations of the parties makes the matter of handing over Badme to Eritrea or Eritrea agreeing to dialogue look like a "political suicide" none of whom could

<sup>84</sup> See Gedamu, *Supra* note 79 in general.

<sup>85</sup> Please, see generally United Nations, *Supra* note 90, for a detailed review of all the communications of Ethiopia and Eritrea on the demarcation process between 2002 and 2008 to fully understand how Ethiopia was developing a series of arguments not to implement the EEBC decision.

<sup>86</sup> United Nations, *Supra* note 90, 1.

<sup>87</sup> *Ibid*, 2.

<sup>88</sup> See *Ibid*, 4.



justify<sup>89</sup>.

## Impact of interventions

The mediation attempted to deal with crucial historic issue of boundary demarcation though it did not work as the bodies that emanated from it gave somewhat contradictory judgement. The Claims Commission decided in 2005 that Eritrea illegally started the war and occupied Badme, while the Boundary Commission had already awarded Badme to Eritrea in 2002. This supported Ethiopia's refusal to honour the decision of the Boundary Commission; while also hindering Eritrea's prospect to start dialogue.

## Interaction with other conflict issues at the same or different layers.

The issue of border conflict, portrayed by the parties as the main cause of the war, overshadowed all the other causes of the conflict discussed above. To resolve the conflict between the parties, there is need for a holistic approach.

## Aspirations of Eritrea to become a regional power, e.g. in IGAD

Immediately following its secession, the State of Eritrea began carrying out what some call "measured wars"<sup>90</sup> with its neighbours, namely Yemen, Sudan, and Djibouti. Following the same trend, it invaded Ethiopia in its quest to "[carve] out a singular Eritrean identity and a mental map, away from the common ethnic and cultural ties in Djibouti, Ethiopia, Sudan and Yemen. The border dispute with Ethiopia was intended to emphasize the division between highland Eritreans, who are culturally akin to those in Tigray."<sup>91</sup> However, unfortunately, the intended "measured war" with Ethiopia blew out of proportion and became full-blown war with no end in sight. By conducting such "measured wars" and showing Eritrea's might to neighbours, Eritrea expected that she will become an influential regional player given its strategic position to the Middle East and the prevailing conflicts in the Horn of Africa; and given the rise of terrorism and interests of the West for a reliable partner.

Eritrea wanted to play leading role in IGAD, which is a sub-regional organisation in the Horn of Africa. This aspiration also seems to have flown in the face of Ethiopia's, which also aspires to become a regional role player. Ethiopia, as the mother country from which small Eritrea seceded and with sizzling ethnic issues it was dealing with at home, could not afford this competitive tendency. This is an important factor that merits due attention in the analysis of the dynamics of the conflict.

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<sup>89</sup> Please, note that "it is also questionable whether handing over Badme would in itself normalise relations between the two countries"; Daniel Mekonnen and Paulos Tesfagiorgis, *Eritrea-Ethiopia: The Algiers Peace Agreement and its Aftermath*, <http://asmarino.com/articles/1113-eritrea-ethiopia-the-algiers-peace-agreement-and-its-aftermath>, accessed 23 February 2012, 12.

<sup>90</sup> Woldegebriel, *Supra* note 77, 34.

<sup>91</sup> *Id.*

## Distrust of EPLF to the AU (formerly OAU)

As previously discussed, Eritrea never felt comfortable with the positions taken by the then OAU and its member states towards its struggle. It felt that the OAU betrayed Eritreans in their struggle for self-determination and the AU was not a credible continental mechanism to deal with disputes. The fact that AU is headquartered in Addis Ababa, with possible influence by the host, made the distrust of Eritrea more serious and hence, the failure to resort to peaceful means through the OAU's (and now AU's) dispute resolution mechanisms.

## Distrust of EPLF to the UN System and International Community

The distrust that EPLF shows towards the UN and the rest of international community is not very different from its view to the AU. EPLF deeply feels that the UN is heavily influenced by the United States of America during the 1952 decision for federation and acquiescence to its dissolution in 1962. PFDJ National Charter states that "[i]t was under the pretext of the United States-initiated United Nations Resolution on federation in 1952 that Ethiopian rule started." It also displays this attitude publicly and this is evidenced by its significant diplomatic isolation from the international community since the loggerhead regarding the boundary demarcation and the termination of UNMEE, mainly due to Eritrea's pressure.

## Lesson Learnt From Interventions

As alluded to in Section 2.5 above, rounds of mediations were conducted setting up arbitral bodies and peacekeeping by the UN. Nonetheless, despite all this, the two countries could not normalize their relations and ensure peace prevails. Gebru Asrat concludes that "the [Algiers] Peace Agreement was signed. ... after the warring parties had exhausted themselves" and "... [It] had not brought peace or led to the normalisation of relations between the two countries", as a result of which "all the efforts by the US, Rwanda, the OAU and the UN" failed.<sup>92</sup> Yet, the failure of the interventions left behind several lessons that need to be considered by the parties as well as third-parties wishing to lend a hand in the situation henceforth.

## Lesson learnt on assumptions about the conflict

Several lessons can be learnt from this conflict: First, the parties acted in bad faith as to the cause of their conflict when they portrayed it as a boundary conflict. In fact, it is established that the conflict is far beyond a boundary dispute. Second, the mediators relied on this avowal by the parties and focused the mediation, the arbitral and the peacekeeping endeavours to be limited to dealing with the alleged boundary dispute. It can be judged from this easily that the mediators and subsequent interveners in the conflict did not have adequate knowledge of the complexity of the conflict. Later, it was found out that choice of focusing to resolve only one of the causes instead of a cluster of them was the utmost problem with the process. The

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<sup>92</sup> See Asrat, *Supra* note 84, 60.



mediation process was specifically criticised for this reason “as being too hasty and simplistic”<sup>93</sup>. Besides being too simplistic, the interveners as well as the parties assumed that reliance on colonial treaties (which were too outdated and fallible limiting the Boundary Commission from being innovative, where possible) would resolve the boundary conflict. That also proved to be way out of the possible solution.

### **Lessons learnt on objectives**

The objective of the interventions, which can be summarised as bringing lasting peace between the parties by demarcating the common boundary, was also not properly chosen. That is so because resolving the boundary issue alone would not resolve the whole conflict. Unfortunately, even the boundary concern could not be resolved as the Boundary Commission rendered its decision based on fallible colonial treaties, which were not clear even to the parties and whose marks on the ground had substantially changed by events and circumstances that occurred during the last century. For instance, the treaties were nullified by the later unification. That aside, the parties disagreed on the interpretation of these treaties vis-a-vis the facts on the ground nearly repudiating the Algiers Peace Agreement.

### **Lessons learnt on means and actors**

It can be concluded that the actors used in the attempt to mediate the conflict were very helpful. For instance, the fact that the mediation started with friends of the two countries helped to propel the mediation through the various channels easily finally being adopted at the UN.

As for the means used, the use of peacekeeping force to assist in the resolution of the conflict was positive as it assisted in separating the parties by at least 25km distance between them making them less susceptible for physical confrontation. The resort to arbitral remedies, nonetheless, was not the right approach. The reason is that arbitration is a dispute settlement mechanism, in which arbitrators would hear the arguments of the parties and rule in favour of one or the other party, which entails a vindication process where one party wins and the other losses. It also limits its rulings to the mandate given by the parties, in this case dealing with the boundary delimitation and demarcation only. On the other hand, if the parties followed the route of conflict resolution, instead of conflict settlement, it would enable them discuss all the possible root causes of the conflict and attempt to resolve the conflict through dialogue and drain the problem from the source. In this case, there would not be a win-lose situation (which is sometimes referred to as zero-sum game), but rather a win-win situation mutually agreed upon by the parties themselves. The zero-sum game product of conflict settlement (in the case of the Ethio-Eritrean conflict the outcome would, as shown in Section 2.4, be described as *negative* zero-sum game, as both sides are losers in the decade-long conflict) would always tend to prolong the conflict as it leaves one of the parties aggrieved due to the loss and it does

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<sup>93</sup> See Lata, *Supra* note 19, 11.

not *resolve* the conflict. Although it can be criticised rightly for being too late too little, the UN intervention in 2004 through Lloyd Axworthy inviting for dialogue could be interpreted as an attempt to remedy this problem<sup>94</sup>.

## Scenarios

Scenarios refer to the specific alternatives or options leading from the current state of affairs to the best and desired state. There are three possible scenarios in a conflict: worse case (state to be avoided); *status quo* (state to be maintained or improved depending on circumstances); and best case scenario (a desired state). This Section formulates the best case (optimistic) scenario and the more of the same (worse-case) scenario for the Ethio-Eritrean conflict.

### Best case (optimistic) scenario

The parties to the conflict:

- ❖ Engage each other, with the support of the African Union, taking stock of all relevant causes of their conflict and reach a comprehensive solution including economic issues;
- ❖ Agree on how to resolve the boundary demarcation peacefully including how to resolve the issue of Badme town ensuring win-win for both sides;
- ❖ Start demarcating their common boundary in a manner that resolves issues surrounding Ethiopia's right of access to the Sea;
- ❖ Address the challenges to affected populations along the border areas and providing peace, security and stability to enable them do their activities confidently and without the trauma of fear and anxiety;
- ❖ Stop funding and arming each other's armed opposition groups (AOGs) and end the agenda of conducting proxy wars;
- ❖ Stop diplomatic and/or propaganda wars against each other;
- ❖ Commence implementing confidence building measures with the view to normalizing their relations; and
- ❖ Create the groundwork for full normalisation of relations and friendliness for the long term.

<sup>94</sup> Please, note that the route of dialogue at this later stage could also be criticised as a loss of confidence in rule of law by the international community in general and the African Union in particular although it seems it is the only best alternative at this moment given that Ethiopia may withdraw from the Algiers Peace Agreement altogether if pushed along that line. See also *Infra* footnote 108. This is not to say, however, that the arbitral settlement mechanism was the only factor to blame; it was made worse by other factors including lack of adequate understanding of the conflict by the interveners as well as the shallowness and skewedness of the Algiers Peace Agreement.



## More of the same or worse scenario

The parties to the conflict may keep the conflict at its current status by:

- ❖ Maintaining restraint on use of force against each other;
- ❖ Restraining conduct of proxy war through the use of their opposition and third-state enemies;
- ❖ Continuing their ghastly propaganda trying to create more rift in the peoples of the two countries; and
- ❖ Failing to ensure that affected populations in the common border areas don't continue to suffer from the consequence of the impasse.
- ❖ However, if they could not maintain the current state of the conflict:
  - ❖ Maybe they intensify the current skirmishes around the common border areas;
  - ❖ Maybe they exacerbate their proxy wars such as in Somalia destabilising the greater Horn of Africa;
  - ❖ They intensify funding each other's AOGs;
  - ❖ Continue their diplomatic and propaganda wars in various forums;
  - ❖ Maybe more lives and means of livelihood would be lost due to the continued skirmishes around the border areas; and
  - ❖ Maybe they eventually go into a war, which would be devastating to themselves as well as neighbouring countries.

## Policy Response Options

As the situation on the ground is gloomy with war looming along the border, AU's interventions options need to take into account the predicament that *conflict settlement* caused hitherto and rethink its approach.

### Proposal for intervention - Contribution by the AU (and IGAD).

Considering the very complex nature of the Ethio-Eritrean conflict, the AU must consider a myriad of factors that help it, or hinder it, to achieve its target of the best case scenario; and approach the conflict with a view to seeking common ground to accommodate the interests of both parties. This can be done through dialogue for *conflict resolution*, which would lead to *reconciliation*. To this end, first, there is need to apprehend the fact that handover or not-handover of Badme would not help that much. Badme can be handed over, but there will still be a plethora of issues on top of the feeling of *loss* by Ethiopia. Second, the dimension of the conflict that it had been *settled* by an arbitral body and that the AU would not have a legal and moral ground to intervene needs to be rethought in depth. This seems cogent at first sight, but

deeper analysis shows that it doesn't address the root causes of the conflict<sup>95</sup>. Third, the role and interest of neighbouring countries, most of whom have conflicts with Eritrea and alliance with Ethiopia, as well as the role of IGAD in this regard, needs to be properly considered. Any attempt that disregards this dimension would have minimum chances of success<sup>96</sup>. Fourth, AU has to devise an "incentives approach" to deal with the underpinning issue, i.e., engaging Eritrea. Eritrea has to be given better reasons such as maximum safeguard to its interest and provision of incentives in the form of economic or security guarantees to come to the round table<sup>97</sup>. Finally, the AU needs to work very closely with the UN and donor countries for adequate pressure on Eritrea and to raise the incentives necessary for Eritrea to agree to a *dialogue*. It has to convince everyone involved that dialogue is the best way forward.

### Objectives, targets of the intervention and immediate steps

To realise the best case scenario, the AU Commission has to draw realistic, flexible and broad-based objectives with achievable targets. In this regard, objectives and targets to be achieved within three years (medium-term) could be:

- a. Engage the conflicting parties face to face and commence dialogue on how to resolve the conflict once and for all;
- b. Secure substantial support from donors so that there will follow an economic reconstruction of the war affected populations;
- c. Assist the countries deal with their respective AOGs operating in and around the common border areas and launch a democratisation process in Eritrea;
- d. Assist the countries demarcate their boundary or, at least, begin demarcation based on agreement mutually reached upon to comprehensively deal with the underlying causes of the conflict; and
- e. Eliminate the practice of ghastly propaganda and commence a confidence building and normalisation process.

Objectives and targets to be achieved within one year (short-term) could be:

- a. Continue threatening the parties with sanctions so that they do not resort to full-scale war;
- b. Continue engaging donor countries to support the AU initiative;
- c. Engage Eritrea on "talks about talks" such that it starts preparing on how to protect its interest if dialogue is to be started between the parties;

<sup>95</sup> It is also very important to note the dubious language used by Art. 9(1), second sentence, of the PSC Protocol: "The Peace and Security Council shall also take all measures that are required in order to prevent a conflict for which a *settlement* has already been reached from escalating." Emphasis added. When this is read together with the subsequent paragraphs, it looks like it opens room dialogue. See also *Supra* footnote 107.

<sup>96</sup> The involvement of IGAD, perceived as a strong ally of Ethiopia, could be seen as a negative influence, but its disregard could also become a problem as it seeks to become a regional player in the region's conflicts. IGAD's intervention has to be balanced carefully as it could be viewed as "party" to the conflict by Eritrea.

<sup>97</sup> Zodi and Rejouis, *Supra* note 17, 81.



- d. Continue engaging the UN General Assembly and the UN Security Council to support the initiative and impose or threaten moratoriums or sanctions on the parties to restrain war;
- e. Convince the donor countries provide economic support to the war affected areas predicated on maintenance of peace and security in the region;
- f. Ensure that Eritrea would stop from becoming a launching pad for terrorist attacks against Ethiopia;
- g. Ensure that both sides stop sponsoring the other's AOGs;
- h. Ensure that both sides stop repulsive propaganda against each other; and
- i. Deploy the Panel of the Wise to start engaging the parties.

Immediate next steps to be taken by the AU include:

- a. Develop early warning capability to follow up and monitor developments relating to the conflict;
- b. Engage Eritrea to prevent its territories from being used as launching pad to destabilise Ethiopia; kidnap tourists and innocent citizens;
- c. Restrain Ethiopia from resorting to use of force against Eritrea;
- d. Immediately consult with the UN Security Council to contain the budding skirmishes;
- e. Seek humanitarian assistance for the people around the border areas affected by the current skirmishes so that they do not aggravate the conflict;
- f. Make sure that neighbouring countries would not involve in the current state of the conflict and remain neutral to facilitate the road to the short-term and long-term objectives; and
- g. Ensure that the parties do not go to full-scale war against each other.

## Mandate

To properly achieve these objectives and targets, the Commissioner for Peace and Security, the Chairperson of the AU Commission, the Peace and Security Council (PSC) and the Panel of the Wise must discharge their duties stated in the PSC Protocol<sup>98</sup>.

- i. The Commissioner for Peace and Security shall, among others:
  - a. Follow up developments about the ongoing conflict and update early warning reports for onward use by the Chairperson of the Commission<sup>99</sup>; and
  - b. Consult with and assist the Chairperson of the Commission discharge his duties, discussed below, properly providing the necessary human and material resources<sup>100</sup>.

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<sup>98</sup> Protocol Relating to the Establishment of the Peace and Security Council of the African Union ("PSC Protocol" hereinafter), adopted in Durban, South Africa, on 9 July 2002.

<sup>99</sup> PSC Protocol, Art. 12(5).

<sup>100</sup> PSC Protocol, Art. 10(4).

- ii. The Chairperson of the AU Commission shall, among others:
  - a. Initiate and follow-up conflict early warning reports on the conflict to timely advise the PSC on the developments regarding the conflict<sup>101</sup>;
  - b. Use his good offices either personally, appointing a special envoy, a special representative, or assigning the Panel of the Wise to prevent conflict from regressing to war and destabilizing the whole Horn of Africa region<sup>102</sup>;
  - c. Bring the conflict between Ethiopia and Eritrea to the attention of the PSC as the situation has grown to become a threat to peace, security and stability of the Horn of Africa<sup>103</sup>;
  - d. If an observation and monitoring mission is authorised by the PSC, mount and deploy the mission and update the PSC on developments relating to the functioning of such mission<sup>104</sup>;
  - e. Prepare comprehensive and periodic reports and documents that may enable the PSC and relevant bodies discharge their respective mandates effectively<sup>105</sup>;
- iii. The PSC, in conjunction with the Chairperson of the Commission, shall, among others:
  - a. anticipate and prevent a full-scale war from relapsing between the parties<sup>106</sup>;
  - b. Borrow lessons learnt from the Sudan conflicts and undertake peace-making functions such as use of good offices and mediation to resolve the conflict<sup>107</sup>;
  - c. Coordinate and cooperate with the IGAD and its Member States in the promotion and maintenance of peace, security and stability between the parties<sup>108</sup>;
  - d. Follow-up, within the framework of its conflict prevention responsibilities, progress in the two countries towards the promotion of democratic practices, good governance, rule of law, and protection of human rights, as these would have implications for the medium-and long-term objectives of AU's intervention<sup>109</sup>;
  - e. Investigate and combat acts of terrorism along the common border of the parties based on AU treaties relating to combating terrorism, which would be important

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**101** PSC Protocol, Art. 12(5).

**102** PSC Protocol, Art. 10(2) (b) and (c).

**103** PSC Protocol, Art. 10(2)(a).

**104** PSC Protocol, Art. 10(3)(a).

**105** PSC Protocol, Art. 10(3)(c).

**106** PSC Protocol, Art. 7(1)(a).

**107** PSC Protocol, Arts. 7(1)(b) and 6(c). Note that the PSC, in consultation with the Assembly of Heads of State and Government, may consider setting up an *ad hoc* special and exclusive panel for the Ethio-Eritrean conflict following the practice of the African Union High-Level Implementation Panel (AUHIP or commonly known as the Mbeki Panel) in the Sudan.

**108** PSC Protocol, Art. 7(1)(j).

**109** PSC Protocol, Art. 7(m).



in countering the commonly alleged threat of terrorism and kidnappings along the border<sup>110</sup>;

- f. authorize and mandate an observation and monitoring mission along the common border so that the parties do not wage war again<sup>111</sup>;
  - g. Cooperate and work closely with the UN Security Council to acquire the necessary sanctions to prevent war from happening and get other necessary support<sup>112</sup>; and
  - h. Submit periodic reports to the Assembly on the state of peace and security between Ethiopia and Eritrea in particular and the Horn of Africa in general<sup>113</sup>.
- iv. The Panel of the Wise, in conjunction with the PSC and the Chairperson of the Commission, shall, among others:
- a. Advise the PSC and the Chairperson of the Commission on how the conflict has to be dealt with to bring peace, security and stability between the two countries and the region<sup>114</sup>; and
  - b. Provide periodic reports on peace-making efforts to resolve the conflict to the PSC and through it, to the Assembly<sup>115</sup>.

### Expected impact chain.

As a first step, the AU must engage the parties to the conflict and other stakeholders in the short-term to assure them that waging war is not the way forward. In the short-term, it has to deploy the Panel of the Wise to assist in commencing dialogue and engage Eritrea for “talks about talks” to make her feel that her underlying interests will neither be ignored nor undermined. By doing this, it would ensure that the parties are discouraged from assisting each other’s AOGs and conducting proxy wars. This would lay the foundation for the medium and long-term plans of resolving the conflict and establishing good neighbourly relations between the antagonistic states.

### Critical success factors and spoilers

The critical success factors include the capacity to secure adequate incentives to attract Eritrea into the negotiating table as well as the elimination of negative propaganda between the two countries; as such activities would only aggravate the problem and animosity hindering progress. In terms of spoilers, one would note two among others. One is the impact of AOGs that operate along the border areas, be them state sponsored or oppositions to both

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**110** PSC Protocol, Art. 7(1)(i).

**111** PSC Protocol, Art. 7(1)(c) and (d); Art. 13(3)(a).

**112** See PSC Protocol, Art. 17. It is worth noting that the PSC may also use forums such as the Pan African Parliament, the African Commission on Human and People’s Rights, CSOs. See Arts. 18-20.

**113** PSC Protocol, Art. 7(1)(q).

**114** PSC Protocol, Art. 11(30).

**115** PSC Protocol, Art. 11(5).

sides stemming from divided communities. If the countries are not assisted on mechanisms of controlling such AOGs, these might destroy the confidence on dialogue as they wander around the border areas and cause trouble. A related, but different, spoiler problem is the situation in Somalia. If the conflict in Somalia is not dealt with side by side, it would have spill-over effect, real or imagined, due to the historic affiliation of Eritrea and certain AOGs in Somalia, another systemic problem in the Horn of Africa.

### Risks of creating new problems

AU's involvement in the conflict could be viewed by certain groups, such as those representing communities of the border areas, as an opportunity to gain more attention internationally. This could prevent the conflictants from fully committing to the peace process. AU's intervention, therefore, needs to be very careful and assure both countries that it is a controlled process aimed at resolving the conflict.

### Chances of Success

It is highly likely that these proposals will be implemented by the various organs of the AU for three chief reasons. First, Eritrea becoming more and more pariah state as a consequence of the protracted conflict with Ethiopia. This has created a siege mentality, which is pushing Eritrea to be at the verge of another failed state in the Horn of Africa. Second, Ethiopia has already commenced measured use of force to combat AOGs operating from Eritrea. Put differently, this is another impending war in the Horn of Africa next to Somalia and the Sudan, to mention but only a few of the major wars in the region. This is happening at the doorsteps of the AU. Third, the AU is doing all it can for its mission in Somalia (AMISOM) to succeed. Thus, if AU and its organs mean what they say, it is imperative that they prevent the Ethiopian-Eritrean war from happening again; else, it will have tremendous impact on AMISOM's success as a result of proxy wars. After all, the parties to the conflict are exhausted by the decade long conflict and this would be an opportune moment for both sides.

This is not to say that there will not be any constraints. One of the main constraints for AU intervention will be the fact that the conflict has been settled by international arbitration, and hence, AU could face criticism for not defending arbitral ruling. Though such criticisms of lacking confidence in the rule of law are expected, AU has to be pragmatic as either party retains the right to withdraw from the Algiers Peace Agreement. Ethiopia had already threatened this measure in 2008/2009 and insistence on the arbitral award may not be the best way out<sup>116</sup>. In addition, the issue of securing the necessary incentives for Eritrea to come to the table, such as economic assistance, would obviously be an uphill task. Further, it should not be ignored that Ethiopia might exert undue influence on the Commission, be it real or imagined, threatening Eritrea to hesitate engaging with the AU.

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**116** VOA News, Ethiopia Threaten to Terminate Peace Deal with Eritrea, <http://www.voanews.com/content/a-13-2007-09-25-voa39-66726857/560933.html>, accessed on 30 May 2012.



These proposals are in keeping with the AU's current policies on peace and security in the Horn of Africa and Africa in general. It is clear that conflicts are exponentially mounting in the continent with uprisings and their dire consequences as witnessed in Libya and Egypt, the current surge in unconstitutional changes of governments, secessionist movements in Mali and environs, the intensification of the conflicts in the Sudan (Darfur, South Sudan etc), the deteriorating situation in Democratic Republic of Congo (with its decades old implications), and the continuous complex conflict in Somalia. Though it can be argued that the AU is doing all it can, within its means, to resolve these prominent ongoing conflicts, it needs to redouble efforts to resolve them. Thus, AU should leave no stone unturned to intervene in the Ethio-Eritrean conflict. It is in the best interest of the AU (as well as the conflicting parties) to immediately take up this conflict and seek peaceful *resolution*.

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## Conclusion

The lessons to be learnt from this anthology on interventions in African conflicts are that whatever standard of success is adopted, certain general considerations apply. The intervention operation itself must have an efficient, responsive decision-making system. Decision-makers must be held accountable for their decisions. The operation must take measures to insure that its forces are not taken hostage or targeted directly by the combatants. The intervening group must retain and exercise consistent control over the nature and timing of the intervention. Interventions tend to fail if the intervening group loses the initiative. The intervention must be backed up by adequate information about the situation. Often the particular characters of the key players make a crucial difference in the outcome of an intervention. Successful UN interventions tend to exhibit these features.

In terms of strategy, the international community must be willing to support intervention into some internal conflicts. However, we should not seek to thrust the UN, the African Union or any state into every internal conflict. Engaging in interventions which are unlikely to have some measure of success is ultimately counter-productive. Interventions must also plan for success. They must follow through with plans to implement any peace settlement which may be reached. Successful interventions will understand and exploit the link between diplomacy and military force. Diplomatic interventions gain their force from military backing; military force requires diplomacy to articulate its goals and interests. For this reason military intervention is most effective when employed in the context of an ongoing political peace process. In fact, linking military intervention to a larger peace process is often the key to a developing a successful exit strategy.









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