

African Military Intervention in African  
Conflicts: An Analysis of Military  
Intervention in Rwanda, the DRC and  
Lesotho.

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*'Peace', is the mother of nations'.*

***King Moshoeshoe I, 1836-1872***  
***Lesotho***



## KEY WORDS

**Military intervention**

**Humanitarian Intervention**

**Unilateral intervention**

**Security Studies**

**Intrastate Conflicts**

**Southern African Development Community**

**International Law**



**Idealism**

**Realism**

**The UN Charter**

## ABSTRACT

The dissertation examines three military interventions in Sub-Saharan Africa which took place in the mid and late 1990s in Rwanda, the DRC and Lesotho. These interventions took place despite high expectations of international and regional peace on the part of most analysts after the collapse of cold war in 1989. However, interstate and intrastate conflicts re-emerged with more intensity than ever before, and sub-Saharan Africa proved to be no exception.

The study sets out to analyse the motives and/or causes of military interventions in Rwanda in 1990, the DRC in 1996-7, and the DRC military rebellion and the Lesotho intervention in 1998. In analysing these interventions, the study borrows extensively from the work of dominant security theorists of international relations, predominantly realists who conceptualise international relations as a struggle for power and survival in the anarchic world. The purpose of this analysis is fourfold; firstly, to determine the reasons for military interventions and the extent to which these interventions were conducted on humanitarian grounds; secondly, to investigate the degree to which or not intervening countries were spurred by their national interests; thirdly, to assess the roles of international organisations like Southern African Development Community (SADC), the Organisation of African Unity (OAU) and the United Nations, in facilitating these interventions; as well as to evaluate the role of parliaments of intervening countries in authorising or not these military interventions in terms of holding their Executives accountable. In this context, the analysis argues that the intervening countries; Angola, Botswana, Burundi, Chad, Namibia, Rwanda, Sudan, South Africa, Uganda and Zimbabwe appeared to have used intervention as a realist foreign policy tool in the absence of authorisation from the United Nations and its subordinate bodies such as the OAU and SADC.

The study found that an integrated approach is necessary to address these conflicts.

## DECLARATION

I hereby declare that the material presented in this thesis is entirely my own work and that it has not been submitted previously for a degree in this or any other University; neither is it a joint work.



Date.....

Place .....

Signed.....

Fako Johnson Likoti

## DEDICATION

This study is dedicated to my wife Mrs, 'M'athuso Constance Likoti, my son, Thuso, and two daughters; Palesa and Mosa.



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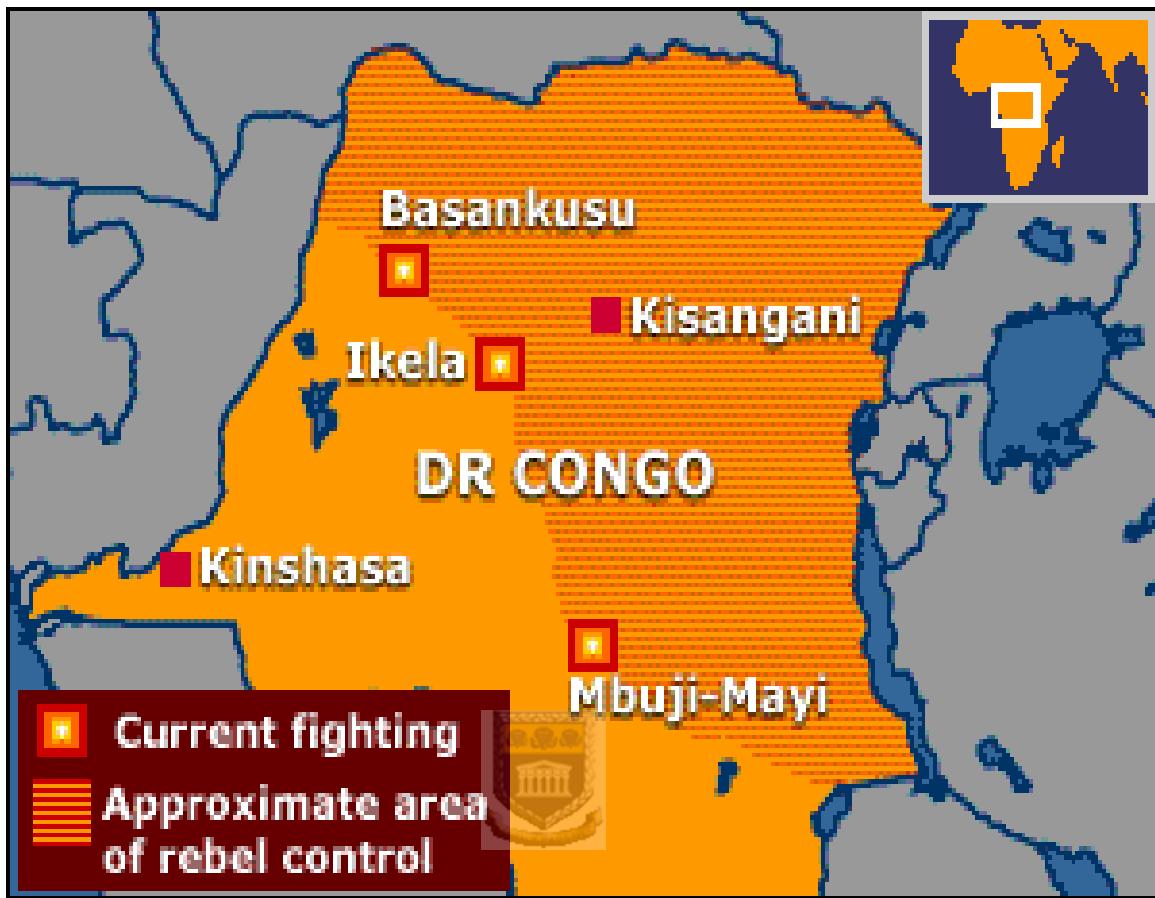


## THE MAP OF AFRICA



Source:<http://www.globalissues.org/Geopolitics/Africa/Intro.asp#AfricaMapsShowingModern andPre-ColonialAreas>.

**Map Showing Rebel-Held Areas (December 1999).**



Source:<http://news.bbc.co.uk/1/hi/world/Africa/573051.stm>

## The Conflict Map of The DRC



Source:

<http://images.google.co.za/images?svnum=10&hl=en&q=DR+map+showing=rebel-held-area&spell=1>

## LIST OF ABBREVIATIONS

ADF	<b>Alliance Democratic Forces</b>
ADFL	<b>Alliance Des Forces de' mocratiques pour la/ Liberation du Congo Zaire</b>
ADP	<b>The Democratic Alliance of the People</b>
ANC	<b>African National Congress</b>
AU	<b>African Union</b>
BBC	<b>British Broadcasting Co-operation</b>
BCP	<b>Basutoland Congress party</b>
BDF	<b>Botswana Defence Force</b>
BNP	<b>Basotho National Party</b>
CDR	<b>Coalition Pour le d'efense de la republique</b>
CIA	<b>Central Intelligence Agency</b>
CLM	<b>Congolese Liberation Movement</b>
CNRD	<b>The National Council of Democratic resistance</b>
DRC	<b>Democratic Republic of Congo</b>
ECOWAS	<b>Economic Organisation of West African States</b>
EX-FAR	<b>Ex-Rwandan Armed Forces and Militia</b>
FAA	<b>Angolan Armed Forces</b>
FAC	<b>Forces Arme'es Congalaises</b>
FALC	<b>Armed Forces for the Liberation of Cabinda</b>
FAR	<b>Forces Arme'es Rwandaise</b>
FDD	<b>Forces Pour La Democratie</b>
FNLA	<b>National Front for the Liberation of Angola</b>
FNL	<b>National Liberation Front</b>

FPR/RPF	<b>Front Patriotique Rwandais/ Rwandan Patriotic Front</b>
FRPI	<b>Patriotic force of Resistance in Ituri</b>
FRODEBU	<b>Front Pour La Democratie Au Burundi</b>
FRONASA	<b>Front for National Salvation</b>
HRWAP	<b>Human Rights Watch Arms Project</b>
ICISS	<b>International Commission on Intervention and State Sovereignty</b>
ISDSC	<b>Inter-State Defence and Security Committee</b>
KM	<b>Kikosi Maalum</b>
LEC	<b>Lesotho Evangelical Church</b>
LCD	<b>Lesotho Congress for Democracy</b>
LDF	<b>Lesotho Defense Force</b>
LHWP	<b>Lesotho Highlands Water Project</b>
LNCM	<b>Lesotho Network for Conflict management</b>
LRA	<b>Lords Resistance Army</b>
MDR	<b>Democratic Republic Movement/ Mouvement De'mocratique Republicain</b>
MONUC	<b>UN Mission in the Democratic Republic of Congo</b>
MLC	<b>Mouvement De Liberation Congo</b>
MLRZ	<b>The Revolutionary Movement for the Liberation of Zaire</b>
MP's	<b>Members of Parliament</b>
MPLA	<b>Movement for the Liberation of Angola</b>
MRND	<b>Mouvement Re'veolutionnaire National Pour Le De'velopment</b>
NATO	<b>North Atlantic Treaty Organisation</b>
NDA	<b>National Democratic Alliance</b>
NGOs	<b>Non-Governmental Organisations</b>

NRA	<b>National Resistance Army</b>
NRM	<b>National Resistance Movement</b>
OAU	<b>Organisation of African Unity</b>
OMIB	<b>OAU Military Observer in Burundi</b>
OPDS	<b>Organ of Politics Defence and Security</b>
PL	<b>Liberal Party/ Parti Libe'ral</b>
PRP	<b>The Party of Popular Revolution</b>
PSD	<b>Social Democratic Party/ Parti Social De'mocrate</b>
PRA	<b>Popular Resistance Army</b>
RANU	<b>Rwandan Alliance for National Unity</b>
RCC	<b>Roman Catholic Church</b>
RCD	<b>Rassemblement Congolais Pour La Democratie</b>
RPA	<b>Rwandan Patriotic Army</b> 
RPF	<b>Rwandan Patriotic Front</b>
RSA	<b>Republic of South Africa</b>
SA	<b>South Africa (n)</b>
SACP	<b>South African Communist Party</b>
SADC	<b>Southern African Development Community</b>
SANDF	<b>South African National Defence Force</b>
SOCEBO	<b>Congolese Society for the Exploitation of Timber</b>
UN	<b>United Nations</b>
UNDP	<b>United Nations Development Programme,</b>
HDR	<b>Human Development Report</b>
UNEP	<b>United Nations Environmental Programme</b>
UNHCR	<b>United Nations High Commissioner for Refugees</b>

UNITA	<b>National Union for the Total Independence of Angola</b>
UNLA	<b>Ugandan National Liberation Army</b>
UNMIR	<b>United Nations Assistance Mission for Rwanda</b>
UNSC	<b>United Nations Security Council</b>
UNTAC	<b>United Nations Transitional Authority in Cambodia</b>
UK	<b>United Kingdom of Great Britain and Northern Ireland</b>
UPDF	<b>Ugandan People's Defence Force</b>
US	<b>United States of America</b>
USSR	<b>United Soviet Socialist Republics</b>
ZANU-PF	<b>Zimbabwe African National Union-Patriotic Front</b>



## INTRODUCTION

*Given the recent proliferation of intrastate conflicts, the role of third-party intervention has become increasingly important to the peace and security of the international system. However, the escalation of violence often attributed to military forms of intervention may have severe costs for both the target of intervention and the state choosing to intervene. Past literature has focused on the effectiveness of such intervention without properly evaluating the reasons why a third party chooses to commit military resources to such endeavours<sup>1</sup>.*

*One of the challenges facing the international community in the post-Cold War era is the increasingly pervasive problem of civil conflict. Indeed, all of the thirty major armed conflicts fought in the world in 1995 were intrastate wars<sup>2</sup>.*

While Africa experienced military coups during the Cold War, the character and form of military interventions in the 1990s was unique. In most cases, interventions appear to have been used for strategic interests, thus militating against negotiations and other peaceful means of conflict resolution. Military intervention in intrastate conflicts in Africa appears to have established its own interventionist paradigm. Utley argues: “in Sierra Leone and the Democratic Republic of Congo (DRC), internal conflicts became regionalised with intervention of neighbouring countries, drawing in Liberia and Guinea in the former case, and Uganda, Rwanda, Zimbabwe, Angola and Namibia in the latter”.<sup>3</sup> These interventions in intrastate conflicts provided major challenges to regional, continental and international bodies such as the Southern African Development Community (SADC), the African Union (AU) and the United Nations (UN).

This study discusses selected military interventions in Southern Africa. The military interventions in question are:

- I. The 1990 Ugandan military intervention in Rwanda.
- II. The 1996–97 Rwandan and Ugandan intervention in the DRC and the 1998 military rebellion in the DRC.
- III. The 1998 South African and Botswana military intervention in Lesotho.

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<sup>1</sup> Andrew Kapral, Third-Party Intervention in Intrastate Conflict: A Cost Benefit Analysis. <[http://titan.iwu.edu/~polisci/res\\_publica/2004/kapral.htm](http://titan.iwu.edu/~polisci/res_publica/2004/kapral.htm)> [02February2004].

<sup>2</sup> Roland Paris, “Peacebuilding and the limits of liberal internationalism”, International Security Vol. 22, No2 (Fall 1997): 54.

<sup>3</sup> Rachel Utley, “Not to do Less but to do better...”, French Military Policy in Africa: In International Affairs, Vol 78. No1 (2002): 129.

The study assesses both military and humanitarian aspects to these interventions. It is the task of this dissertation to examine the reasons underlying them and, most importantly, why they were not authorised either by the interventionist countries' parliaments or by external international organisations upholding international law on interventions. In addition, the dissertation seeks to investigate why the intervening countries chose military means of involvement rather than negotiated or peacekeeping roles.

### **Statement of the Problem**

In the post-Cold War era, one of Africa's central problems has been the emergence of military interventions in intrastate conflicts. The constitutionality of these interventions has presented a major challenge to both the role of parliament as an oversight body of the national/political executive and the international community at large. A great deal of commentary has been deployed to describe what spurs these conflicts.<sup>4</sup> Little effort has been directed at understanding why these interventions have not been in conformity with the United Nations (UN) Charter. The UN Charter clearly stipulates that military intervention must be authorised by the United Nations Security Council (UNSC).<sup>5</sup> The charter of the United Nations in its provisions, places much emphasis on the importance of social justice and human rights as the foundation for a stable international order. It is for this reason that the UN charter will be relied upon since it provides a framework for international order. It is important to note that both the UN Charter and the effectiveness of the UN in maintaining peace and security have been criticised. Several

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<sup>4</sup> Schoeman Maxi, "Regional Security in Africa: Can the SADC Organ on Politics, Defence and Security Deliver Peace and Security in Southern Africa?": DPMN Bulletin, Vol. IX Number 3, (June 2002): 1-7. The military interventions in Rwanda, the DRC and Lesotho were cases in point. Military interventions in the Great Lakes region were alleged to have been mounted to pre-empt security threats. These interventions, together with the intrastate conflicts in Burundi, Rwanda and Uganda have led to a general level of instability in the Great Lakes region. See also Timothy M. Shaw, Conflict and Peace-building in Africa: The Regional Dimensions Discussion Paper No. 2003/10.

<[http://www.unu.edu/hq/library/Collection/PDF\\_files/WIDER/WIDERdp2003.10.pdf](http://www.unu.edu/hq/library/Collection/PDF_files/WIDER/WIDERdp2003.10.pdf)>[26April2004].  
Shaw, T. M. Conflicts in Africa at the Turn of the Century: More of the Same? In A. Legault and M. Fortman, eds. *Les conflits dans le monde/Conflicts around the World*. (Quebec: Les Presses de l'Universite Laval, 2000) 111–138., Shaw, T. M. African Foreign Policy in the New Millennium: In K. Dunn and T. M. Shaw, eds. *Africa's Challenge to International Relations Theory* (2001), 204–219. See also Simon Dalby, "Contesting an essential Concept: Reading the Dilemmas in Contemporary Security Discourse": In Keith Krause, Michael C. Williams, eds. *Critical Security Studies* (Minneapolis, MN: University of Minnesota Press, 1997).

<sup>5</sup> United Nations, Charter of the United Nations: San Francisco, 1945. <<http://www.icpsr.umich.edu>> [07June2004].

countries are known to have violated the UN Charter with impunity. Among these violators were permanent members of the UNSC. This pattern has been copied by African countries as well. While this is so, it is still essential to understand why unauthorised military interventions continue to be a disturbing feature on the African continent.

The purpose of this dissertation is to provide careful comparative examination of these interventions and the processes which they followed, assessing their humanitarian component, if any. The thesis will also look at how the interventions evolved. In doing so, it will examine theories of international relations that provide explanations as to why these intervening countries pursued military solutions in intrastate conflicts rather than peaceful methods.

### **The Research Question**

The major and crucial research question the study seeks to interrogate relates to why states in sub-Saharan Africa have tended to use military intervention as a foreign policy tool in the absence of international and regional approval. This question is important because empirical evidence informs us that these interventions were not spontaneous. As will become evident below, military operations of this scale are costly exercises that demand extensive planning and coordination. The study seeks to investigate to what extent these three interventions were consistent with the UN Charter. This is because the UNSC remains the only body that has the power and legitimacy to authorise intervention, according to Chapter VII, Article 39 of the Charter.

The study seeks to establish whether these interventions were conducted on humanitarian grounds or motivated by realist interests of intervening states. It also assesses the role of international bodies in facilitating the interventions. In doing this, the role of the parliaments of the intervening states in holding their National Executives accountable is evaluated in order to establish whether the states violated their constitutions or not.

### **Objectives of the Study**

The study analyses major conflict management challenges faced by the intervening states and by regional, continental and international bodies in

these three intrastate conflicts. More specifically, the objectives of the research are:

- (i) To examine theoretical and analytical approaches and how these link to an understanding of military intervention.
- (ii) To assess the degree to which the regional interventions discussed in the empirical sections of this dissertation were either motivated by the national interests of the intervening states or were conducted on humanitarian grounds.
- (iii) To evaluate the efforts of the national parliaments of intervening countries in holding their political executive accountable.
- (iv) To assess the involvement in these interventions of regional continental and international organisations, such as SADC, AU and the UNSC.



### Overview of Military Interventions

Most people had high expectations about international relations after the collapse of the Cold War. These expectations were further fuelled by the so-called third wave of democratisation that took off in 1989, mostly in sub-Saharan Africa. Davis, a notable peace optimist, states that:

the post-Cold War era ushered in a new wave of optimism about an end to world wars and possible reduction in global-scale violence. As the new millennium loomed large, heightened expectations about world peace and global political stability captured the imagination of those who scarcely a decade earlier concerned themselves primarily with war-making among superpowers and their satellites.<sup>6</sup>

This rhetoric made people oblivious to the negative influence, especially in sub-Saharan Africa, of the activities of former guerrilla leaders who shot their way to power in Angola, Rwanda and Uganda. The peace dividend deception also embraced the role of former freedom fighters in Namibia and Zimbabwe

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<sup>6</sup> Diane E. Davis, “Contemporary Challenges and Historical reflections on the study of Militaries, States, and Politics”: In Davies E. Davies, Pereira W. Anthony ed. Irregular Armed Forces and Their Role in Politics and State Formation. (Cambridge University Press; 2003), 3.

who, though democratically elected, used their military power to intervene in other countries' intrastate conflicts. The actions of these states within the region muted the initial post-Cold War optimism of peace and peaceful settlement of disputes. The situation was completely different from the immediate portrayal of peace which was said to emerge in the aftermath of the Cold War. According to Davis, this took place when most people thought that:

...(the) threat of armed conflict was on the wane, at least insofar as violence and armed coercion still continue as facts of life. Even as a tentative peace settles in among previously contending geopolitical superpowers struggling over spheres of influence, those countries' regions that lay in the interstices of this larger power structure—and whose fates not that long ago seemed over determined by the economic or political competition between Cold War antagonists—were beginning to implode with greater frequency.<sup>7</sup>

Ted Gurr argues that communal conflicts have become “the major challenge to domestic and international security in most parts of the world”,<sup>8</sup> since the end of the Cold War. The military intervention by Uganda in Rwanda in 1990, which ended with the removal of Habyarimana regime in 1994, was such a challenge. The explosive war involving eight countries in the DRC in 1997–98 and the 1998 military intervention in Lesotho by two countries were a further extension of the above challenges. What most people failed to realise was that with the end of the Cold War, the previous intrastate conflicts would re-emerge with much intensity than ever before. McNamara argues that:

the end of the Cold War in 1989 did not, and will not, in and of itself, result in an end to conflict. We see evidence of the truth of that statement on all sides. The Iraq invasion of Kuwait, the civil war in the former Yugoslavia, the turmoil in northern Iraq, the tension between India and Pakistan, the unstable relations between North and South Korea, and the conflicts across the face of sub-Saharan Africa in Somalia, Sudan, Rwanda, Burundi, Zaire, Sierra Leone, and Liberia. These all make clear that the world of the future will not be without conflict, conflict between desperate groups within nations and conflicts extending across national borders. Racial, religious, and ethnic tensions will remain. Nationalism will be a powerful force across the globe. Political revolutions

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<sup>7</sup> Ibid,3.

<sup>8</sup> T. R. Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflict* (Washington: DC: United States Institute of Peace, 1993), 314. For an examination of the “new breed” of internal wars, see Donal M. Snow, *Uncivil Wars: International Security and the New Internal Conflicts* (Boulder, Colo.: Lynne Rienner, 1996).

will erupt as societies advance. Historic disputes over political boundaries will endure. And economic disparities among and within nations will increase as technology and education spread unevenly around the world. The underlying causes of Third World conflict that existed long before the Cold War began remain now that it has ended.<sup>9</sup>

While Ahmed<sup>10</sup> shares a similar view, he argues that less than a decade after the Cold War, 101 armed conflicts that brought death and destruction to nearly 68 countries have been recorded. Some of these countries were in the Great Lakes region where former guerrilla leaders shot their way to power.

### Military Interventions in Sub-Saharan Africa

The most commonly known interventionist leaders in Africa are Muammar Qaddafi, Yoweri Museveni, Paul Kagame, Charles Taylor and Blaise Compuõre.<sup>11</sup> They are reputed to have violated the Organisation of African Unity (OAU)<sup>12</sup> Charter on intervention on several occasions. Most came to power through armed struggle. Their foreign policy outlook reflects their military approach to conflict management. Adebayo and Landsberg argue that countries such as:



Liberia, Uganda, and Rwanda have been charged with using interventions to pursue their own parochial economic agendas. Even when strategic and economic motives are

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<sup>9</sup> This was a reflection on war in the twenty-first century By Robert S, McNamara, ‘Reflecting on War in the Twenty-First Century: The Context for Nuclear Abolition’, in John Baylis and Robert O’Neil (ed.), Alternative Nuclear Futures: The Role of Nuclear Weapons in the Post-Cold War World (Oxford: Oxford University Press, 1999), 167-82. See also Francis Fukuyama, “The End of History” in National Interest Issue, No16 (Summer 1989): 3-18, who argued that several Articles commemorating end of Cold War, and the fact that “Peace” seems to be breaking out in many regions of the world, misunderstood what was real going on. Their analysis lacked conceptual framework for distinguishing between what was essential and what was contingent or accidental in World history. He dismissed these analyses of peace breaking out as predictably superficial. See also, I William Zartman, Updated ed. Ripe for Resolution: Conflict and Intervention in Africa,(Oxford University Press, 1989).

<sup>10</sup>Adeel Ahmed, Kassinis Elizabeth Voulieris “The Humanitarian Early Warning System: From Concept to Practice: In Davies, J. L. and T.R. Gurr, eds. Preventive Measures: Building Risk Assessment and Crisis Early Warning System (Lanham: Rowman &Littlefield; 1998). See also Woodhouse, T. “Conflict Resolution and Peace Keeping: Critiques and Responses”. International Peacekeeping, Vol 7, (2000) No.1, 1. David, Steven R. “Review Article: Internal Causes and Cures.” World Politics, (1997), Volume 49: 552-576, argued further that, since the conclusion of World War II, the nature of military conflict has been dominated by clashes between internal state actors. Indeed, as much as 80 percent of the wars and casualties since World War II have been caused by internal conflicts.

<sup>11</sup> Adeye Adebayo, Chris Landsberg, 2001“The Heirs of Nkrumah: Africa’s New Investments”. <[Pugwash Occasional Papers, II:i http://www.Pugwash.org/reports/rc/como\\_africa.htm](http://www.Pugwash.org/reports/rc/como_africa.htm)> [02February2003].

<sup>12</sup> The OAU is now known as the African Union (AU).

present, security concerns are often a major factor in spurring these interventions.<sup>13</sup>

Wherever these interests arise, credible negotiations and peaceful conflict resolution and management are not easy to come by. These countries perceived African conflicts in zero-sum terms, rather than win-win terms. It would appear that former guerrilla/-struggle commanders cannot make transition to democratic leaders. This provides challenges for democratic consolidation on the African continent. Nevertheless in cases where the history of the above leadership is absent like Botswana democratic consolidation appears to have taken root. Botswana remains the shining democratic example on the continent. This case reflected the fact that a truly democratic dispensation can be formed without resort to armed conflict.

After 1993, military solutions to African conflicts were regarded as controversial since it was now accepted that democratic means were more desirable than military intervention. This was a result of OAU initiatives in establishing mechanisms of conflict prevention and management. Cedric de Coning argues that this initiative fundamentally changed OAU behaviour:

...and the way it was viewed both by its own member states and by the international community. One such new initiative is observing elections in Africa...The principle is that successful transitions to democracy, of which free and fair elections are a significant element, is an integral part of conflict prevention.<sup>14</sup>

It was expected that the OAU would place monitors in member states to oversee elections. Should an adverse situation arise, they were ready to provide proper facilitation and mediation in order to manage any conflict that might arise.

Conversely, several cases have shown that both political and military solutions may not, at times, work as expected. In terms of political solutions in Rwanda, soon after the 1993 political settlement President Habyarimana's

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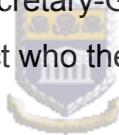
<sup>13</sup> Adeye Adebayo, Chris Landsberg, op cit..

<sup>14</sup> Cedric de Coning, "The Role of the OAU in Conflict Management in Africa": In Mark Malan ed, Conflict Management, Peace keeping and Peace Building: lessons for Africa from a Seminar past, ISS Monograph Series, No 10, (April 1997), 19.

regime reverted back to military strategy and attacked the Rwandan Patriotic Front (RPF). Jones states that as a result of this violation of the Arusha political settlement, several neutral regional interventions by regional security organisations were:

sent to Rwanda, to oversee cease-fires but had little overall impact on the cause of war. Most important, a UN peacekeeping mission was sent to Rwanda to secure a negotiated settlement to the military war. It failed utterly to do so and did nothing to prevent Rwanda's oligarchic rulers from launching their genocidal regime defence.<sup>15</sup>

This has demonstrated that neither peacekeeping nor military intervention may be appropriate where negotiations fail. However, military intervention appears to have failed in most cases, as in the DRC, for example, where both Ugandan and Rwandan forces are still present in the eastern Congo despite their public pronouncement that they have completely pulled out. In fact, it has been claimed that Rwanda has continued mounting operations against former Rwandan soldiers who sought refuge in the DRC. This is despite the peace negotiated in Lusaka by the UN Secretary-General, which was signed by all countries involved in the DRC conflict who thereby agreed to cease hostilities.



SADC was re-energised by the arrival of the newest member South Africa and dearth of apartheid in 1994. By having South Africa as a new powerful member, the region entered into new regional arrangements proper. Hettner<sup>16</sup> argues that, new regionalism has become a multidimensional process of regional integration which includes economic, political, social, cultural aspects, emphasising the non-economic, political and security dimensions of the regional arrangements. Regional arrangements were seen as a package rather than a single policy dealing solely with economic and foreign affairs. New regionalism therefore, views geographical identity, political convergence, collective security arrangements and regional coherence as being the most important features. For Percy Mistry, new regional arrangements that were developing in the 1990s were "taking into account security and political

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<sup>15</sup> Bruce D. Jones, "Military Intervention in Rwanda's Two wars: Partisan and indifference": In Barbra F. Walter and Jack Snyder, eds. Civil Wars, Insecurity, and Intervention (New York: Colombia University; 1999), 117.

<sup>16</sup> Hettne, B. The New Regionalism: Implication for Development and Peace.(Helsinki: UNU/Winder, 1994).

considerations to a much greater degree than before”<sup>17</sup>. It can therefore, be argued that, the evoking of SADC by all parties in conflict in Lesotho and the DRC was based on the above understanding. They also knew that under the new regional arrangements both political and security issues were important aspects of which the region must deal with.

While Zimbabwe, Angola and Namibia claimed that they intervened in the DRC to assist President Kabil, “one achievement which is not in doubt, however, is the harm that the intervention has caused to SADC as a potential instrument of promoting regional peace and security”.<sup>18</sup> The endorsement by SADC of the above interventions, and of the Lesotho intervention by South Africa and Botswana, has widely been regarded as nothing but face saving. This will be analysed in chapter five.

### **The Military Intervention in the Great Lakes Region**

In the 1980s and early 1990s, most guerrilla leaders seemed to prefer military rather than political solutions to African conflicts. For instance, in early 1985, Yoweri Museveni (then a guerrilla leader) abandoned peace negotiations with the then-Ugandan strongman, General Tito Okello (who earlier overthrew President Milton Obote on the 27<sup>th</sup> August 1985) and opted instead for a military solution to the Ugandan conflict. On the 26<sup>th</sup> January 1986, “the National Resistance Army (NRA), led by current Ugandan President Yoweri Museveni, captured Kampala and seized power from Tito Okello”.<sup>19</sup> Following this chain of events, on 3<sup>rd</sup> September 1987 Colonel Baptista Buguza, a Hutu in Burundi, was overthrown by his army, led by Major Pierre Buyoya. Buyoya was a Tutsi and he later handed power to President Sylvester Ntibantunganya, a Hutu.

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<sup>17</sup> Percy Mistry, ‘The New Regionalism: Impediment or Spur to future Multilateralism?’, in B. Hettne, A. Inotai & O. Sunkel (editors.), Globalism and the New Regionalism. (London: Macmillan, 1999), 143.

<sup>18</sup> Eric Berman, Katie E. Sams, “Constructive Disengagement: Western Efforts to Develop African Peace Keeping”: In ISS Monograph Series, No. 33, December 1998. See also Derrick Mwamunyange, “Building Regional Security in Southern Africa”: In Jakkie Cilliers ed. Continuity in Change; The SA Army in Transition, ISS Monograph Series No26, August 1998, 11.

<sup>19</sup> Elisha Muzonzini, “Africa: A continent in Turmoil”: In Mark Malan ed. Conflict Management, Peace Building: Lessons for Africa from a seminar past, ISS Monograph Series, No10, (April 1997), 5.

President Museveni once argued that African problems have to be addressed through the application of decisive punishment to the wrongdoer so that he does not engage in conflict again. In his book, “What is Africa’s Problem?”, President Museveni<sup>20</sup> offers several reasons for his defeat of the well-trained Ugandan army, which had British and American military specialists as its advisors. He further asserts that the present challenges facing Africa can be defeated through whatever means are necessary, but that force of arms is of primary importance. According to Museveni, military security is vital for any country to be able to protect its people and its interests. Museveni shows that the security situation in Uganda was very bad before the guerrilla army took power. For instance:

300,000 Ugandans had been murdered in central Uganda, in the west, people had been murdered and lots of property looted...Kampala and other parts of Uganda had been parcelled out among warlords of different factions...but not [a] single punishment was meted out to the perpetrators of these crimes. By taking power in January 1986, we drastically reversed the situation.<sup>21</sup>

In a nutshell, Museveni appears to advocate the resolution of African conflicts by force and strongly believes that negotiations and compromise contribute to more problems. He argues: “In 1985, we tried to reach [a] peace agreement with the Okellos in Nairobi, but in spite of the peace agreement, the Kasana Mission nuns were raped and a hundred people were murdered in Luwero Town”.<sup>22</sup> He states further that the remnants of the old Ugandan army, which mounted incursions from Sudan into Uganda and tried to unleash a new wave of insecurity, were “repulsed with very heavy losses of life and equipment”.<sup>23</sup> These incidents reflected the thorough punishment that Museveni claimed Ugandan people gave to the fascist forces. Museveni writes that, if this punishment had not been meted out:

they would have remained a constant threat to the security of democracy in Uganda because of their fascist and primitive mentality...therefore the thorough defeat of these negative forces is a prerequisite for permanent security in Uganda. Merely chasing them to Sudan, as we did in March, somehow

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<sup>20</sup> Yoweri, K. Museveni, What is Africa’s Problem? (Minneapolis:University of Minnesota Press, 2000).

<sup>21</sup> Ibid,22

<sup>22</sup> Ibid, 22

<sup>23</sup> Ibid, 22

left the matter unresolved. The forces of progress and enlightenment must defeat them thoroughly.<sup>24</sup>

Museveni concludes that the only solution to African problems is to bring insecurity to a decisive conclusion through military means. Incidentally, this interventionist approach has proven very popular with other leaders, such as President Paul Kagame.

In 1990, under President Musweveni, Uganda intervened in Rwanda in support of the RPF. Museveni, who also participated in the Arusha peace talks between the RPF and Kigali, influenced the RPF to adopt a military solution to solve the Rwandan conflict and invaded the country. Museveni's actions appears to reflect the existing tension between idealism and realist approaches to international relations by overtly engaging in peaceful talks while covertly fuelling war. He provided substantial military support to the RPF despite his (Museveni's) public denial of assisting them. Without this partisan intervention the RPF would not have succeeded in ousting the Rwandan government. It was also clear that Museveni provided the RPF with logistical support. Jones writes that this belief:

  
was confirmed by CIA reports based on live intelligence, which found evidence that Uganda military was transporting arms from depots in Kagitumba to the border for RPF use, making Ugandan hospitals accessible to RPF causalities, and keeping civilians clear from strategic crossings into Rwanda, which had previously been unguarded.<sup>25</sup>

Therefore, it could be argued that by rendering support to the RPF, Museveni's appears to have been backing a military solution rather than a political solution as advocated by the Arusha peace agreement.

By 1996, the African democratic balance sheet was not promising. Conflicts were still addressed through military intervention rather than peaceful means. For instance, on July 25<sup>th</sup> 1996,<sup>26</sup> Major Pierre Buyoya, a Tutsi, overthrew President Sylvester Ntibantunganya in Burundi. This intervention

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<sup>24</sup> Ibid,24-25

<sup>25</sup> Bruce D. Jones, "Military Intervention in Rwanda's Two wars: Partisan and indifference": In Barbra F. Walter, Jack Snyder eds. Civil Wars, Insecurity, and Intervention. (New York: Colombia University, 1999), 129.

<sup>26</sup> Ibid

incapacitated the OAU peace building and peacekeeping initiatives which were ongoing in Burundi. Cedric de Coning argues that the whole intervention:

...brought the peace process to temporary standstill and the OAU decided to withdraw OMIB (OAU Military Observer Mission in Burundi) in August 1996 because it felt that it was no longer possible for OMIB to carry out its mandate under the fundamentally challenged circumstances brought about by the coup.<sup>27</sup>

The whole process was subverted by strong opposition from the Tutsi-dominated military, led by Buyoya. The OMIB mandate of promoting confidence building in this country was therefore shattered by these events. This situation led to Muzonzini arguing in 1997 that “today Africa continues to be plagued by problems associated by military intervention and rule, shaky processes of democratisation, and ethno-political factionalism”.

In June 1997, when Philip Gourevitch<sup>28</sup> confronted President Paul Kagame about reported massacres of Rwandan Hutus in the Congo, he blatantly refused to acknowledge blame; instead, he accused the international community of exaggerating this matter. Kagame denied his troop's involvement and argued that “in terms of systematic extermination, systematic killing of refugees, or even possible involvement of high authorities of different countries”<sup>29</sup> his troops were not involved. He went further to refuse to admit that he led his troops to follow refugees into the Congo, even though he believed that they were responsible for killing Rwandan Tutsis. Instead, Kagame charged the international community with feeding refugees and assisting the genocidaires.

Gourevitch argues that Kagame denied for eight months that Rwanda had troops chasing the genocidaires in the Congo, but when pressed further, Kagame eventually conceded that “in fact he had initiated the whole campaign, and his troops had been there all along”.<sup>30</sup> In effect he was taking

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<sup>27</sup> Cedric de Coning, op cit 21.

<sup>28</sup> Philip Gourevitch, *We wish to inform you that tomorrow we will be killed with our families: stories from Rwanda*. (Great Britain: Picador, 1998), 233.

<sup>29</sup> Ibid,337.

<sup>30</sup> Ibid,338.

credit for killing Rwandan Hutus who sought asylum in the Congo. In fact, Gourevitch states that Kagame:

was not denying that many Rwandan Hutus had been killed in the Congo; he argued that when revenge was the motive, such killings should be punished. But he considered the genocidaires responsible for the deaths of those they travelled with, he said. ‘They’re simply fugitives, people running away from justice after killing people in Rwanda after killing’ and [said that they] were still killing.<sup>31</sup>

Like other interventionist leaders, President Kagame seemed to believe that the only way to deal with the genocidaires was through extensive punishment until the matter was settled, and not through negotiations or dialogue. Therefore, “he was clearly indignant to find his troops accused of destroying what he regarded as an army bent on Rwanda’s annihilation”.<sup>32</sup>

In the eastern DRC, anarchy dragged eight countries into war (Angola, Burundi, Chad, Namibia, Rwanda, Sudan, Uganda and Zimbabwe). In Rwanda, the nation was polarised between the Hutu majority and Tutsi minority. Similarly, Burundi came to the brink of an ethnic war. In fact, “the most dramatic of these was undoubtedly the eight-month military campaign to oust long-time dictator Mobutu Sese Seko in the former Zaire by Laurent Kabila’s Alliance of Democratic Forces for the Liberation of Congo (ADFL)”.<sup>33</sup> The alliance was composed of Angolan, Burundian, Rwandan and Ugandan forces. After their victory over Mobutu, Laurent Kabila declared himself the President of the DRC. The ADFL accused Mobutu of supporting Rwandan terrorists. The alliance suffered a serious setback a few months later when Burundi, Rwanda and Uganda backed the military rebellion in the DRC in order to remove Kabila from power. Conversely, Zimbabwe, Angola, Namibia, Chad and Sudan were subsequently drawn in to fight in favour of Kabila.

SADC members Zimbabwe, Angola and Namibia, which also intervened in the DRC, were said to be motivated by their economic interests and were harshly

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<sup>31</sup> Ibid,338.

<sup>32</sup> Ibid,339.

<sup>33</sup> Mark Malan, “SADC and Sub Regional Security: Unde Venis et Quo Vadis?”: In ISS Monograph Series, No19, (February 1998), 1.

criticised by the South African media.<sup>34</sup> These states claimed they were responding to President Laurent Kabila's calls for military assistance. This will be analysed in chapter four.

### **Botswana and South African Military Intervention in Lesotho**

In September 1998, shortly after the South African condemnation of military intervention in the DRC, South Africa and Botswana forces intervened in the Lesotho intrastate conflict. The conflict stemmed from election results that were contested by both the opposition parties and the ruling party. This point will be discussed fully in chapter five. The intervention was also claimed to be conducted under the auspices of SADC. This was because Lesotho's Prime Minister approached SADC for assistance in managing political unrest in his country. Neethling argues that the intervention was viewed as controversial and it was:

immediately questioned, as some observers claimed that the operation went beyond existence in international law...South Africa had intervened to protect certain South African interests, such as the Katse Dam water scheme...It was furthermore pointed out that there were no clear guidelines on the part of SADC regarding military responses to internal conflicts in SADC member countries.<sup>35</sup>

The controversy surrounding this intervention arises from the fact that Lesotho's opposition parties were still in negotiations about the election results and this action made the parties question the South African motive for intervention and more particularly, its role as a neutral mediator. The behaviour of South Africa was especially puzzling because it intervened militarily in Lesotho's domestic conflict while adopting 'quiet diplomacy' in Zimbabwe. In defence of South African foreign policy, Dr. Pallo Jordan<sup>36</sup> argued that South Africa had economic interests in Lesotho and they had to intervene to protect them. As far as Zimbabwe was concerned, quiet diplomacy was the best strategy for South Africa to adopt. Nevertheless, it

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<sup>34</sup> Theo Neethling, "Conditions for successful entry and exit: An assessment of SADC Allied Operations in Lesotho": In Mark Malan ed. *Boundaries of Peace Support Operations: The African Dimension*, ISS Monograph Series, No44, (Feb 2000), 143.

<sup>35</sup> Ibid, 144.

<sup>36</sup> Honourable Dr. Pallo Jordan is Member of Parliament for the ruling African National Congress in South Africa. He is also a chairman of the Select committee of SA foreign policy. He gave this lecture on the coordination of Diplomacy for Graduate student of theories of diplomacy at the University of Cape Town on the 23 April 2003.

was also not clear whether the intervention in Lesotho was sanctioned by the UNSC.

### **The UNSC Requirements for Legitimate Interventions**

The UNSC requires that, for any intervention to be acceptable internationally and be legitimate in terms of international norms and values as codified under international law, it must be multilateral and have a UNSC mandate. This brings us to the question: who decides and under what circumstances can intervention be declared legitimate or illegitimate? There is consensus among scholars that the UNSC is the only legitimate body that has the power to grant states the mandate to intervene, under the terms of the UN Charter.<sup>37</sup>

In 1979 the then-President of Tanzania, Mwalimu Julius Nyerere, who was regarded as a supporter of liberation struggles in southern Africa, ordered his army to remove the tyrannical regime of General Idi Amin of Uganda. Amin's soldiers had, on several occasions, mounted incursions into Tanzanian territory. Nyerere's action was launched without the approval of the OAU and without a UNSC mandate.<sup>38</sup> The preamble of the UN Charter explicitly forbids actions such as Nyerere's. The Charter declares that:

We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind,...And for these ends, to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to

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<sup>37</sup> Paul Taylor, The United Nations and International Order; In John Baylis & Steve Smith 2<sup>nd</sup> ed. The Globalization of World Politics: An Introduction. (Oxford University Press; 2001). However, several states have often not subscribed to this belief and consequently mounted their own operations without the authorisation of the UNSC mandate. France has consistently intervened in francophone countries without this mandate, The 1970s Brezhnev doctrine which held that the Soviet Union had the right to intervene in the member states of the socialist commonwealth to protect the principles of socialism and The United States of America intervened in several countries including Grenada and Iraq without the UNSC mandate. Several other countries have followed the above examples set by these powers and intervened in other countries without consulting the UNSC.

<sup>38</sup> OAU, Organisation of African Unity Charter Rules of Procedure, (Addis: Abba Ethiopia; Printed by OAU, 1962). See also Africa's Development Thinking since Independence. Constitutive Acts of the African Union. (South Africa: Africa Institute of South Africa, 2002), The responsibility to protect report by the International Commission on Intervention and State Sovereignty December 2001.<<http://www.idrc.ca>> [02February2003]. Recently, Africa has witnessed the emergence of guerrilla leaders like Uganda's Yoweri Museveni, Rwanda's Paul Kagame, Angolan Dos Santos and many others such as Eritrea's Isais Afwerki who, even after taking power, have become committed to use military means to remove other political leaders in order to attain their political interests in neighbouring states. This pattern of events has been replicated by freedom fighters like Robert Mugabe, and Sam Nujoma. In all these cases, both the constitutive acts of the OAU and UN Security Council Charters appear not to have been followed.

ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples....<sup>39</sup>

The uniqueness of this action was that in most of post-colonial Africa, military intervention in sovereign states was unknown. This was during the era of the principle of the norm of non-interference in the internal affairs of other member states. In fact, it can be argued that this principle was regarded as sacrosanct. In a sense, Nyerere's intervention was a precursor to Nigeria's intervention into Sierra Leone in 1998, which ousted a military regime and restored democratic rule. These actions were contrary to the UN Charter, especially Chapter 1, Article 1, which states in subsections 1 and 2 that the primary purposes of the UN are:

1. To maintain international peace and security, and to that end: to take effective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.<sup>40</sup>

The UN Charter, especially Chapter 1, Article 2, argues that the UN and its members, in their pursuit of the principles stated in Article 1, shall act in accordance with Article 2, subsections 3 and 4, among others. These state:

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.<sup>41</sup>

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<sup>39</sup> Ian Brownline, 2nd ed. Basic Documents on Human Rights.(Clarendon press: Oxford, 1981),3. See also Charter of the United Nations and the Statute of the International Court of Justice (New York: Department of Public information United Nations, 1997), 3-4.

<sup>40</sup> Ibid, 3-4. See also Charter of the United Nations op cit, 5.

<sup>41</sup> Ian Brownline, op cit., 6.

In 1998, Kofi Annan,<sup>42</sup> the current Secretary-General of the UN, argued that Article 2.7 of the UN Charter protects national sovereignty from intervention even by the UN itself, as long as proper processes are followed. He asserted that this prohibition was just as relevant today as it was in 1945. He maintained that violation of sovereignty remains violation of global order.

Annan cites Indian intervention that ended civil war in East Pakistan in 1971, Vietnamese intervention in Cambodia in 1978 that ended the genocidal rule of the Khmer Rouge, and the Tanzanian intervention in Uganda in 1979 that overthrew Idi Amin's dictatorship as examples of interventions about which the international community was divided because action was taken unilaterally. This was notwithstanding the good humanitarian decisions of the intervening countries, aimed at helping refugees in East Pakistan, Cambodia and Uganda. Annan goes further, observing that the international community cannot afford to allow states to become judges of their own course as this would be the same as legitimising Hitler's championship of the Sudeten Germans<sup>43</sup> or Soviet intervention in Afghanistan. Annan concludes that the international community would prefer:



...to see such decisions taken collectively, by an international institution whose authority is generally respected. And surely the only institution competent to assume that role is the Security Council of the United Nations. The Charter clearly assigns responsibility to the Council for maintaining international peace and security.<sup>44</sup>

Annan contends that only the UNSC has the authority to decide that the internal situation in any state is so grave to warrant and justify forceful intervention. For such interventions to merit member states' interventions and regional bodies' involvement, they need to have the UNSC authority behind them. These operations must be conducted under express authorising resolutions, such as that which was developed in 1990 to eject Iraq from Kuwait. Unless there is a UNSC resolution which legitimises intervention, it is not recognised as internationally acceptable and therefore humanitarian.

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<sup>42</sup> Kofi Annan, "Secretary-General Reflects on 'Intervention' in Thirty-Fifth Annual Ditchley Foundation Lecture": In Press Release SG/SM/6613, 26<sup>th</sup> June 1998' at Ditchley Park, United Kingdom.

<sup>43</sup> For the role Hitler in German, see chapter five of the study.

<sup>44</sup> Kofi Annan, op cit, 5.

## **Humanitarian Intervention**

Judging from the fact that there have been many cases of interventions that could be categorised as both legitimate and illegitimate,<sup>45</sup> the concept of humanitarian intervention has created challenges for the international community, which is built on the principles of sovereignty and non-intervention,

Walzer argues that sovereignty itself is a moral good because self-determination, and hence sovereignty, is the only way that a people can be free.<sup>46</sup> The principle of sovereignty is, therefore, inviolable in principle. There are some cases, when the state grossly violates its own citizen's human rights, when intervention can be justified.. A sovereign state that violates its people's rights also loses its right to sovereignty. Walzer argues that:

When a government turns savagely upon its own people, we must doubt the very existence of a political community to which the idea of self-determination might apply...People who initiate massacres lose their right to participate in the processes of domestic self-determination. Their military defeat is morally necessary....<sup>47</sup>

In the 1990s, while most people supported the use of force by members of North Atlantic Organisation (NATO) against the Milosevic regime, which was accused of violating human rights, some were skeptical about the excessive means which were employed to save the people of Kosovo. They saw the extensive bombing campaign, which led to a massive loss of innocent lives and destruction of property, as contradictory to the doctrine of humanitarian intervention. This led to some analysts advocating a “post-statist reconceptualisation of humanitarian intervention, which they label non-forcible or non-violent humanitarian intervention”.<sup>48</sup> This conjecture was shared by most international lawyers, who argued that states must uphold the UN Charter, particularly Article 2. This dissertation examines the presumption behind Article 2 of the UN Charter, which renders so-called forcible

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<sup>45</sup> The Tanzanian intervention in Uganda, the Indian intervention in East Pakistan and Cambodia ousting the Khmers Rouge. All these interventions as will be seen in chapter two falls in both categories mentioned above.

<sup>46</sup> Walzer, M. 2nd ed. *Just and Unjust Wars* (New York, Basic Books, 1992). See also R.L. Phillips and D.L. Cady. *Just War vs. Pacifism* (London, Rowman & Littlefield, 1996) 13.

<sup>47</sup> Ibid, 101 - 106

<sup>48</sup> Ibid, 471.

humanitarian intervention illegal. Furthermore, it is assumed that any interventions in violation of the UN Charter and other charters of bodies such as the OAU/AU and SADC, are equally illegal, because these interventions are conducted on the basis of national interests rather than the principles enshrined in international and regional organizations upholding principles of international law.

This dissertation also looks at the extent within which the UN legal framework guides the principle of state behaviour in the international system. Some states seem to adhere to the UN Charter, while others do not. In fact, there are many cases even of members of the UNSC violating the Charter, as the cases of both the former Yugoslavia and Iraq have recently shown. It would seem that sovereignty and national interests go hand in hand, hence the reason that some states follow the UN Charter when their national interests are not threatened. It appears that the Charter has not been applied consistently around the globe. This inconsistency has created major challenges in Africa, where adherence to the Charter has not been consistent with the moral framework of the UN.



The degree to which the principles of the UN Charter apply in Africa, as they do on other continents, has also been questioned, especially the issue of what happens to states that constantly violate the Charter. In some cases violations are punished, for example, the ejection of Iraq from Kuwait in 1990 by military means and the UN imposition of economic sanctions on apartheid South Africa in the 1980s. In most cases, however, punitive measures have not been used to force compliance with the UN Charter.

While humanitarian intervention is aimed at alleviating people's suffering<sup>49</sup> and saving lives during period of crisis and violence, this remains controversial because the international community's response to crises has been mixed. For instance, the international community withdrew UN troops in

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<sup>49</sup> Thokozani Thusi, *Mission Impossible? Assessing Attempts at Linking Humanitarian Assistance with Development Aid in Mozambique's Transition from War to Peace*: In Lisa Thompson, Scarlett Cornelissen ed. *Humanitarian Aid and Development Aid in Southern Africa: Clash or Continuum?* Monograph Series. Lisa Thompson, Scarlett Cornelissen ed. (Centre for Southern African Studies; University of the Western Cape; 2001).

the Great Lakes Region in Rwanda when they were most needed to prevent the genocide that was in process. Thompson argues that:

ironically, in creeping cases of violence, when neither the international nor the regional community is interested due to the relative unimportance of the situation, humanitarian interventions may be minimal or too late or both. The Rwandan genocide in 1994 is a clear case in point.<sup>50</sup>

When cases are judged differently by international aid agencies and other international and regional groupings it make the concept of humanitarian intervention even more complicated. It becomes difficult for this intervention to be wholly neutral or impartial. Nonetheless, Thusi argues that humanitarian intervention tends to fail because it focuses on short-term programmes without taking a deeper look at the root causes of the conflict at hand. The controversy surrounding this concept has always been the fact that it produces mixed results. In most cases humanitarian intervention has failed to "mitigate violent conflict and help reduce human suffering".<sup>51</sup> The failure of this humanitarian intervention, according to Thusi, has resulted in several questions being asked. such as: "can complex emergencies be prevented? Given the magnitude and proliferation of relief agencies in a given conflict, can humanitarian assistance be better coordinated?"<sup>52</sup>

There is thus a high propensity for the concept of humanitarian intervention to be abused.<sup>53</sup> The major problem concerning the doctrine of humanitarian intervention has been that it is open to violations of the principle of sovereignty. Since the Second World War, states have invoked humanitarian concerns on many occasions where it was far from legitimate. Even Hitler claimed that the necessity of protecting the German minority and the security of more than three million people was the reason he invaded Czechoslovakia

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<sup>50</sup> Lisa Thompson, Humana Security and Humanitarian Aid in Southern Africa: A Critical Security Perspective: In Lisa Thompson, Scarlett Cornelissen ed. Humanitarian Aid and Development Aid in Southern Africa: Clash or Continuum? Monograph Series. (Centre for Southern African Studies: University of the Western Cape; 2001),7.

<sup>51</sup> Ibid, 40.

<sup>52</sup> Ibid, 40.

<sup>53</sup> Nicholas J. Wheeler, Alex J. Bellamy, Humanitarian Intervention and World Politics: In John Baylis and Steve Smith 2<sup>nd</sup> ed. The Globalization of World Politics: An Introduction (Oxford University Press;2001). Thusi op cit, argued that it can also be used as an instrument of war as in Biafra in Nigeria or as a cause of conflict to fuel the conflict by providing necessary resources to the belligerents.

in 1938. The concept of humanitarian intervention will be discussed further in chapter one.

Wheeler and Bellamy have argued that state practice of humanitarian intervention has been very selective, as an argument against the concept itself. The danger of escalation of an armed conflict means that any intervention, even on humanitarian grounds, should be avoided. This is an important concern because such an escalation may ultimately lead to a large-scale war. The dangers involved when states intervene without the support of the international community were evident during the beginning of the US and the British intervention in Iraq in 2003. This intervention was not supported by the UNSC and caused serious tensions between the US, UK, France, Germany as well as in the international community more broadly. The controversy of humanitarian intervention was summarised by two senior UN officials, (Tharoor<sup>54</sup> and Daws 2001:23), as follows:

to its proponents, it marks the coming of age of the imperative of action in the face of human rights abuses, over the citadels of state sovereignty. To its detractors, it is an oxymoron, a pretext for military intervention often devoid of legal sanction, selectively deployed and achieving only ambiguous ends<sup>55</sup>.

When this right is exercised, in order to be legitimate in terms of international law, it must conform to the UN Charter. This means that it must emphasise consent by all protagonists involved in conflict. Hansen argues that:

the first factor is the legitimacy of an operation, which in turn is a function of consent/sovereignty, impartiality, credibility and effectiveness. Legitimacy refers to the acceptance of the Peace Force by the international community and by the parties to the conflict, its mandate and the way it relates to the conflict.<sup>56</sup>

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<sup>54</sup> Shashi Tharoor, Sam Davis, "Humanitarian Intervention: Getting Past the Reefs." World Policy Journal 18:2 (Summer2001): 21-30.

<sup>55</sup> Margaret P. Karns and Karen A. Mingst, International Organisations: The Politics and Processes of Global Governance (Lynne Rienner Publishers; Boulder London: 2004), 286.

<sup>56</sup> Anniks S. Hansen, "Drawing Lines in the Sand: The Limits and Boundaries of Peace Support Operations": In Mark Malan ed. Boundaries of peace Support Operations: The African Dimension, ISS Monograph, Series, No44, February 2000, 9. See also Lisa Thompson, Scarlett Cornelissen, ed. 'Humanitarian Aid and Development Aid in Southern Africa: Clash or Continuum?' Monograph Series (Bellville: University of the Western Cape, Centre for Southern African Studies: 2001) and Dewaal Alex, Who Fights? Who Cares? War and Humanitarian Action in Africa, ed.(Eritrea: Africa World Press, INC; 2000)

Ideally speaking, the peacekeeping operation is normally seen as an operation that has the consent of the parties in conflict, while peace enforcement does not. Conversely, consent is not secured in all humanitarian interventions as the Burundi and Rwandan cases above demonstrated. The level of force used by the intervening peacekeeping force must be proportionate, because extensive force might affect the peacekeeper's impartiality in the eyes of the party against which force is primarily directed. The demand for acquiescence of local parties is important to make intervention internationally acceptable. This is because it carries with it the moral obligation to act. This dissertation will therefore establish whether the above interventions (Rwanda, the DRC and Lesotho) had these important ingredients. While all of these countries are in sub-Saharan Africa, the first two are in the Great Lakes Region and the third is in the SADC region.

### **Theory and Research Methodology**

The study of military intervention in Rwanda, the DRC and Lesotho is rooted in the sub-discipline of civil military relations and security studies. The study seeks to examine theories of international relations dealing with interventions, mostly realism, and other national security approaches.<sup>57</sup>

Various approaches which fall within the scope of security studies, such as realism, constructivism, security studies, idealism and pluralism, are examined in the light of humanitarian assistance and military intervention in Africa. These approaches help us to understand the relationship between individual, national and international security. They explain in various ways the important role of sovereign states as actors in international relations and how state interests shape security policies. The issue of states as independent actors is significant in explaining how and why decisions were taken by each intervening state.

In this study it appears that the realist approach explains succinctly the intention, motivations and interests of the intervening countries. While the theory's explanatory power derived from its longevity, it mostly approximates

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<sup>57</sup> Viotti, Paul R., Kauppi, V Mark, 2<sup>nd</sup> ed. International Relations Theory: Realism, Pluralism, and Globalism (New York: Macmillan Publishing Company; 1993).

the current picture portrayed by these three interventions. It also has a strong historical policy-prescriptive component, as illustrated by Machiavelli's "The Prince", which expressly stated that it was to serve as a guide to the ruler.

It is clear that war and military means were a major strategy of the states that intervened in Rwanda, the DRC and Lesotho. This strategy was seen as a viable foreign policy tool in achieving their interests in all the targeted states. The intervening states perceive the use of force as the solution to intrastate conflict, rather than mediation and international conventions in conflict resolution that do not entertain military means. Therefore, realist theory may provide an insight into why neither regional nor continental organisations were consulted before military interventions took place. However, the explanatory strength of other theories mentioned above also requires analysis.

### **Qualitative Methods**

The study is an assessment of the reasons for, and nature of, military intervention in selected African countries. The dissertation is also of a descriptive nature and its value lies in the qualitative approach that has been applied in describing the reasons for action or non-action (for example, parliamentary responses). The study's approach is to select four strategic issues from theoretical material (section one) and to apply these to the cases (section two). The study does not attempt to apply a specific model or models but rather draws logical deductions in terms of the above focus regarding the four strategic issues mentioned. The study makes a contribution in terms of the development and recording of case information and qualitative assessment. It does not focus on the analysis or quantification of fieldwork results, or the generation of options to address military conflict.

Qualitative methods are used to collect and analyse data on military interventions in Rwanda, the DRC and Lesotho. The importance of qualitative approaches<sup>58</sup> cannot be overemphasised in this type of study; "Qualitative research seeks to maximise the range of specific information that can be obtained from and about that context, by purposely selecting locations and

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<sup>58</sup> Wickham, S., Cooper, D. and Bailey, T., *The Research Journey Workbook*. (Cape Town: Research & Academic Development; 1997).

informants that differ from one another".<sup>59</sup> The aim here is to compare and analyse how these interventions took place. Qualitative methodology is generally associated with interpretative epistemology, which refers to the form of data collection and analysis that rely on understanding with emphasis on meaning.<sup>60</sup>.

Further, the research employs the case study method in analysing the above case studies. Case studies offer the prospective researcher the ability to obtain rich data with high validity whilst situating and interpreting data within their wider context. As such, case studies provide important research settings for all three interventions. While some researchers are critical about the reliability of this method, such criticisms overlook the notion that the case study inferential mechanism relies upon the 'cogency of the theoretical reasoning' rather than the typicality or representativeness of the case.<sup>61</sup> Case studies of different countries are "typical in international and comparative politics ...where the focus is on a country or bloc of countries (SADC)".<sup>62</sup> This method enables the researcher to draw comparison between the above interventions.



Finally, the study employs documentary sources to provide relevant background or context information for the study. Document analysis is used for all three interventions as a means of supplementing other data.

May<sup>63</sup> establishes criteria for evaluating the quality of the evidence available through an analysis of documentary sources. Briefly, the criteria include authenticity, credibility and representativeness. Whatever the method used, when multiple techniques are triangulated, as in the case of the three military interventions reported here, it is argued that the strength of research findings, validity and the possibility of generalization or extrapolation are increased<sup>64</sup>.

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<sup>59</sup> Earl Babbie and Johann Mouton, 'The Practice of Social Research' (Oxford University Press; 2003), 277.

<sup>60</sup> Marshall, G., Concise Dictionary of Sociology (New York; Oxford University Press).

<sup>61</sup> Mitchell, J. C., Case and situation analysis. *The Sociological Review*, 31(2), (1983):187-211

<sup>62</sup> Wickham, S., Cooper, D. and Bailey, T., op cit., 281.

<sup>63</sup> May, T., *Social research: Issues, methods and process* (UK: Open University Press, 1997).

<sup>64</sup> Bryman, A. E., *Research methods and organization studies* (London: Unwin Hyman; 1989), see also Hammersley, M. The relationship between qualitative and quantitative research: Paradigm loyalty versus methodological eclecticism. In J. T. E. Richardson, ed. *Handbook of qualitative research methods for psychology and the social sciences* (1996): 159-174. (Leicester: The British Psychological

Primary source materials are extensively used. These materials include unpublished documents, such as reports filed by international agencies and non-governmental organisations (NGOs). They reveal both commonalities and differences between these interventions. This is because the study is primarily interested in describing and understanding these interventions. The primary data includes documentary sources, such as scholarly material on military intervention,<sup>65</sup> some of which were compiled by the Institute of Justice and Reconciliation.

Since documents play a significant role in this research, they are taken as tangible material to be investigated.<sup>66</sup> They can also be taken “as a source of data in their own right - in effect an alternative to questionnaires, interviews or observations”.<sup>67</sup> Documents are valuable material with a high potential to inform and structure the decisions that people make on a daily and longer-term basis. The documents used in this research provide both primary and secondary data.



Primary sources include contemporary writings (current affairs, including works by journalists), video footage and computerised records. The current works by journalists describe how the interventions took place. They include work by Philip Gourevitch, who wrote extensively in the *New York Times* and *Time Magazine* about his experiences in Rwanda and the DRC during the 1997-1998 conflicts. The *Ugandan Monitor* newspaper provides information relating to Ugandan army intervention in both Rwanda and the DRC. Several journalists presented this data in many articles in the paper. The *Mail and Guardian* newspaper details South African and Botswana intervention's in Lesotho intrastate conflict. It also highlights the role of these countries' officials during this intervention.

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Society; 1996), Strauss, G., & Whitfield, K. Research methods in industrial relations. In K. Whitfield and G. Strauss eds. Researching the world of work: Strategies and methods in studying industrial relations 5-30. (Ithaca: Cornell University Press. 1998).

<sup>65</sup> Wickham, S., Cooper, D. & Bailey, T., op cit., see also Wiersma William 6<sup>th</sup>, ed. Research Methods in Education: An Introduction, (New York: United States of America Allyn and Bacon, 1995). See also Mason Jennifer, Qualitative Researching (London: Sage Publications, 1996).

<sup>66</sup> Denscombe, M. The Good Research Guide: for Small-Scale Social Research Projects. (Buckingham: Open University,1998).

<sup>67</sup> Ibid,159.

The *Mail and Guardian* has also been a viable source in confirming the articles in the *Ugandan Monitor* and by Philip Gourevitch<sup>68</sup> about Rwandan and DRC conflicts. While newspapers may provide speculative assertions about events, they are important in providing details and their information is even more valuable when they corroborate each other, as in the Rwandan and DRC conflicts.

Video footage compiled by members of the African Studies Department at the University of Cape Town proved even more valuable, along with the British Broadcasting Co-operation (BBC) documentaries about the “United Nations at 50” in 1995. These videos provided numerous interviews about the Rwandan genocide and the role of Ugandan intervention prior to the genocide in that country.

Several records relating to these conflicts from internet sources proved valuable as they catalogued how the intervening states intervened in Rwanda, the DRC and Lesotho.<sup>69</sup>



The sources rest on a series of human decisions taken at the time of these interventions. They therefore formed a crucial part of the study when analysing the actions of the intervening countries. Some of the key information is selected from:

- (i) the Centre for Conflict Resolution, University of Cape Town;
- (ii) the Institute for Security Studies, Cape Town;
- (iii) the Institute for Justice and Reconciliation, Cape Town;
- (iv) the African Studies Library, University of Cape Town;
- (v) the Institute for Democracy in South Africa (Idasa), Cape Town; and
- (vi) the National University of Lesotho.

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<sup>68</sup>Philip Gourevitch using collection of his articles on the Great Lakes conflict, went further to write a book titled, “We wish to inform you that tomorrow we will be killed with our families: stories from Rwanda”. This book will form part of the evidential value in later chapters.

<sup>69</sup>These records include those from the United Nations Office for the Coordination of Humanitarian Affairs Integrated Regional Information Network for Central and Eastern Africa.:irin@ocha.union.org and Amnesty International, War for Profit, at <http://www.amnesty.org.uk/action/drc/profit.shtml>.

Secondary data was obtained from the following Universities; Cape Town, Stellenbosch and Western Cape. A literature review highlights what research has been done and will demonstrate how each intervening country sanctioned intervention. The peace accords (such as the 1992 Arusha Peace Accord and the 1996 SADC Protocol, which established Organ of Politics, Defence and Security, the Charter of African Union and others), are analysed as they relate to intrastate conflicts. The current literature on military intervention in intrastate conflicts also informs the study.

Finally, secondary information is extracted from reputable academic journal sources that deal with military interventions. such as the Journal of Modern African Studies, International Security Studies journals and Institute for Security Studies monographs and journals. Where necessary, the national media of the relevant countries is used as it relates to the case studies. These sources form part of the evidential value required for this study in explaining what actually took place and why the intervening countries acted they way they did.



### **Structure of Analysis**

The study is divided into two sections. The first section is composed of two chapters, focusing on the theoretical background and approaches to international relations. Chapter one traces the evolution of the concept of military intervention and draws a distinction between humanitarian intervention and outright military intervention. It also examines different concepts put forward by prominent scholars in the field. Theoretical issues relating to military interventions are also discussed in this chapter. The second chapter provides an overview of dominant approaches to security studies. It discusses different approaches to security and dynamics of military intervention.

The second section is made up of four chapters. It deals with the empirical dimensions of three military interventions under study. It is in this section that the three interventions and processes followed during these interventions are analysed. Consequently, chapter three explores the historical and political background of the Ugandan intervention in Rwanda, together with the

associated assistance to the RPF. This chapter traces the special relations between the RPF under President General Kagame and the Ugandan NRM led by President Museveni.

The fourth chapter focuses on the DRC intervention in 1998. Almost seven countries and more than ten rebel movements were involved in this war, each party fighting for its own interests. The chapter analyses the military rebellion and the role of each intervening state.

Several political pundits debated extensively about the legality and the illegality of September 1998 South African and Botswana military intervention in Lesotho. The fifth chapter argues that South African intervention was motivated by its realist interests.

Chapter six looks at the intrastate processes followed during these interventions. The chapter aims to examine why the leadership of these countries did not properly inform their parliaments about their decisions to intervene in intrastate conflicts. Finally, chapter seven, the study's conclusion, synthesises the theoretical analysis discussed in chapter one. It draws together the underlying factors of these interventions and explores the extent to which they were informed by the realist approach.

# CHAPTER ONE

## SECTION ONE: CONCEPTUAL FRAMEWORK OF MILITARY INTERVENTION IN SUB-SAHARAN AFRICA

*A generation ago, the terms ‘military intervention’ and ‘conflict resolution’ would almost never have been uttered in the same breath. The field of conflict resolution has its roots in the peace movements that dotted the 20th century, most of whose members found the use of force abhorrent. Militaries have intervened in the domestic affairs of other countries time and time again, but rarely have they done so in an attempt to end a complex emergency or intractable conflict -- until recently.<sup>70</sup>*

*In the 1990s, African states have been experiencing a new world environment with strong implications for the handling of domestic and regional conflicts. Organisations such as the OAU and the UN are faced with the challenge of redefining notions of sovereignty, state responsibility, and norms governing intervention by external actors, as well as the question of whether Africa can develop a regional capacity for conflict resolution and management.<sup>71</sup>*

### THE CONCEPT OF MILITARY INTERVENTION

#### 1.0 Introduction



The introduction identified several research questions relating to military interventions in sub-Saharan Africa and elsewhere. In the light of these interventions, this chapter examines the concept of military intervention. The chapter also analyses this concept in relation to its utility as construed by the UN Charter, which was also embraced by the Organisation of African Unity (OAU), now African Unity (AU), thus mapping out the debates and setting the stage for the following chapters dealing with unilateral military interventions in Rwanda, the DRC and Lesotho.

Intervention as will be explained below does not discriminate whether is done bilaterally or multilaterally, it remains an intervention. What is important is the motive behind such intervention and how is perceived by the international

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<sup>70</sup> Charles Hauss, Military Intervention.

<[http://www.beyondintractability.org/m/military\\_intervention.jsp](http://www.beyondintractability.org/m/military_intervention.jsp)> [12March2004]

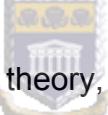
<sup>71</sup> Gaby Meyer, Readings in Interstate and Intrastate Conflict.

<<http://ccrweb.ccr.uct.ac.za/archive/two/3/p33.html>> [12March2004]

community. Questions will always be asked whether such intervention was humanitarian meaning legitimate or illegitimate hence conducted beyond the idealist framework of the UN. Other equally pertinent questions are asked whether the intervening country was militarily powerful than the target state? Or whether the intervener was a middle power intervening in a small state like the South African intervention in a small land locked Lesotho. All these questions notwithstanding are asked within the framework of the UN Charter.

### 1.1 The Evolution of the Concept of Military Intervention.

In the aftermath of the devastating Westphalia wars in Europe, military intervention in intrastate conflicts was seen as violating the fundamental norm of the Westphalian treaties, which state that “war is not waged against a sovereign state which has not itself militarily attacked another sovereign state”.<sup>72</sup> These interventions were seen as contrary to international rules. More fundamentally, the doctrine of humanitarian intervention has strong roots in the moral political theory of Just War (*bellum justum*).



In the development of the Just War theory, St. Augustine (354-430) argued that “the justness of action could be judged without evaluating the driving intention, so also with the state action of going to war”.<sup>73</sup> St Thomas Aquinas (1224-74), on the other hand, argues that, war must be waged by a competent authority and there must be a just cause for that war, so that those who were invaded must deserve to have been attacked. Therefore, “Just cause for war could be found in self-defence; restoration of peace; assistance of neighbours against attack and, most notably, defence of the poor and the oppressed”.<sup>74</sup> For Suárez, the defence of innocent people, no matter where in the world, would be a just cause.<sup>75</sup> This line of argument anticipated the findings of the International Commission on Intervention and State Sovereignty (ICISS), which identified six criteria for military intervention that

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<sup>72</sup> Charles Knight, What Justifies Military Intervention?, Cambridge, MA: Commonwealth Project on Defence Alternatives, 27<sup>th</sup> September 2001. <<http://www.Comw.Org/pda/0109intervention.html>> [13March2004].

<sup>73</sup> R. Mushkat, *The Concept of Just War in International Law* (LLD Thesis, UNISA, 1986) 278.

<sup>74</sup> Ibid II, II, 188, para 3.

<sup>75</sup> R. Mushkat, *op cit.*, 284. See also A. Gentili *De Jure Belli Libri Tres* (1612) I, IV, para 48, for more emphasis on just cause criteria.

conform to the UN Charter and the Security Council Articles. These were: just cause, right authority, right intention, last resort, proportional means and reasonable prospects.<sup>76</sup>

In applying his concept of natural law in the sphere of international law, Grotius states that, "if a tyrant practices atrocities towards his subjects, which no just man can approve, the right of human social connexion is not cut off in such a case. It would not follow that others may not take up arms for them".<sup>77</sup> This view compelled Lauterpacht to argue that the state's sovereignty exists only as long as it does not violate the rights of its citizens, but once it pursues practices that outrage other human beings beyond the state, other countries have a legitimate right to intervene. This intervention will therefore be just. Alex De Waal argues that sovereignty does not legitimize violation of human rights and denial of humanitarian assistance.<sup>78</sup> Therefore, intervention was only accepted by the international community when it was based on humanitarian grounds.



Martha Finnemore submitted that, during the early part of the 19<sup>th</sup> century at least in four instances, European countries cited humanitarian claims to influence the Balkan policy in such a manner that would have required these countries to use force in the Greek war for independence (1821-1827); During the Lebanon/Syria conflict in 1860-1861; in the Bulgarian agitation of 1876-1878 and in response to the Armenian massacres (1894-1917). While full scale military intervention did not take place in all these cases, the evolution and policy influence of humanitarian claim was set.<sup>79</sup>

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<sup>76</sup> Jeffrey Boutwell, Pugwash Study on Intervention, Sovereignty and International Security 10-11 December 1999, Venice, Italy. <<http://www.Pugwas.org/reports/rc/rcs.htm>> [13May2004].

<sup>77</sup> Ibid II, XXV, para 6(3).

<sup>78</sup> H. Lauterpacht, quoted in Malanczuk (n 3) 7 (reference not provided). See also Walters (n 25) 250. Kyrre Grimstad, Humanitarian Intervention: Historical, Legal and Moral perspectives; unpublished LLM Thesis. (University of Cape Town; 2001), 11, Alex De Waal, ed. Who Fights? Who Cares? War and Humanitarian Action in Africa. Eritrea. (Africa World Press, Inc, 2000),107, See also H. Grotius De Jure Belli ac Pacis (1625) prolegomena, para 11: .Etiam si daremus non esse Deum..367-70.

<sup>79</sup> For more emphasis see also ICISS The Responsibility to Protect: Research, Bibliography, Background, in Supplementary Volume to the Report of The International Commission on Intervention and State Sovereignty; Published in Canada by International Development Research Centre; December 2001. See also ICISS the Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty. Both reports were instituted by the Canadian Government which established the above Commission in September 2000 in order to respond to the challenge presented by The UN Secretary-General Kofi Annan.

The UN Secretary-General Kofi Annan, in his 2000 report to the Millennium Assembly, challenged the international community to try to forge consensus, once and for all, around the basic questions of principle and the process involved: when should intervention occur, under whose authority, and how. It was in this spirit that the Canadian government established The Independent International Commission on Intervention and State Sovereignty. Both reports establish a conceptual framework upon which humanitarian intervention may take place and defines boundaries between legitimate and illegitimate interventions. Both reports therefore, form the basis of how interventions should be perceived as both legitimate and illegitimate by the international community.

The report among other issues argues that, the so-called “right of humanitarian intervention” has been one of the most controversial foreign policy issues of the last decade-both when intervention has happened, as in Kosovo, and when it has failed to happen, as in Rwanda. The report central theme is the idea of “The Responsibility to Protect.” Sovereign states have a responsibility to protect their own citizens from avoidable catastrophe - from mass murder and rape, from starvation - but when they are unwilling or unable to do so, that responsibility must be borne by the broader community of states. The supplementary volume of the Commission’s report is itself an important contribution to the ongoing debate on how the international community should respond to massive.<sup>80</sup>

Conversely, the nation-state, according to Bodin and Hobbes, was created to protect people against the anarchy of all against all. They argue that “no other state had the right to interfere with the sovereign’s treatment of his people”.<sup>81</sup> The theory of sovereignty, which was developing in the 17<sup>th</sup> and 19<sup>th</sup> centuries, was attacked by authors such as Brownlie, who argued that the “concept of just war was relegated to the realm of morality and propaganda”.<sup>82</sup> According to this view, humanitarian intervention could not be regarded as lawful. He

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<sup>80</sup> Martha Finnemore, “Constructing Norms of Humanitarian Intervention”: In Peter J. Katzenstein, ed. *The Culture of National Security: Norms and Identity in World Politics*. (New York: Columbia University Press 1996).

<sup>81</sup> Ibid ff., K. Grimstad, op cit., 13.

<sup>82</sup> Brownlie I., *International Law and the use of force by states*. (Oxford: Clarendon Press; 1963), 20.

was alluding to the earlier principle of non-intervention developed by Vattel. Vattel argued that:

it clearly follows from the liberty and independence of Nations that each has the right to govern itself as it thinks proper. No foreign State may enquire into the manner in which a sovereign rules, nor set itself up as judge of his conduct, nor force him to make any change in his administration.<sup>83</sup>

It is clear that the notion of state sovereignty coexisted with intervention since its inception. The UN Charter also embraced this tradition in 1945. Military intervention during the 19<sup>th</sup> and 20<sup>th</sup> centuries was regarded as the last option when all peaceful measures were not successful.

Paris<sup>84</sup> argues that one of the major challenges facing modern society since the end of the Second World War has been the pervasive problem of both intra and inter-state conflicts. He argues further that all of the 30 major armed conflicts fought in the world in 1995 were intrastate wars. Therefore, “we live in a time of violence triumphant. What does it mean? Its etymology explains it: violation to violate, violence - these words all mean the abuse of strength and an offence against that which is healthy, right and pure”.<sup>85</sup> The interventions in the DRC, Rwanda and Lesotho could not have proved more similar. These are the cases of “behaviour of men who are strong and brutal, who impose their wills ruthlessly, love to rule and to dominate, who use their power in such a way as to infringe the rights of those who come under them”.<sup>86</sup> The African

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<sup>83</sup> I E. de Vatte. *Droit des gens* (1758) I, II, IV, paras 54-5.

<sup>84</sup> Roland Paris, “Peace building and the Limits of Liberal Internationalism”, In *International Security*, Vol.22, No.2 (Fall 1999), 54-89.

<sup>85</sup> Bart, De Ligt , op cit., 1. See also on this point Michael Parenti, *The Logic of US Intervention*: In Boggs Carl, ed. *Masters of war: Militarism and Blowback in the Era of American Empire*. (Routledge, London; 2003). Melvin Small, David J. Singer. *Conflict in the International System, 1816-1977* Historical trends and Policy Futures: In David J. Singer and associates. *Explaining War: Selected papers from the Correlates of War Project*. (London: Sage,1979), 65. See also Margareta Sollenberg, Peter Wallensteen, “Major Armed Conflicts”, SIPRI Year book 1996: Armaments, Disarmament, and International Security (Oxford, UK: Oxford University Press, 1996), 15. These Authors defined “major armed conflict” as “prolonged combat between the military forces of two or more governments, or of one government and at least one organised group, and incurring the battle related deaths of at least 1000 people during the entire conflict”. See also Zoltan Crossman, “A Century of U.S. Military Interventions from Wounded Knee to Yugoslavia”. <<http://www.swans.com/library/art6/Zig055.html>> [08March2004], Josep Schneider, “US Military and CIA Interventions Since World War II”. <<http://portland.indjmedia.org/en/2001/12/5308.shtml>>. [04March2004] and US Library Congress, Military Interventions, 1925-32. <<http://countrystudies.us/chile/20>> [04March2004].

<sup>86</sup> Ibid, 1.

interventions discussed here are analogous of this scenario. The situation in the DRC in 1997-8 was not different from this picture.

Elizabeth Gidiopoulos concludes that while military intervention was not a new phenomenon, the military intervention by the North Atlantic Treaty Organisation (NATO) in Serbia in 1999 demonstrated to the international community contradictions about a lack of respect for sovereignty and intolerance by NATO towards human rights violations.<sup>87</sup> What was even more questionable about this intervention was the absence of a legitimising UN mandate, which raised concerns in Africa that “economically powerful states could take arbitrary action against smaller and weaker states, thus eliminating the principle of sovereignty as the last refuge of the weak”.<sup>88</sup> While this contribution came almost a year after the above interventions, there is truism to the fact that Rwanda, the DRC and Lesotho were, at the time of intervention, militarily and politically too weak to repel the massive force mounted by the intervening countries. The problem remains still that any military intervention conducted outside the UNSC’s authorisation is seen as geared towards attaining the realist interests of intervening states.



Bowden argues that even though military intervention was synonymous with humanitarian intervention, the latter approach, as wars in Africa have shown, has lost currency.<sup>89</sup> Wars in Africa are now fought at different levels and “this ‘one-size-fits-all’ approach to peacekeeping and humanitarian operations has become less effective as the nature of conflict in Africa changed from more conventional war of attrition of the 1970s”.<sup>90</sup> Despite Bowden contention

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<sup>87</sup> Elizabeth Gidiopoulos, *A Continent Apart, Kosovo, Africa and Humanitarian Intervention*. The South African institute of International Affairs with the Assistance of The Ford Foundation and The Independent International Commission on Kosovo, South Africa, 2001.

<sup>88</sup> Ibid, xi. This point is further developed in chapter two whereby the NATO intervention is also revisited in context with the concept of intervention.

<sup>89</sup> Mark Bowden, “The Limits to Intervention”: In Elizabeth Gidiopoulos. *A Continent Apart, Kosovo, Africa and Humanitarian Intervention*. South Africa: The South African institute of International Affairs with the Assistance of The Ford Foundation and The Independent International Commission on Kosovo, 2001.

<sup>90</sup> Ibid,118. The continent had experienced conventional warfare between the Ethiopia-Eritrea conflicts which also reflected the high tech conventional war of attrition. The conflict in Somalia, Liberia and Sierra Leone was a typical factional warfare with predominant use of small arms in this conflict. This type of war was characterised by its fluid nature. This conflict was more opportunistic rather than strategic. It was more directed at exploitation of resources by several guerrilla groups in each country. These were accompanied by the virulent use of propaganda such as the state campaign in Rwanda with

above, military intervention can not be synonymous with humanitarian intervention. This is because some forms of intervention are humanitarian while others are not as in the three cases under discussion. While it has been difficult to categorise African wars into conventional factional warfare, genocide or ethnically-based conflicts, the military interventions in Rwanda and the DRC have coalesced all three of these elements. Bowden maintains that in all these cases, conventional forces found themselves engaged in intensive attrition warfare. In addition, “extensive use is made of factional forces as proxies to protect the conventional state forces. Such proxy forces are encouraged to be self-sustaining through the exploitation of resources”.

Since the Second World War, the interventionist environment has refused to fade away. The record of unauthorised military intervention in intrastate conflicts appears to be far from over. More countries have become involved in intrastate conflicts than ever before.<sup>91</sup> From 1945 to 1989, the world witnessed around 269 interventions. All were conducted without UNSC resolution. They were unilateral and hence illegitimate in terms of international law.



## 1.2 Humanitarian Intervention

There have been many attempts by writers to properly define the term ‘humanitarian intervention’. Verwey describes the term ‘humanitarian’ as one of the most contested, legally controversial and obscure concepts in international law.<sup>92</sup> The controversy of humanitarian intervention lies in the fact that the sovereignty of the targeted state is being violated by whomever is intervening, even though it is on humanitarian grounds. To emphasize this point further, Rostow argues that the international system is predicated on the principle that each state is autonomous and therefore independent. This means that each country “has the right in its internal affairs to be free from

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genocidal proportions whereby the ethnic Tutsis and moderate Hutus were murdered. The significant nature of this conflict was the speed and high degree of state organisation and planning involved.

<sup>91</sup> Istvan Kende, “Twenty-Five Years of Local Wars”, *Journal of Peace Research*, 8 (1971): 5-22: In K. J. Holsti, seventh edition. *Clandestine Actions and Military Intervention* are pp. 192-211, *International Politics*. (Englewood Cliffs, NJ: Prentice-Hall, 1995)..

<sup>92</sup> Verwey V.D., *Humanitarian Intervention Under International Law* (1985), Netherlands ILR 357 at 358.

acts of coercion committed or assisted by other states. This rule is basic to the possibility of international law".<sup>93</sup> Similarly, the concept of sovereignty grants state autonomy and the right to self-determination. This would also carry with it full legislative powers and rights to make laws and execute them.<sup>94</sup> Therefore, all states are equal and enjoy sovereign rights.

The UN Charter argues that all states are equal before international law irrespective of comparable size and wealth. This principle of the sovereign equality of states has been enshrined in Article 2.1 of the UN Charter. It entails the country's sole right to make laws within its territory. States are prevented from intervening "in the internal affairs of a sovereign state. If that duty is violated, the victim state has the further right to defend its territorial integrity and political independence".<sup>95</sup>

This does not preclude legitimate humanitarian intervention when is morally required, where the use of force is intended to stop the slaughter of human beings by states, which hide behind sovereignty and the concept of the norm of non-intervention in carrying out such actions. ICISS argues that humanitarian intervention is associated with justifiable means of using force for the purpose of protecting the people within another state, "from the treatment which is so arbitrary and persistently abusive as to exceed the limits of that authority within which the sovereignty is presumed to act with reason".<sup>96</sup>

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<sup>93</sup> Rostow E., In Search of a Major Premise: "What is Foreign Policy For?" (April 1971) Round Table 239

<sup>94</sup> The International Law Commission (ILC). Draft Declaration on Rights and Duties of States. (1949), which states: Art 1: Every State has the right to independence and hence to exercise freely, without dictation by any other State, all its legal powers, including the choice of its own form of government.

Art 2: Every State has the right to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law. The UN General Assembly (GA) noted and commended the Draft Declaration as a notable and substantial contribution towards the progressive development of international law and its codification.. GA Res 375 (IV).

<sup>95</sup> ICISS The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty, (Published in Canada by International Development Research Centre, December, 2001), 12. See also Robert J. Lieber, 3<sup>rd</sup> ed. No Common Power: Understanding International relations (New York; Harper Collis, 1995).

<sup>96</sup> ICISS, op cit., 17. See also Hugo Slim in the Journal of Humanitarian Assistance, who argued that, the term humanitarian intervention refers to "the use of international military force to stop the massive abuse of human rights in another state": In Military Intervention as a Means of protecting Human Rights. <<http://www.jha.ac/articles/a084.htm>> [04March2004]

The concept of humanitarian intervention also includes the assistance provided by International Non-Governmental Organisations (INGOs) to local NGOs. This entails the provision of aid by foreign donors, especially from the North to the South, in cases of both man-made and natural disasters. However, this humanitarian assistance has also been “expanded to include categories of victims produced by political crisis”.<sup>97</sup> These crises include intrastate conflicts with gross human rights violations resulting in huge numbers of refugees and the displacement of people within the state.

Since the concept has universal application, it is influenced by several factors such as culture, religion, ethics and law.<sup>98</sup> In fact, “in 1998 the UN General Assembly adopted Resolution 43/131 which acknowledged the rights of citizens to international humanitarian assistance and the role of NGOs in humanitarian crisis”.<sup>99</sup> Several other UN Resolutions were adopted, including Resolution 45/100 in 1990, which obliges states to establish corridors of peace to allow humanitarian assistance, and Resolution 46/182 in 1991, which obliges governments to accept humanitarian assistance relating to humanitarian actions. Nevertheless, this moral imperative without the UN mandate is often abused by intervening states. This gave rise to the selective application of humanitarian intervention by states in cases that they perceive deserve this principle.

The major limitation of this selective application without the UN mandate has been inconsistency of policy and abuse of the principle. This stems from the fact that, “because states will be governed by what they judge to be their national interest, they intervene only when they deem this to be at stake”.<sup>100</sup> Since selective application of humanitarian intervention is susceptible to

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<sup>97</sup> Scarlett Cornelissen and Naison Ngoma, Capacity Building in Humanitarian Assistance Intervention: Evaluating the Role of Non-governmental Organisations in Conflict Environments. A Case Study of Kenya and Tanzania: In Lisa Thompson, Scarlett Cornelissen ed. Humanitarian Aid and Development Aid in Southern Africa: Clash or Continuum? Monograph Series. (Centre for Southern African Studies; University of the Western Cape; 2001),124.

<sup>98</sup> Conceição Osório and Terezinha da Silva, Aid Versus Solidarity Versus Development in Mozambique: A Gendered Perspective: In Lisa Thompson and Scarlett Cornelissen ed. Humanitarian Aid and Development Aid in Southern Africa: Clash or Continuum? Monograph Series. (Centre for Southern African Studies; University of the Western Cape; 2001), 107.

<sup>99</sup> Ibid, 107.

<sup>100</sup> Nicholas J. Wheeler and Alex J. Bellamy, op cit., 474.

abuse, it is important to seek the UN mandate before intervention is conducted. Besides that, the major limitation of selective application of humanitarian intervention has been its lack of uniformity in a plethora of cases demanding different responses.

### **1.3 What is Military Intervention?**

The meaning of military intervention can be derived from various contexts in which intervention takes place and from the aim of the action itself.<sup>101</sup> In his celebrated work, “Non-intervention and International Order”, Vincent defines military intervention as:

(the) activity undertaken by a state, a group within a state, a group of states or an international organisation which interferes coercively in the domestic affairs of another state. It is a discrete event having a beginning and an end, and it is aimed at the authority structure of the target state. It is not necessarily lawful or unlawful, but it does break a conventional pattern of international relation.<sup>102</sup>

It is this pattern which has been consistently broken in most African conflicts. For example, Rwanda in 1990 was subjected to intervention by Uganda, while in the DRC almost eight countries intervened without a UNSC mandate. Such actions violated the critical aspect of sovereignty and the principle of non-intervention, which is enshrined in customary international law and codified in Article 2 (7) of the UN Charter. This is because military intervention in the domestic affairs of other states is characterised by coercion and violation of sovereignty and it is therefore not consensual.

Holsti states that interventions “designate any activity that deliberately seeks to change the political leader(s) or the constitutional structure of a foreign political jurisdiction”.<sup>103</sup> For that matter, it is imperative that the UN sanctions intervention because non-humanitarian outcomes tend to have a long-term impact especially when intervention lacks a UN mandate.

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<sup>101</sup> Keith Somerville, Foreign Military Intervention in Africa (London: Pinter Publishers, 1990).

<sup>102</sup> Vincent, R.J., Non-intervention and International Order (Princeton: Princeton University;1974).

<sup>103</sup> Leurdijk, Cf. J.H., Intervention in World Politics, (Leeuwarden, the Netherlands: Eisma B. V. Publishers, 1986), in Holsti, K.J. 7<sup>th</sup> ed. International Politics: A Framework for Analysis. (Englewood Cliffs, NJ: Prentice-Hall, 1995).

Pearson and Baumann, in their studies of five continents, define military intervention operationally as:

the movement of regular troops or forces (airborne, seaborne, shelling, etc) of one country into the territory or territorial waters of another country, or forceful military action by troops already stationed by one country inside another, in the context of some political issue or dispute<sup>104</sup>.

Another form of intervention involves a demonstration or show of force aimed at making another state change its policies. An example of this was the military display demonstrated by South African forces near the borders of both South Africa and Lesotho in 1994, which successfully reversed the Palace coup in Lesotho. This form of diplomacy coerced the King of Lesotho into reinstating the democratically elected government.

Closely related to the above type of intervention is military intervention in intrastate conflicts. This form of intervention involves “the sending of large quantities of troops either to stabilise a regime against rebels or to help overthrow an established set of authorities...More often, the intervention is the result of a crisis; troops are sent in rapidly, often catching the regime or rebels by surprise”.<sup>105</sup> This was also the case in point with the combined Angolan, Rwandan and Ugandan intervention in the DRC in 1997 and in 1998, together with countries such as Burundi, Zimbabwe, Namibia and Chad.

Vertzberger argues that military intervention should be conceptualised in three different ways. He first defines it empirically by submitting that “the term intervention means coercive military intrusion into the internal or foreign affairs of another state”.<sup>106</sup> Second, Vertzberger opines that conceptually defined, foreign military intervention means:

state organised and state controlled, goal orientated military coercion by one foreign state in the territory of another. The activities are directed at its political structures with the

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<sup>104</sup> Frederick, S. Pearson and Robert, A. Baumann, International Military Intervention, 1946 – 1988. <<http://www.Pugwash-org/reports/rcc.htm>> [13May2004].

<sup>105</sup> Holsti, K.J., “Clandestine Actions and Military Intervention”, 204-227, International Politics: A Framework for Analysis, 7<sup>th</sup> ed. (Englewood Cliffs, NJ: Prentice-Hall; 1995),206. The intervention in Hungary, Bulgaria, East Germany and Czechoslovakia in 1968 by Soviet forces was a classic illustration of the above intervention. See also Concept of Intervention. <<http://www.Pugwash-org/reports/rcc.htm>> [13May2004].

<sup>106</sup> Vertzberger, Y.Y.I., Risk Taking and Decision-making: Foreign Military Intervention Decisions, (Stanford: Stanford University Press, 1998),4.

purpose of preserving or changing that structure thereby influencing its domestic political process or certain of its foreign policies<sup>107</sup>.

Third, he argues that “operationally defined, foreign military intervention involves the direct, overt commitment of uniformed, combat-ready units and formations to conduct conventional operations in a foreign state”.<sup>108</sup> All the interventions under study here were organised and controlled by intervening countries. In Rwanda in 1990, a foreign intervener, Uganda, changed the political structure. Similarly in 1996-97, the Mobutu regime was removed from power by foreign military intervention, while the 1998 intervention was resisted. In Lesotho in 1998, the foreign intervention bolstered the prevailing regime.

Pearson presents a valuable proposition on external military intervention and domestic disputes in a clear conceptual scheme, providing a useful and relevant discussion as guidance to the scholar.<sup>109</sup> He defines foreign military intervention as the movement of troops or military forces by one independent country or a group of countries across the border of another independent country, or actions to influence (in either a hostile or a friendly manner), political circumstances, or issues of concern to the intervening government. This definition describes succinctly how the three interventions in question were conducted. Pearson lists several motivations for military interventions, including:

1. territorial acquisition;
2. the protection of social groups in the target country; and
3. the promotion of an ideology or belief system.

Both Uganda and Rwanda have openly claimed that they intervened in the DRC for security reasons and to protect the Congolese Banyarwanda, whom they claimed were denied citizenship. Pearson further states that domestic conflict in one state might influence the interests of another state and cause it

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<sup>107</sup> Ibid, 114.

<sup>108</sup> Ibid, 114.

<sup>109</sup> Pearson, F.S., “Foreign Military Intervention and Domestic Disputes”, International Studies Quarterly, Vol.18:3 (September 1974), 259-289.

to send troops, or the leaders of the state might seek the diversion of an external conflict and send troops for this reason.

States might use fear of negative influence from a neighbouring territory as justification for an intervention to pursue their own interests. It is also clear that military intervention in the domestic conflicts of other states entails considerable costs and risks, because the ‘wrong’ faction might win and also intrigue and interference might be revealed publicly, causing reactions detrimental to the cause of the intervener, such that domestic conflict may escalate and intensify.

The concept used by Pearson is very important in determining indicators that can be used towards data collection on the intentions of former guerrilla leaders and freedom fighters. It presents a clear guide for further conceptualisation and explanation of the interventions in Rwanda, the DRC and Lesotho and their relationship with these leaders. This comparison under the above conceptualisation plays a very important part in the development of this study.



Arlinghans and Baker have argued that even though they share a similar approach to Pearson’s, one must go even further than he does. They conclude that for the act of intervention to have fully taken place there must be:

violations of boundaries, airspace, and maritime territorial limits in Africa, as military forces pursue insurgents, impose a semblance of regional hegemony by intimidating neighbours, attempt to control access to natural resources, or deliberately attempt to destabilise or upset neighbouring regimes<sup>110</sup>.

According to Arlinghans and Baker the above variables must be available for military intervention to have taken place.

Pearson and Baumann have recorded the interests and motives which triggered interventions. They include targeted domestic disputes, domestic policies and foreign interests to protect social factions, economic and political

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<sup>110</sup> Bruce E. Arlinghans and Pauline H. Baker, ed. African Armies: Evolution and Capabilities. (Westview Press, London; 1986).

interests and military or diplomatic facilities, to protect lives, or to affect regional power balances and strategic relations between countries. In most cases, interventions were made with the intention “to support or oppose the target government, to support or oppose opposition groups in the target, or to support or oppose third-party governments or opposition groups”.<sup>111</sup> Both interventions in Rwanda and the DRC were in support of opposition groups while in Lesotho the intervention was to bolster the government.

Intervention in support of the ruling government and in opposition to other domestic forces is perceived as motivated by realist interests. Therefore, intervention can also be defined in terms of the purposes it intended to invoke among the parties involved and the international community itself. An action requested by a sovereign state cannot qualify as an genuine intervention if the request excludes opposing parties. All state parties must consent to the intervention. An intervention that falls short of unqualified consent by the target state is deemed illegitimate by the international community.<sup>112</sup> Similarly, “consent, if it is to be valid in law, should emanates from the legal government of a sovereign state and be freely given”.<sup>113</sup> In other words, the absence of consent by all parties makes intervention illegal, unless it has been authorised by the UNSC. In order to monitor a peace agreement there must be accountability and transparency from both the intervener and partners in conflict.

Art<sup>114</sup> offers another plausible description of military intervention by categorising the interrelationship between military force and the objectives that it can serve. The author provides a conceptual scheme in Table 1 below, which proves significant as a guide for further conceptualisation of military intervention that is relevant to the current debates.

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<sup>111</sup> Ibid.

<sup>112</sup> David Michael Green, Chad Kahl, and Paul F. Diehl, “Predicting the Size of the UN Peacekeeping Operation”, in Armed Forces & Security, Vol.24, No.4, (Summer 1998): 485-500. See also Christopher Dandeker and James Gow, “The Future of Peace Support Operations: Strategic Peace Keeping and Success”; In Armed Forces & Security, Vol.23, No.3, (Spring 1997): 327-348.

<sup>113</sup> Frederick, S. Pearson, et al, op cit, 16, see also Inis L. Claude, Jr, “Peace and Security: Prospective Roles for the Two United Nations”: In Global Governance: A Review of Multilateralism and International Organisations; Vol.2, No.3, (Sept-Dec.1996): 289-298.

<sup>114</sup> Art, R.J., ‘To What Ends Military Power?’ International Security Studies, Vol.4 (Spring1980): 3-35.

**Table 1. Factors that Propel Military Intervention**

Type of Force	Purpose	Mode	Targets	Characteristics
Defensive	Against attacks	Peaceful or physical	Primarily military Secondary industrial	Dissuasive or Aggressive
Deterrent	Prevent adversary from initiating first strike	Peaceful	1. Civilian 2. Industrial 3. Military	Threats of retaliation and second strike preparations
Compelling	To stop or initiate action by an adversary	Peaceful and physical	Civilian, military or industrial	Justified on defensive grounds
Swaggering	Prestige	Peaceful	None	Can be threatening

Source: Art, RJ (1980).

These propositions are directly related to the variables identified in the study. They highlight some of the factors that propel military intervention in Third World countries. Art's analysis makes it clear that military intervention is not the only way in which force can be used. The identification of targets is a reflection of what some of the motivating factors of military intervention can be.



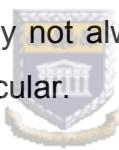
According to Holsti, military intervention as a method of promoting or putting down revolutions inspired by nationalists and liberal movements has become a common phenomenon since the 19th century. For instance, of the 200 revolutions that occurred in the first half of the 20th century, almost half of them involved some form of foreign intervention. Even weak states did not desist from using subversive and military means to influence the domestic politics of other countries to achieve their ends or promote their political values. This proved to be generally ineffective, however, because of public opposition to external operations, as well as inexperienced and restricted capabilities on the part of sponsoring states. As a means of achieving ends, defending interests or promoting social values, governments may organise, train and arm a group of foreign dissidents to conduct guerrilla warfare or subversions in the home country of the dissidents.<sup>115</sup> Contact with an external

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<sup>115</sup> During their military intervention in the DRC both Rwanda and Uganda created domestic rebel movements whose main objective was to destabilise Kabila's regime. The Rassemblement Congolais pour la democratie (RCD) which eventually split into two groups in May 17, 1999. Uganda supported Prof Wamba-dia-Wamba RCD-Kisangani because it moved its activities from Goma to Kisangani where it had protection of the Ugandan army. However, RCD-Kisangani was renamed

group by a government eventually becomes a commitment, and if the external group is seriously threatened by another force, the supporting government may use military force to intervene. A combination of diplomatic interference, demonstration of force, clandestine political action, subversion and support to guerrilla warfare is important in influencing or coercing other nations and exploiting or settling domestic crises in unstable political systems.<sup>116</sup>

If the framework for analysis by Holsti is compared with the work of other scholars, such as Art, Pearson, Parent, Bowden, Vertzberger and others, a conceptual framework may be formed to serve as a mechanism for the collection of data related to the research problem. It also stimulates introspection and allows for the testing of possible empirical manifestations of propositions regarding these intervening states in intrastate conflicts. Similarly, their long-term interests, core values and other interests driving the use of military force in Rwanda, the DRC and Lesotho could be useful in this regard. While empirical examples have been collated by the author from the whole international system, they may not always be applicable to Africa and the above three case studies in particular.



The limitation of the studies by the above scholars stem from the fact that they are not studying military intervention in an African environment. This limitation is overcome by Zartmann's analysis.<sup>117</sup> Zartmann presents a concise framework on the techniques of military intervention in West Africa.<sup>118</sup> After

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RCD/Mouvement de Liberation. The bigger faction, was led by Dr Emile Ilunga, and was mainly associated with the Banyamulenge leaders, was supported by Rwanda and remained in Goma. It became known as RCD-Goma and remained under Rwandan control and direction. Furthermore, Uganda created another front under the leadership of Jean-Pierre Bemba, his movement was called Movement de liberation Congolais (MLC). For further details on this transformation see Dani Wadada Nabudere, "The political Economy of Conflict and War in the great Lakes Region", The Institute for Justice and Reconciliation, Monograph Series, Cape Town.

<<http://www.ijr.org.za/Monograph/mono1.Pdf>> [12March2004].

<sup>116</sup> Holsti. K.J., International Politics: A Framework for Analysis. (Englewood Cliffs: Prentice hall,1998) 244-266.

<sup>117</sup> Zartmann, I.W., International Relations in the New Africa. (Englewood Cliffs: Prentice Hall, , 1966) and 'Intervention Among Developing States' Journal of International Affairs, Vol.22. (1986): 188-197.

<sup>118</sup> See also the following authors who wrote extensively about military intervention in the DRC; Afoaku Osita. Congo's Rebels their Origins, Motivations, and Strategies, in Clark, F. John ed. The African Stakes of the Congo War. (New York: Palgrave Macmillan, 2002), Mwesiga Baregu ed. The Crisis in the Democratic Republic of Congo. (Zimbabwe: SAPES Books, 1999). Mwesiga Baregu, ed. The DRC War and the Second Scramble for Africa: In The Crisis in the Democratic Republic of Congo. (Zimbabwe: SAPES Books, 1999), Mamdani Mahmood, "Understanding the crisis in Kivu:

distinguishing between violent and non-violent techniques, he presents violent techniques used during intervention as illustrated in Table 2 below.

**Table 2. Aims of Military Interventions**

Instrument	Aim
Regular Army	Replacement or destruction of the authority of the target government
Guerrillas	
Terrorists Agents	Weakening of authority of target government

Sources: Zartmann I W (1966).

Zartmann states that the pursuit of national interest depends on the development of a hierarchy of values and realistic appraisal of needs, goals, and opportunities. Successful national interest policies depend on the ability to compromise at the proper time.<sup>119</sup>

According to Dun'er, a lack of military resources did not hold back military interventions by less developed countries during the 1970s, (such as those of South Africa, Cuba and the Soviet Union in Angola, Zaire in Burundi, as well as those of several other countries including Rhodesia). He concluded that even small, developing countries can be important interveners.<sup>120</sup>



Hughes and May conclude that the use of African armies as an instrument of foreign policy in relations between states is more prevalent in civilian regimes than in military ones. While the above analysis may not be entirely accurate in relation to former guerrilla leaders, who normally publicly display their military credentials (such as President Kagame and President Museveni), it may be true with the former freedom fighters. Hughes and May nevertheless maintain that civilian regimes are more likely than military regimes to use their national armies in intervening in other countries. These conclusions also indicate that financial constraints need not prevent external military intervention in Africa

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Report of the CODESRIA MISSION to the Democratic Republic of Congo September 1997 Monograph Series 1/2001.

Makonero Wildon. “Background to the Conflict and Instability in the African Great Lakes Region”: In Kadima Denis, Kabemba Claude, ed. Whither Regional Peace and Security? The Democratic Republic of Congo after the War. (South Africa: Africa institute for Southern Africa, 2000). Orogun Paul, Crisis of Government, Ethnic Schisms, Civil War, and Regional destabilization of the Democratic Republic of Congo. World Affairs 165 (1), (2002).

<sup>119</sup> Zartmann, I.W., International Relations in the New Africa. (Englewood Cliffs: Prentice Hall, 1966) 63.

<sup>120</sup> Dun'er, B., Military Intervention in Civil wars. (London: Gower, 1985), 168.

and that technical constraints may be more important. Furthermore, they found that domestic instability and economic crisis encourage military intervention by superpowers or other non-subregional middle powers.<sup>121</sup> It can also be argued that political instability in Rwanda, the DRC and Lesotho motivated the intervening countries to intervene in their intrastate conflicts.

In 1985 Neil Macfarlane analysed a number of cases of coercive military intrusion into internal political conflicts in the Third World, seeking to determine the sources, patterns and consequences of such intrusions.<sup>122</sup> These cases included the intervention of South Africa, Zaire and the Soviet-backed Cuba in Angola, of Tanzania in Uganda, of Libya in Chad, Somalia and South-Yemen, of the Soviet Union and Cuba in Ethiopia, as well as of forces of the OAU and France in Chad. He found a growing incidence of intervention by Third World states in the affairs of their neighbours and reduced capability of the superpowers to control the course and outcome of Third World conflicts.



Furthermore, military intervention was executed by means of the combat roles of either the regular military forces of the external power or of irregulars acting in the interests of the intervening power. Macfarlane continued to describe the factors conducive to intervention, factors constraining intervention, and factors triggering intervention, as set out in Table 3 below.

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<sup>121</sup> Hughes, A. and May, R. ‘Armies on Loan: Towards an Explanation of Trans-national Military Intervention Among Black African States: 1960-1985’: In Baynham, S. ed. *Military Power and Politics in Black Africa*, (Croom Helm; New York: 1986), 177-202.

<sup>122</sup> Macfarlane, N., ‘Intervention and regional Security’, *Adelphi Papers No196*, (London: International Institute for Strategic Studies, *passim*, 1985).

**Table 3. Factors Triggering and Constraining Military Interventions**

	<b>Factors Conducive to Intervention</b>	<b>Factors Constraining Intervention</b>	<b>Factors Triggering intervention</b>
<b>The Target Country</b>	Deep internal divisions in the target country	Internal stability in the target state and opposition to external intervention	Response to the request of a client in the target state whose survival is at stake
<b>The International Community</b>	Regional Instability Ideological divisions among states in the region Asymmetry in the distribution of power	The risk of escalation including superpower involvement and counter-intervention by extra-regional powers Legal constraints (international law and UN Charter/ resolutions)	
<b>The Intervening State</b>	Unpopular Governments Incapable Governments Military dominance in decision-making	Available military force including logistic capabilities Economic Constraints Other domestic constraints like a lack of public support or opposition to military operations.	The situation poses a serious risk to the interests of the external actor. The emergence of a new opportunity for the furthering of interests of the external actor

**Source:** Macfarlane, N. (1985).

Factors conducive to and triggering intervention, as described by Macfarlane in Table 3 above, were present in the interventions under study, as will be shown below. There were internal divisions in Rwanda, which polarised both Tutsis and Hutu-led government. The DRC was fragmented among different ethnic and guerrilla groups, while in Lesotho there was lack of consensus between the ruling party and opposition parties about the election results and the way forward thereafter. Similarly, Angola, Namibia and Zimbabwe argued that they intervened in the DRC to assist a SADC member who requested their intervention. South Africa and Botswana alluded to the request thesis, which they argued came from the legitimate government of Lesotho. Macfarlane has further identified ideology, influence, status and prestige, strategic motivations based on political interests, economic considerations as motives for military intervention.

Regarding the outcomes of interventions, Macfarlane emphasises that success in the longer term must be judged in terms of the durability of the political solution, the degree to which the internal forces against which the intervention is aimed remain active, the nature of the political and military advantages gained by the intervener, as well as the cost to the intervener. The criterion for successful intervention is a well-integrated target society, popular support and military proficiency, limited ends and little likelihood of counter-intervention. Defence expenditure, refugees and casualties, internal displacement, economic costs, a short-term stabilising effect on the target

country and negative impact on international relations in general are consequences Macfarlane lists. In the three interventions studied here, there was popular uprising against the interventions, which meant that they lacked popular support from the target countries. They were therefore, according to Macfarlane's criteria, not that useful. The views of Zartmann, Hughes and May, as well as Macfarlane, can be made applicable to the situation of Rwanda, the DRC and Lesotho to a considerable extent.

The second category of military intervention involves peace enforcement operations. This category is characterised by one or more belligerent's refusal to consent to outside military intervention. In this case the chief aim is to enforce the peace. The mandate for the deployment of such force is to create a stable environment, which permits aid organisations to attend to humanitarian crisis. It is clear that the three interventions in Rwanda, the DRC and Lesotho were not of a peacekeeping or even peace enforcement nature. Cedric de Coning observes that international bodies, after securing authorisation from the UN, "enter a conflict situation as third party or neutral forces to monitor the implementation of a peace agreement or cease-fire. Key prerequisites are consent, impartiality, and minimum use of force".<sup>123</sup> These characteristics were absent in these three interventions.

The final category of peace operations is a multidimensional (peacekeeping) operation within which "the framework of the (peace) agreement, international norms, and the degree of commitment of the parties, the (peace keeper) acts as an independent agent, helping to bring about external social and political transformation".<sup>124</sup> These types of interventions are conducted within the UN framework and are not solely military in nature. In theory and practice, each of these three diplomatic efforts are extended towards conflict resolution and management. Furthermore, civilian peacekeepers are currently being deployed in these conflict areas to monitor peace, managing and solving

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<sup>123</sup> Cedric de Coning, Conditions for intervention: DRC & Lesotho: Conflict Trends - No. 1/1998. <<http://www.accord.org.za/web.nsf/7767ed3d88ac3ae442256a65002de6eb/d00361087c3ad07b42256a140039b9a5!OpenDocument>> [04December2003].

<sup>124</sup> Ibid. See also Doyle, Ian Johnstone, and Robert C. Orr, "Introduction", 1-22: In Michael W. Doyle, Ian, Johnstone, and Robert C. Orr, eds. Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador. (New York: Cambridge University Press,1997).

conflicts. They include individuals appointed by the UN Secretary General, member states and in most cases non-governmental organisations, which assist refugees during this period of crisis.

While a plethora of definitions exists regarding interventions, there have always been grey areas of consent, in particular when military intervention is requested by a legitimate government against the opposition.<sup>125</sup> What is also without contention is that the use of military force against another country without the explicit consent of all parties to the conflict falls within the realist framework of state interests rather than one which is in keeping with the idealist thinking of intervention. However, the UN Charter has provided the framework within which intervention can take place. It has set rules whereby states can ensure the moral and therefore legal aspects of intervention. The degree to which states abide by this framework is discussed in detail below.

#### **1.4 Legitimacy of Military Intervention**

The post-1945 period saw a new dimension in justifications of military intervention. In most cases of military interventions where states could legitimately claim humanitarian justification for their intervention, they did not do so. Finnemore argues that such cases include:

Indian's intervention in East Pakistan in the wake of Muslim massacres of Hindus, Tanzania's intervention in Uganda toppling the Idi Amin regime, Vietnam's intervention in Cambodia ousting the Khmers Rouge - in every case intervening states could have justified their actions with strong humanitarian claims. None did. In fact, India initially claimed humanitarian justifications but quickly retracted them.<sup>126</sup>

The Indian intervention in East Pakistan was condemned by several states, such as the US, Argentina, Tunisia, China and Saudi Arabia, for violating the principles of sovereignty and non-interference which should take precedence before any humanitarian claims could be made. These countries argue that

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<sup>125</sup> This was the case in point in Lesotho 1998, when a legitimate government requested both Botswana and South Africa to intervene in its intrastate conflict.

<sup>126</sup> Martha Finnemore, op cit., 175. See also Intervention v's Sovereignty: Should Sovereignty be Violated to end Deadly Conflict. <<http://globalisation.about.com/Library/weekly/aa102300a.htm>> [01April2004].

India had no business in meddling in the internal affairs of another state. Consequently, India retracted its humanitarian claim.

Despite stunning gross human rights violations in Uganda, Tanzania never claimed humanitarian justification for its military intervention and for removing Amin's regime. Tanzania instead justified its action by citing Amin's invasion of its territory and his annexation of the Kagera Strip and the Kagera River between the Ugandan-Tanzanian borders. Tanzania was similarly heavily criticised by Sudan and Nigeria for its interference in another state's internal affairs and for thus violating the OAU's Charter, while the rest of the international community remained silent. Nonetheless, it was the new regime in Uganda which invoked humanitarian claims to justify Tanzanian intervention.

The removal of the dreaded Khmer Rouge in January 1979 was likewise not justified in humanitarian terms. Vietnam argued that it was assisting the Cambodian people to achieve self-determination against neo-colonial regime of Pol Pot, which was funded and supported by the hegemonic and expansionary policy of Peking authorities. The international community was completely against this intervention. Finnemore states that:

...during the UN debate, no state spoke in favour of the existence of a right to unilateral humanitarian intervention, and several states - Greece, the Netherlands, Yugoslavia, and India - that had previously supported humanitarian intervention arguments in the UN voted for the resolution condemning Vietnam.<sup>127</sup>

Several reasons could be cited for the chains of events regarding these retractions of humanitarian justifications for intervention and refusals to subscribe to the humanitarian claims. In the first instance, the apparent reluctance stems from universally acceptable norms about what is legitimate intervention. Humanitarian intervention must, in recent times, be multilateral to be legitimate as described by the UN Charter. A non-multilateral military intervention thus cannot claim humanitarian justification. Finnemore opines that multilateralism is important for states because:

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<sup>127</sup> Ibid, 180.

...it increases the transparency of each state's actions to others and so reassures states that opportunities for adventurism and expansion will not be used. Unilateral military intervention, even for humanitarian objectives, is viewed with suspicion; it is too easily subverted to serve less disinterested ends of the intervener. Furthermore, multilateralism can be a way of sharing costs, and thus it can be cheaper for states than unilateral action.<sup>128</sup>

While the Cold War made it difficult for multilateral intervention in humanitarian disasters, since 1989 several interventions have been carried out on the basis of humanitarian claims. According to Finnemore, for intervention to be legitimate, "intervening forces must include some number of troops from 'disinterested' states, usually mid-level powers outside the region of conflict - another dimension of multilateralism not found in 19th century practice"<sup>129</sup>. By contrast, the three interventions under study were all composed countries that had realists' interests in countries in which they intervened.

This emphasises the necessary requirements to obtain UNSC authorisation for action. The UN requires that intervention must not just be composed of troops from more than one state, but troops from disinterested states, preferably not great powers. This practice is also diametrically opposed to the 19th century multilateral practice. Therefore, the broad lesson to be drawn from multilateral interventions is that they have a much greater chance of succeeding when many states are involved and the intervention itself is linked to a genuine political settlement or an ongoing, sustained, political process for obtaining one. This means, in contrast, that unilateral interventions such as those that took place in Rwanda, the DRC and Lesotho are seen as motivated by state interests.

#### **1.4.1 Charter of the United Nations on Military Interventions**

The UN emerged from the major conflict of the Second World War. This war in its wake left devastation on a scale that the world had never seen before. There was large-scale anarchy and inhumanity created by man against man.

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<sup>128</sup> Ibid, 176.

<sup>129</sup> Ibid, 181.

This environment forced the world, especially the victors of the war, to establish the UN for the following main reasons;

1. to save future generations from the scourge of war;
2. to reaffirm faith in fundamental human rights;
3. to establish conditions under which justice and respect for international law could be maintained; and
4. to promote social progress and better living standards in larger freedom.<sup>130</sup>

The UN Charter recognises the sovereign equality of all its member states.

What was fundamental in the establishment of the UN was the agreement between the great powers that entrenched within the UNSC would be both the means of preventing war and the right of the UNSC to use force against would-be aggressor states. After 1945 it was also agreed that any justification for military intervention would reside with the UNSC. Therefore, Article 24 of the Charter confers upon it the primary responsibility for the maintenance of international peace and security.<sup>131</sup> To perform this function Chapter VII of the UN Charter in Article 39 authorises the UNSC to “decide what measures shall be taken in accordance with Article 41 and 42, to maintain international peace and security”. Article 42 empowers the Security Council to ‘take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security”.<sup>132</sup>

This Charter provided the UNSC with two mechanisms for conflict resolution. Chapter VI advocates the settlement of disputes through diplomatic means with the consent of parties involved in conflicts. Therefore, non-coercive means of conflict resolution were made central in this chapter. Chapter VII nonetheless provides means of enforcing conflict resolution:

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<sup>130</sup> Robert J. Lieber, No Common Power: Understanding International relations 3<sup>rd</sup> ed, (New York; Harper Collis,1995), 282, see also; Duane Bratt, “Peace Over Justice: Developing a Framework for UN Peace Keeping Operations in Internal Conflicts” : In Global Governance: A Review of Multilateralism and International Organisations; Vol.5, No.1, (Jan-March.1998): 63-81, Robert Johansen, “The Future of United Nations Peace Keeping and Enforcement: A Framework for Policy Making”: In Global Governance: A Review of Multilateralism and International Organisations; Vol.2, No.3, (Sept-Dec.1996): 299-333. Peter M. Haas & Ernst B. Haas, “Learning to Learn: Improving International Governance”: In Global Governance: A Review of Multilateralism and International Organisations; Vol.1, No.3, Sept-Dec.1995, 255-284, Modesto, Seara-Vazquez, “The UN Security Council at Fifty: Midlife Crisis or terminal Illness?”: In Global Governance: A Review of Multilateralism and International Organisations; Vol.1, No.3, Sept-Dec.1995, 285-296.

<sup>131</sup> United Nations, Charter of the United Nations: San Francisco, 1945.<<http://www.icpsr.umich.edu>> [07June2004].

<sup>132</sup> Nicholas J. Wheeler and Alex J. Bellamy, op cit., 477.

...this include both military and non-military mechanisms, such as economic sanctions, by which parties might be compelled to comply with the demands of the UN Security Council if that body judges that there is a threat to international peace and security<sup>133</sup>

The UN Charter also took debates surrounding intervention to a different level and also in another direction by emphatically employing the phrase “the threat or use of force”, instead of just intervention, which had become common at the time. The adoption of the phrase (the threat or use of force) meant that the UN Charter permits it only in self-defence. This force can only be used under explicit authorisation of UNSC in confronting threats to international peace and security. The use of force therefore, has to be limited to the protection of human rights<sup>134</sup>. The ‘the threat or use of force’ was not allowed (by Article 2(4) of the UN Charter) against states’ territorial integrity and political independence.

On the other hand, Article 52, which deals with regional arrangements, encouraged regional bodies and other agencies to deal with matters relating to peace and security. Article 53 further states that “no enforcement or by regional agencies without the authorisation of the Security Council”<sup>135</sup> shall be contemplated. Nevertheless, the legality of and questions relating to intervention still persist even though prohibitions for unauthorised interventions were outlawed by the UN Charter in Article 2(4).

The rationale for the rule against intervention in domestic affairs is to encourage states to manage their own problems by ensuring that they do not spill over and transform themselves into a major threat to international peace and security. Holsti argues that the Article 15 of the Organisation of American States (OAS) Charter, adopted in Bogotā in 1948 and signed by the US and 20 Latin American states, succinctly spells out legal prohibitions against all forms of intervention between member states. The US and Latin American states pledged that:

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<sup>133</sup> Christopher Dandeker and James Gow, op cit., 332.

<sup>134</sup> ICISS The Responsibility to Protect: Research, Bibliography, Background, in Supplementary Volume to the Report of The International Commission on Intervention and State Sovereignty, (Published in Canada by International Development Research Centre, December 2001).

<sup>135</sup> United Nations, Charter of the United Nations op cit.

no state or group of states has the right to intervene directly or indirectly, for any reason whatever, in the internal or external affairs of any other state. The foregoing principle prohibits not only armed attack but also any other form of interference or attempted threat against the personality of the state or against the political, economic, and cultural elements.<sup>136</sup>

In Article 16 members states were encouraged to desist from using other forms of coercive measures against each other, whether such measures were economic, political or force to derive premium from any member state. The OAS Charter's Articles anticipated the 1965 UN Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty.<sup>137</sup> Member states agreed that no form of unilateralism should be undertaken without the authorisation by and approval of Latin American states. The Articles therefore embraced the UN principles on intervention. To reaffirm this undertaking, the US secured prior approval for intervening in Cuba, Guatemala and Grenada in 1982. However, the approval for the 2003 US and UK intervention in Iraq was not secured.



In June 1998, the UN Secretary-General, Kofi Annan, argued that intervention must be condemned when a strong party intervened in the territory of the weaker state, therefore suggesting that intervention was tantamount to aggression because only the UN:

has the authority to act in this 'benign' capacity, an authority that comes from decisions of the Security Council, whose own authority comes from the Charter of the United Nations, a document that has legal standing among its signatories and is a constitutional expression of the international community.<sup>138</sup>

The UNSC derives its power from the UN Charter, which is the legal document that has been codified by member states.

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<sup>136</sup> K. J. Holsti, op cit. See also Leurdijk, Cf. J.H., Intervention in World Politics, (Leeuwarden, the Netherlands:Eisma B. V. Publishers, 1986).

<sup>137</sup> Ibid, 208.

<sup>138</sup> Michael Barnett, Authority, Intervention, and the outer limits of international relations theory, 47-65 of Intervention & Transnationalism in Africa: In Thomas Callaghy, Ronald Kassimir, Robert Latham eds. Global-Local Networks of Power. (Cambridge University Press, 2001), 58. See also Paul Taylor, The United Nations and International Order: In John Baylis and Steve Smith 2<sup>nd</sup> ed. The Globalization of World Politics: An Introduction. (Oxford University Press, 2001).

Kofi Annan argues that the UN enjoys the right to suspend the principle of the norm of non-intervention in pursuit of humanitarian intervention. This UN mandate derives from the authority of the UNSC.

In like manner, the OAU also clearly defined circumstances within which military intervention can be conducted by African member states. Under Article II of the OAU Rules of Procedure, African states declared that the OAU would promote the unity and solidarity of African states and coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa, thus promoting international cooperation with due regard to the UN Charter and the Universal Declaration of Human rights.

By entrenching the above clause in the OAU Charter member states unequivocally vowed to defend their sovereignty against any intervention whatsoever.<sup>139</sup> These principles were explicit in purpose and intention, that is, military intervention without sanction of the authorising body was forbidden. In order to reinforce these principles, the OAU passed Article VI, under which member states pledge themselves to observe scrupulously the principle enumerated in Article III of the present Charter.

The transformation of the OAU into the African Union (AU) embraced the above principles. In its constitutive act, the AU committed itself to functioning in accordance with the principles set out in Article 4, which were similar to those of the defunct OAU, but were more democratic and more UN-compliant (as illustrated in appendix A). Under the principles of Article 4 African states committed themselves to the peaceful settlement of disputes and to the rule of law.

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<sup>139</sup> Furthermore, African states in pursuit of the purposes in Article II solemnly affirmed and declared their adherence of the following principles, which appeared under Article III;

1. The sovereign equality of all member states.
2. Non-interference in the internal affairs of the states.
3. Respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence.
4. Peaceful settlement of disputes by negotiations, mediation, conciliation or arbitration.
5. Unreserved condemnation in all its forms, of political assassinations as well as of subversive activities on the part of neighbouring states or any other states.
6. Absolute dedication to the total emancipation of the African territories, which are still dependent.
7. Affirmation of a policy of non-alignment with regard to all blocs.

## **1.5 Intervention without UN Authorisation**

The core of the matter regarding the legal framework of military intervention is that the legality of military intervention without a Security Council mandate violates the prohibition against the threat or use of force enshrined in Article 2 (4).<sup>140</sup> The use of force or threat of it in order to pursue humanitarian objectives is said to be contrary to international law. Furthermore, in General Assembly Resolution 2625 of 1970 on the principles of friendly relations and in the definition of aggression in General Assembly Resolution 3314 of 1974, no right of intervention by any state was provided.<sup>141</sup>

While the recent practice in the 1990s pointed towards military intervention without a UNSC mandate (such as in Liberia, 1990, in Sierra Leone, 1997, the establishment of the No-Fly Zone in Northern Iraq, 1991, and the interventions in Kosovo and the former Federal Republic of Yugoslavia, 1999), the issue still remains that unilateralism is less preferred and therefore, not legitimate without the UN mandate.<sup>142</sup> It can be argued that unlike realists, idealists see unilateral intervention not only as illegal but also as geared toward achieving realist interests. This confirms that these interventions were motivated by security interests rather than humanitarian interests.

The dilemma of military intervention lies in the controversy of the concept itself. It is even more controversial when military intervention or the lack thereof has severe consequences, such as in Rwanda in 1994. The major questions in that country were around who had the authority to intervene and under whose authority? These questions were directed to the UN as the obvious repository for such authority. While it was acknowledged that humanitarian aims were the criteria for intervention, “African interventions have not portrayed themselves as primarily humanitarian. They have sought to justify their actions with reference to political criteria, specifically the protection or restoration of democracy, or the preservation of regional

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<sup>140</sup> Simons, C. Penelope, Humanitarian Intervention: A Review of Literature: In The Ploughshares Monitor, December 2000, Vol21, No4, 1-7. See also Mark Malan, Regional Power Politics Under Cover of SADC-Running Amok with a Mythical Organ; in ISS Papers 35, Oct 1998.

<sup>141</sup> Ibid.

<sup>142</sup> Douglas L. Bland and John D. Young, “Trends in Canadian Security Policy and Commitments”: In Armed Forces & Security, Vol.15, No.1, (Fall 1998): 113-130.

security".<sup>143</sup> On the other hand, these three interventions studied here, were calculative and based on both economic and political motives. It is important to note that African interventions of this nature have been criticised "for not giving priority to humanitarian concerns and for not being politically neutral".<sup>144</sup> The interventions in Rwanda, the DRC and Lesotho were seen to have one major limitation, the lack of a mandate from the UNSC. Also, they lacked multilateralism. Finally, they were not even mandated by the OAU in coordination with other sub-regional organisations.

### 1.6 Mapping out the Debate

The above debates map out how this dissertation in subsequent chapters will analyse the three interventions under study. What emerges clearly from the discussion is that while military and humanitarian interventions are closely related, they are used differently depending on the circumstances. Both concepts denote armed intervention in a sovereign state.

In most cases, humanitarian intervention is motivated more by idealism, as opposed to military intervention, which can be described as realist in nature since it is an armed aggression undertaken unilaterally by an individual state in order to achieve its interests. Humanitarian intervention, on the other hand, when done without UN authorisation, becomes illegal and therefore falls into the realist framework of power politics where, as Thucydides argued, the strong do what they like. Military intervention can therefore be motivated by both inter-state and intrastate factors.

### 1.7 Conclusion

It has been pointed out that military intervention is not a new concept in the military lexicon. Its philosophical roots were pioneered by St Thomas Aquinas and others scholars during the Enlightenment. They philosophers believed that there must be a justifiable reason for waging war. It was this moral political theory, which anticipated the birth of the UN and the UN Charter. In 1945 the founders of the UN argued that intervention whether humanitarian or

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<sup>143</sup> Alex De Waal, ed. Who Fights? Who Cares? War and Humanitarian Action in Africa. Eritrea, (Africa world Press, Inc, 2000), 117.

<sup>144</sup> Ibid, 118.

military, must be compliant with the just war doctrine. This doctrine emphasises the principles of *jus ad bellum* (going to war) and *jus in bello* (the conduct of forces in war). It is in this manner that intervention is seen as consistent with the principles of the UNSC.

Military intervention, as Wheeler and Bellamy have argued, is one of the most abused, divisive and contested concepts in international relations today. While the concept is used to refer to both military and humanitarian interventions, it has become clear that it has been mostly misunderstood and used to justify interveners' interests rather than the interests of the target state. Nevertheless, there is an emerging consensus around the globe that unilateral military interventions are inconsistent with the UN Charter, because they serve realist interests. It was argued that only the UN, through the UNSC, has the mandate to grant authorisation for military intervention. Authorisation cannot be granted by any other grouping or state in the world.

The form of intervention that is relatively commonplace in Africa, as discussed in this chapter and the introduction, has been unilateral and therefore realist in character. It is for this reason that international relations theories will be used to analyse unilateral interventions in the next chapter.

# CHAPTER TWO

## THEORETICAL APPROACHES TO INTERNATIONAL RELATIONS

### THEORY: UNDERSTANDING MILITARY INTERVENTIONS IN SUB-SAHARAN AFRICA: AN OVERVIEW OF DOMINANT APPROACHES TO SECURITY

*The fundamental aim of social science is to develop useful knowledge about human social behaviour. Such knowledge may take the form of a deeper and more accurate understanding of the past, or the elaboration of a new theory that explains some important aspect of human conduct, or a largely descriptive account of a particular social group or event. Whatever its precise form, the essence of the enterprise is the discovery of powerful, well-founded claims about human behaviour.<sup>145</sup>*

*The nature of security has become one of the most widely discussed elements in the intellectual ferment that has been triggered by the end of cold war. Optimists have declared that the end of the century was ushering in a new era of peace and cooperation, based variously on liberal democracy, transnational capitalism, international organisations, or a combination of the above.<sup>146</sup>*



## 2.0 Introduction

In the previous chapter, the focus on the concept of military intervention in interstate and intrastate conflicts was placed within the context of the dominant understanding of politics, realism and the UN Charter. Realism, idealism, constructivism and pluralism have challenged this dominant conceptualisation in numerous forms. This chapter examines the theoretical challenges of these security studies approaches. The theoretical analysis of this security situation is critical because theory is useful in academic discourse for guiding research in various disciplines, especially in international relations where the study is seeking to explain underlying reasons for military interventions.<sup>147</sup>

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<sup>145</sup> Stephen M. Walt, "Rigor Mortis Rational Choice and Security studies "and" A Model Disagreement": In Michael E. Brown et. Al., Rational Choice and Security Studies, (Cambridge, Mass: The MIT Press; 2000), 8.

<sup>146</sup>Keith Krause and Michael C. Williams, "From Strategy to Security: Foundations of Critical Security Studies": In Keith Krause and Michael C Williams, eds. Critical Security Studies. Minneapolis, MN: University of Minnesota Press, 1997. 38.

<sup>147</sup> Simon Dalby, op cit.

On the other hand, in recent years, research on the political economy of “civil wars” or “intra-state conflict” has produced important findings on how the rise in combatant self-financing – mainly through trade in natural resources – affects intra-state conflicts around the world. Among different alternative explanations to realism, political economy of conflict has been able to shed light in regard to some of the root causes of intra-state conflicts.

## **2.1 The Political Economy of Civil Wars/ Intra-state Conflict**

Much of the academic debate on the economic causes of contemporary armed conflict has become polarised around the greed versus grievance dichotomy, juxtaposing “loot-seeking” with “justice-seeking” rebellion, and, more generally, the significance of economic as opposed to socio-political drivers of civil war. In most cases, policy perspectives have been significantly shaped by the controversial “greed theory”, which posits that economic resources are pursued by rebels not simply to sustain war, but rather that war is pursued to obtain resources. The so-called “resource wars” in Angola, Sierra Leone and Democratic Republic of Congo (DRC), which were fuelled by diamonds and other valuable resources, are often-cited examples.



Recent explanations on the political economy of civil wars or intrastate conflicts present greed rather than grievance as a driving force of many conflicts in Africa. They have linked the availability of lootable resources as one major triggers of military intervention in intrastate conflicts. Conflict is seen as driven more by rationally calculated action rather than by irrational grievance, particularly identifying state-level factors, such as the availability of natural resources. While supply-side measures of regulations have been identified as necessary these were seen as inadequate as long as structural issues which drive demand-side factors of state weaknesses and underdevelopment are not addressed any intervention efforts by the international community will continue to treat symptom rather than the actual root causes of armed conflict in most developing countries more especially in sub-Saharan Africa. There have been many alternative explanations that have been used to explain these conflicts. These approaches include and not

limited to; The Collier-Hoeffler model, Rebel-Centric, State-Centric and the Natural resource scarcity model.

### **2.1.1 The Collier-Hoeffler Model**

Many explanations have been used to explain the greedy behaviour, which leads to intrastate conflict. Collier and associates have developed a model that explicitly links rebellion to the availability of 'loot'<sup>148</sup>. They argued that Civil war or intrastate conflict can be modelled as 'loot-seeking' wars, or as 'justice-seeking' wars<sup>149</sup>. The first model is based on the notion that rebellion forms because it is viable. Large-scale rebellion resembles organised crime but because they generate large numbers of battle deaths, they are classified as wars. Large-scale banditry/war must have access to manpower and finances. Individuals join rebellions according to their expected utility calculations. Rebels have an incentive to challenge governments because of private gain, which explains how groups overcome their collective action problems. Therefore,

the pay off comes in the form of Lootable income.  
The higher the per capita wealth and human capital, the less likely individuals will engage in risky behaviour, but this is dependent on the size of the payoff, which they proxy as the availability of natural resources, measured as the ratio of primary commodity exports to total exports. Primary commodities are capturable and offer the opportunity for financing war<sup>150</sup>.

The second model is of justice-seeking wars. In this model aggrieved groups seeks to topple the grievance-causing government (political system) and ending injustice. These rebellious groups have to be large in order to be able to topple the existing government. Uganda and its allies perceived both the Rwandan and the DRC governments in this manner as it become clear in chapter three and four below. While in the case of loot seekers, these groups are invariably small. Nonetheless, justice seeking groups which allude to

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<sup>148</sup> Paul Collier, 'Rebellion as a Quasi-Criminal Activity, Journal of Conflict Resolution', 44, 6, (2000), 839-853.

<sup>149</sup> Ibid.

<sup>150</sup> Indira de Soya, 'New World (Dis) Order? Testing the Effects of Trade & FDI on New Models of Civil Conflict, 1989-1999', Paper prepared for the presentation at the International Studies Association (ISA) meeting on 'Globalisation'4: In <http://www.isanet.org/archives/soysa.html> [21June 2006].

discrimination within multi-ethnic societies like in the DRC and Rwanda will experience more problems related to galvanising their support base because they are invariably small. In order to escape these hurdles, “they proxy the level of grievance and the likelihood of overcoming collective action problems with social variables, such as ethno-linguistic and religious fractionalization and the degree of political repression, and economic variables, such as per capita economic growth and income and land inequality”<sup>151</sup>.

According to Collier and Hoeffler<sup>152</sup> (2000) both greed and grievance predict conflict considerably. They also argued that greed in most cases serve as the main trigger to conflict more especially where the availability of natural resources (measured as the share of primary commodity exports in total exports) has one of the strongest effects on the incidence of conflict, holding the other factors constant in the model. They concluded that countries with huge deposit of natural resources are more likely to experience conflict than resource-poor ones. This has been the case in point with the DRC conflict, which took more than four decades since independence in 1960.



### **2.1.2 Rebel-Centric Model**

This approach seeks to explain why and how people rebel.<sup>153</sup> The model sees violent conflict over natural resources as playing a dominant role in shaping our understanding of conflict in countries like, the DRC and Lesotho. According to this model, the conflict in the above countries is seen as triggered by greed of intervening states for abundance of resources. This provide an opportunity for an emergence of different groups as in the DRC and rebel against the state. The armed conflict is explained by rebel aspirations for self-enrichment and or by the opportunity for rebellion in order to gain access to natural resources by the would be insurgents.

In relations to the DRC rebellion in Goma, “Cater suggests that these insurgents were not undertaken simply to capture lucrative economic assets

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<sup>151</sup> Ibid, 5.

<sup>152</sup> Paul Collier , Anke Hoeffler, ‘Justice-Seeking and Loot-Seeking in Civil War’. A paper presented at World Bank Conference on Civil War, Crime & Violence, February 17-18, 1999, Washington DC: World Bank, Development Research Group.

<sup>153</sup> Karen Ballentine, Heiko Nitzschke, ‘Beyond Greed and Grievance: Policy Lessons from Studies in the Political Economy of Armed Conflict.’ The PA Policy Report, October 2003.

for self-enrichment. Rather, resources exploitation was also a means to finance insurgencies driven by socio-economic and political grievances”<sup>154</sup>. It can be argued that the capturing of the Inga Hydroelectric dam was not only to cut power supply to the nearly DRC Towns but to exploit this resource and other Lootable natural resources available in this area.

### **2.1.3 State-Centric Model**

This approach focuses on the role of and the weakness of the state. The DRC has been at war with itself since independence. The country has never been able to establish a strong state throughout its massive land. This weakness of the DRC state has always been blamed for creating security problems for other neighbouring state as it will become in chapter four. The State-Centric explanation see “conflict as a result of state weakness, which is characterised by the lack of ability to monopolise force, maintain order within its territory, and generate resources to provide public goods, which can lead to the erosion of legitimate authority and capacity for effective governance”<sup>155</sup>.

According to this economic explanation of civil conflict, the endemic corruption coupled with Mobutu misrule in the former Zaire and his patronage system of government, made the country to easily fall prey to armed warlords, since the government could no longer able to provide law and order. The country was incapable to control the channels of wealth accumulation and distribution. These events led to the ultimate violent collapse of the state in 1997. The other explanation of intrastate conflict related to natural resources.

### **2.1.4 Natural Resource Scarcity**

Among other explanations of civil conflict, has been that of environmental scarcity, as a result of population pressures on land such as in Rwanda. This explanation is more popular among the donor communities and Non-Governmental Organizations (NGOs). According to this approach ‘environmental scarcity’ drives violence because increasing population pressure and a rapidly degrading planet necessitate the fight for ‘survival’<sup>156</sup>. This conflict can take place in many ways, but for the purpose of this

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<sup>154</sup> Karen Ballentine, Heiko Nitzschke, op cit.

<sup>155</sup> Ibid, 4.

<sup>156</sup> Indira de Soya, op cit, 5.

dissertation one will suffice. The elites capture resources and marginalise powerless groups whose livelihoods depend on these resources.

The powerless groups are in turn forced to use force to defend this action. This capture of resources usually takes place “when the degradation and depletion of renewable resources interact with population growth to encourage powerful groups within a society to shift resource distribution in their favour”<sup>157</sup>. The intrastate conflict in Rwanda is a good example in this case.

As already explained in the introduction, it would seem that realist theory provides the most compelling explanation for the state of war in the world.<sup>158</sup> The realist perspective assumes that states always act in their own interest, according to the principle of self-interest. The theory also argues that states follow international rules only when it suits them. Conversely, pluralists argue that cooperation is much more intrinsic to the world state system than realism will allow. For idealists, it is the institutions, which must be examined because human beings are essentially cooperative and given the right institutions, peace will prevail in international relations.



Constructivists, on the other hand, would say that the way in which norms and values are constructed are constantly being reinvented by international dynamics. One must know the prevailing norms, rules, procedures, culture and the interveners' social practices as actors. This is because knowledge is constructed based on past events. Therefore, military interventions perpetuated the international intersubjective understanding of interveners as countries, which wield military power against weak states. In this case it is essential to best understand how international politics works.

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<sup>157</sup> Ibid, 6.

<sup>158</sup> Tim Dunne, Brian C. Schmidt, Realism: In John Baylis and Steve Smith, 2<sup>nd</sup> ed. The Globalization of World Politics: An Introduction to international relations. Oxford University Press; 2001. Conversely, realism is not the only theory in international relation that has the capacity to explain these interventions. There are numerous theories in international relations that have an equal capacity to provide similar explanation. For the purpose of this dissertation, realism will be used to explain these interventions. Needless to say that the theory's serious limitation has been its strong emphasis on state as an actor to the detriment of human security and other issues like health, water, environment and unemployment.

## 2.2 Understanding International Politics

The above discussion reflects the fact that military intervention has a long history. Over the centuries numerous attempts have been made to address the phenomena of war and peace. Many scholars sought solutions to the problem of peace, St. Thomas Aquinas among them, who, as pointed out in chapter one, argued that there must be a just cause for waging war.<sup>159</sup>

Contrary to the above efforts to create a peaceful environment, states still continue to wage war in pursuit of their national interests. The notion of just war theory and humanitarian intervention is extrapolated from the idealist epistemological foundation. This idealist epistemology explains the extent within which the UN Charter is operationalised. The aftermath of the Second World War saw two converging but distinct paradigms emerging: the idealist and the realist. This was seen as a merger of what was desirable and what was perceived as possible.<sup>160</sup>

In a sense idealists plan to achieve three aims: one, an attainment of 'disarmed peace' rather than isolationism among states; two, a collective resolve to address conflicts and aggression between states and build collective security mechanisms; three, a code binding all members of the syndicate to the Covenant of the League in 1919 and the UN Charter of the UN in 1945.<sup>161</sup> The idealists advocated collective action against an aggressor state and peaceful settlements of disputes through a system of binding laws subscribed to by all members of the UN. This idealist framework saw unilateralism as inherently unstable. Rather, law and partnership were regarded as the best criteria for successful diplomacy in the world.

The realist approach, on the other hand, was non-committal. They saw the role of individual states in pursuit of their national interests as far more important. While they acknowledged partnership agreements advocated by idealists, they amplified the role of the individual state in securing national

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<sup>159</sup> St. Thomas Aquinas, "Of War," from Summa Theologica, Part II, Question 40. <<http://ethics.acusd.edu/Books/Texts/Aquinas/JustWar.html>> [12 March 2004].

<sup>160</sup> David J. Whittaker, United Nations in Action (London: UCL Press, University College of London: 1995), 4.

<sup>161</sup> Ibid, 4.

interests. They were sceptical about the optimum application of principles within a system where guarantees were few. Therefore, they would not want to sacrifice their interests for the idealist conception of any grouping. For them:

...sovereignty was non-negotiable. Equality has limits for there are, after all, great and small states. In the shadow of a peace settlement, peace would be maintained (not necessarily created) on “terms” settled by a concert of powers rather than build vaguely out of hopes and unrealistic expectations.<sup>162</sup>

While idealism emphasises that international relations should be guided by morality, “realism is grounded in an emphasis on power politics and the pursuit of national interests. Its central assumption is that the state is the principal actor on the international or world stage, and, being sovereign, is able to act as an autonomous entity”.<sup>163</sup> For realists, in contrast to idealists, power and interests rather than ideas are most important.

Most realist scholars argue that the international system is not governed by ideas, norms or moral principles but by considerations of material power. Therefore the question of legitimate use of military power does not arise. As far as military interventions are concerned, the question of legitimate use of force is irrelevant. Bjola argues that “the doctrine that captures best the realist creed is that of ‘national interest’ according to which states may disregard international norms and principles, if they enter into conflict with state national interests”.<sup>164</sup>

The above conjecture is consistent with the realist Hobbesian<sup>165</sup> world, which argues that states must always be prepared to confront their power-driven enemies. The issue of international legitimacy has little or no bearing on the use of force under these circumstances. The reason is that, if states submit

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<sup>162</sup> Ibid,4.

<sup>163</sup> Viotti, Paul R., Kauppi, Mark V., 2<sup>nd</sup> ed. International Relations Theory: Realism, Pluralism, and Globalism. (New York: Macmillan Publishing Company;1993), 142.

<sup>164</sup> Cornelius Bjola., Bringing Legitimacy Back in International Politics: The Use of Force after Cold War: in Governance and global (Dis) Orders: in Trends, Transformations and Impasses, Alison Howell ed. (Toronto, Ontario: (York University Centre for International and Security Studies; 2004),44.

<sup>165</sup> Hobbes, Thomas., Relations Among States: In Phil., Goldstein, Donald M., and Shafritz, Jay, M. ed Classic Reading of International Relations. Williams,. (Wadsworth Publishing Company: Belmont, CA; 1994).

themselves to the requirements of the anarchical international system, not using force when is prudent to do so and acceding to international legitimacy might lead to states “undermining their own efforts to defend themselves effectively and promptly”.<sup>166</sup> In this perspective, it was therefore sensible for Uganda and Rwanda to ignore both their intrastate arrangements and the international community and to intervene in the DRC when their survival was endangered. In the word of Henry Kissinger, “A nation’s survival is its first and ultimate responsibility; it cannot be compromised or put to risk”.<sup>167</sup> Museveni and Kagame claimed that the DRC constituted a threat to the survival of their states. Therefore, a security threat was their main reason for intervening in the DRC.

Realists see peace as something that can only be settled through power and not by unrealistic hopes and expectations. For the idealist conception, peace can only be achieved by collective attainment of security and any unilateral intervention by a member that breaks ranks with others is regarded as exposing the security of others.<sup>168</sup> In a sense idealists are multilateralists while realists are unilateralists. It is clear that both idealists and realists work together but in opposite directions. This dissertation shows that intervening states appear to have behaved in a realist manner and, as such, deviated from the idealist frame as presented by the UN Charter.

The UN itself grew out of the League of Nations experience and its body of international law is opposed to aggression and the threat or use of force without UN authority, as stated in the introduction. There is a considerable body of agreements developed since the Second World War that forbids military/humanitarian interventions without UN authorisation. Nevertheless, states have frequently violated international law in order to secure their national interests. For instance:

International law like domestic law is frequently broken, and there have been numerous wars since the United Nations was established. The Soviet Union and the United States,

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<sup>166</sup> Cornelius Bjola, op cit., 45.

<sup>167</sup> Tim Dunne, Brian C. Schmidt, “Realism”: In, John Baylis and Steve Smith 2<sup>nd</sup> ed. the Globalisation of World Politics an Introduction to International relations (Oxford University Press; 2001), 152.

<sup>168</sup> Ibid.

although sponsors of the UN definition of aggression, had themselves committed aggression.<sup>169</sup>

Aggressive military intervention was seen in the US intervention in Panama in 1989, when it arrested the leader of that country for drug offences. However, when Iraq overran Kuwait in 1990, the US successfully mobilized the international community and Saddam Hussein was expelled from Kuwait. This action made the US seen internationally as the most committed member of the UNSC. The US was also regarded as a country that reveres and promotes the respect for International law.<sup>170</sup>

The UN represents the idealist framework of multilateralism. It is also composed of individual states who act unilaterally to secure their national interest. The UNSC has five permanent members: Britain, France, China, the US and Russia. They are charged with maintaining international peace and security. As such, the authorisation for intervention derives from them. However, it is also important to note that interventions have been covertly discouraged where members' interests were not threatened, as in the Rwandan genocide in 1994.<sup>171</sup> The former UN Secretary-General, Boutros-Ghali, explained that during the Rwandan crisis, "The official policy of the US under President Bill Clinton was that it was not in their interests to get involved. The US determined that the UN would not intervene either, as the US contributed 30% of its budget".<sup>172</sup>

Recently, interventions have taken place to secure interests of the three most influential members of the UNSC (Britain, the US and France) in the former Yugoslavia,<sup>173</sup> Rwanda and the DRC. This pattern of events will become

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<sup>169</sup> Amos Yonker, 3<sup>rd</sup> ed. The Evolution of The United Nation System. (Taylor & Francis USA;1997),122.

<sup>170</sup> This shows that a member of the Security Council can pursue his realist interest when it's prudent to him and then become a good supporter of the UN when it suits him. In fact, Majid Tehranian, A Requiem for Realism? Peace & Policy, 3:1, Spring 1998, foreign Affairs, Journal of Council on foreign relations: In <[http://www2.hawaii.edu/~majid/review\\_articles/requiem.html](http://www2.hawaii.edu/~majid/review_articles/requiem.html)> [11May2005].

<sup>171</sup> Barrie Collins, Rewriting Rwanda: Today's accepted wisdom about Rwanda bears little relations to the real events of 10 years ago. <<http://www.spiked-online.com/Articles/000000CA4BD.htm>> [16May2005].

<sup>172</sup>Linda Slattery, Rwanda-10 years since the genocide.<<http://www.wsws.org/articles/2004/may2004/rwan-m03.shtml>> [16May2005].

<sup>173</sup> These three countries intervened in the former Yugoslavia without the authorisation of the UN and in idealist perspective their intervention was illegal. Nevertheless, their intervention was based on realist interests.

evident in chapters three and four below, which show that both the US and the UK gave covert support to Uganda and the RPF during the Rwandan and DRC interventions. On the other hand, France provided overt support “for the Hutu extremists of Rwanda”,<sup>174</sup> who orchestrated the worst genocide in recent memory.

The UN has become less capable of restraining interventions because it depends on the willingness<sup>175</sup> of world leaders, but primarily members of the UNSC, to settle disputes and it also depends on public support for the UN as an institution. From the political/rhetoric level, the UN framework remains idealist in character while in practice realist interests predominate. The idealist belief is that human beings have the capacity to cooperate and peace can be achieved through multilateralism rather than unilateralism. On the contrary, however, this dissertation shows that national interests have taken a central stage in the interventions under study.

The idealists have been critical about realist methods as having a poor record in terms of peacekeeping and peacemaking. They see realism as being war-conducive rather than war-preventive. But this can be equally misleading because, as Jacobsen puts it, the “idealistic route popular among NGOs is pursued with dangerous naïveté that also exacerbates conflict”.<sup>176</sup> For instance, the UN/idealistic approach has often been manipulated by the big powers in the UNSC. As the permanent members of the UN follow a realist route to secure their interests, so other members as well. This route has not been limited to the permanent members: the dissertation shows that UN procedures are always abandoned when state interests take the upper hand.

In fact, Jacobsen states:

idealistic NGO/UN activities have also at times been infiltrated and manipulated. In Bosnia, for example, some Red Cross drivers were later identified as CIA operatives. NGO and UN vehicles have also been used by both local and outside actors to smuggle arms and goods.<sup>177</sup>

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<sup>174</sup> Carl Jacobsen, Conflict Transcience: Review Essay. <<http://www.peacemagazine.org/archive/v13n5p26.htm>>[11May20051], 4.

<sup>175</sup> Amos Yonker, op cit.

<sup>176</sup> Carl Jacobsen, op cit, 3.

<sup>177</sup> Ibid, 3.

This serves to demonstrate how even the UN<sup>178</sup> is used by some members to achieve their national interests. Similarly, Museveni, who was a Chairman of the OAU, was, conveniently for the RPF, able to manipulate this body in 1993 August during the signing of the Arusha Accords, which “translated RPF prowess on the battlefield into a position that was arguably the most powerful of all parties involved”.<sup>179</sup> Equally, South Africa appeared to have intervened in Lesotho to salvage its interests at a time when it was Chair of SADC, rather than to assist in the mediation of the domestic conflict.

Nevertheless, the fact that the UN Charter has often been violated by UN members does not mean that is not a good document. It provides standards for behaviour by all member states. Similarly, the undermining of the UN and its subordinate bodies, like SADC and the AU, by member states does not mean that these bodies are not necessary for policing the international system. States tend to ignore the UN Charter and these international bodies because national interests predominate in the international system. While the UN and its subordinate bodies approve some interventions, others were not facilitated by these bodies. In most cases, interventions have not been presented before these bodies for approval. These inconsistencies have presented a major challenge to the international community as to how they can be managed and addressed.

As it can be observed from history, member states within this idealist institutions have always intervened when their interests were threatened, as the dissertation argues. International law has always been flouted when states felt that their national interests were endangered. The dissertation will also indicates that despite the expansion of the definition of security studies approach, the security interests of states continue to be dominated by states' realist agenda even within the UNSC. This observation is explored in more

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<sup>178</sup> British Broadcasting Co-operation, “The United Nation at 50, 1995”. The commentary illustrated numerous example how the UN was manipulated by the US right from its inception in 1945. It argued that even civil servants who were suspected for not being inclined to the US interests, the US influenced the institution to purge them from the UN employment. It went on to argue that in most cases when the US does not want to engage in the UN activities like during the Rwandan genocide, it had made sure that it sabotage any efforts by the UN to intervened in that regard.

<sup>179</sup> Barrie Collins, op cit.

detail below through a discussion of other competing theories/explanations of state intervention.

### **2.3 Towards Theoretical Approaches to Military Interventions.**

Given the fact that military intervention is an area that has been extensively studied, it is imperative to contextualise our analysis in sub-Saharan Africa, where the three interventions under study took place. However, prior to this task, this section deals with four alternative images or perspectives of international relations, which are found within the security studies literature, namely constructivism, idealism, pluralism and realism. While these perspectives are not mutually exclusive in their evaluations of interstate conflict, their explanations and emphases are very different. It is argued here that, among all these approaches, realism provides the most vivid explanation for the interventions under study. However, there are other approaches in security studies literature.

#### **2.3.1 Security Studies**

Over the past decade, the field of security studies has become one of the most dynamic and contested areas in international relations. In particular, it has become perhaps the primary forum in which broadly social constructivist approaches have challenged traditional, largely realist and neo-realist theories on their 'home turf' of military/security – the area in which some of the most vibrant new approaches to the analysis of international politics are being developed and the realm in which some of the most engaged theoretical debates are taking place.

The security studies approach has emerged as a major concern for academics to study the threats and use of and control of military during war. Krause, in defining security studies, has argued that it is,

the study of threat, use, and control of military force....it explores the conditions that make the use of force more likely, the way that the use of force affects individuals, states and societies, and the specific policies that states adopts in order to prepare for, prevent or engage in war.<sup>180</sup>

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<sup>180</sup> Keith Krause and Michael C Williams, "From Strategy to Security: Foundations of Critical Security Studies": In Keith Krause and Michael C Williams, eds. *Critical Security Studies*. (Minneapolis, MN: University of Minnesota Press, 1997), 38.

The traditional definition<sup>181</sup> of security not only focuses on military power, but also and almost exclusively addresses the security of the state. Security therefore entails the act of violence, or the threat to use violence. In this approach it is the intervening states rather than the targeted states that perceive a security threat. Brand-Jacobsen argues that "security is still commonly seen as the need to protect against threats from others/other states".<sup>182</sup> This would suggest that the perceived threats from targeted states have to be addressed militarily by the intervening states. Given the sense of urgency and possible or potential threat of violence, the interveners consider invasion as legitimate in order to limit or remove the perceived threat posed by the targeted state. The intervening states perceive security as a move that takes politics beyond the established international rules and above normal politics.

The current understanding of security studies is informed by the history of security evolution and thinking about this area. Krause viewed the discipline as gradual evolution toward an objective, scientific discipline where the laws dealing with the study are uncovered.<sup>183</sup> The discipline seeks cumulative knowledge about the role of the military. The history of security studies follows models of particular understandings about the growth of scientific knowledge that adopt a linear progression through time and yield scientific knowledge along the way. The framework of security studies has expanded to include a wider range of sectors than the traditional and political ones.

As a field of study, security studies encompass government policy and ideology. Similarly, military security concerns both states' defence capabilities and states' foreign policy perceptions of other states. Buzan argues that political security concerns the organisational ability of states, systems of government and the ideologies that give them legitimacy. The ideological

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<sup>181</sup> Lisa Thompson, Theoretical Approaches to Security and Development.<<http://www.iss.co.za/Pubs/Monographs/No50/Chap4.html>> [18April2005].

<sup>182</sup> Kai Frithjof Brand-Jacobsen,, Beyond Security; New Approaches, New Perspectives, New Actors. <<http://www.russfound.org/consult1/papers1/Brand-Jacobsen.htm>> [18May2005]. See also Anton du Plessis, "International relations theory and the discourse on terrorism: Preliminary reflections on context and limits" *Strategic Review for Southern Africa*, 23 (2) (2001): 134-52.

<sup>183</sup> Keith Krause and Michael C. Williams, op, cit.

aspect of security justifies the use of force and states' security policy priorities.<sup>184</sup>

The weaknesses of security studies have been the adoption of a realist state-centric view. State survival is critical for this approach as opposed to the issue of human security and other non-state security issues, which have been relegated to a lower position on the hierarchy.<sup>185</sup>

Since the end of the Cold War, the traditional definition of security was widened to embrace the preservation of territorial integrity and political sovereignty as well as making states secure, often by weakening the security of others. The widening of security by Buzan<sup>186</sup> brought to light previously the hidden insecurities of marginalized groups within and between states.<sup>187</sup> These insecurities included communitarian challenges that demand equal attention from the nation state. This new security and critical human security<sup>188</sup> thinking brought about a new conceptualisation of security across states which demanded the re-evaluation of the approach from the bottom up, not only in military terms. In support of the new security paradigm, the UNDP reports argue that "the concept of security must change - from an exclusive stress on national security to a much greater stress on people's security, through human development, from territorial security to food, employment and environment".<sup>189</sup> Clearly this means that the conception of security in its traditional form needs a serious review.

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<sup>184</sup> Barry Buzan, Ole Waever and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998).

<sup>185</sup> Anthony Leysens and Lisa Thompson, *op cit.*

<sup>186</sup> Barry Buzan et al, *op. cit.* as the leading scholar of Copenhagen school came up with a much broader definition of security. He argued that the concept of security goes beyond traditional politico-military notions by putting emphasis on interconnectedness of different realms of society. He saw security as a composite of human security as affected by five major actors: military, political, economic, societal and environment.

<sup>187</sup> Lisa Thompson, *op. cit.* see also Buzan, B. *People, States and Fear*. (Boulder: Lynne Rienner, 1991). Who regarded security as a composite measure that includes military, political, economic, societal and environmental sectors. In this sense, broadened security entails that genuine security demands that all aspects of life have to be taken into consideration if peace and security have to be sustained.

<sup>188</sup> Shaw, T. M. 'Peace-building Partnerships and Human Security' : In V. Desai and R. Potter eds. *Arnold Companion to Development Studies*. London: Arnold, 2002.

<sup>189</sup> United Nations Development Programme, *Human Development Report, 1994*, New York: Oxford University Press, Available from <<http://www.undp.org/hdrop/93.htm>>. [13November2004].

The framework of security studies has expanded to include a much wider range of sectors than the traditional and political ones. The concept's weakness has dictated a new definition<sup>190</sup> to include other security issues, because the way security is understood affects the way both domestic and international politics are conducted. Brand-Jacobsen sees the failure of the traditional security approach as stemming from its main focus on state security, which has proved "inadequate to address the diverse range of challenges faced by the world community at the dawn of the 21 century".<sup>191</sup> Therefore, new security issues are constantly emerging. Security challenges cannot be seen in purely military terms, as used to be the case in the past, but must also encompass economic, social, cultural, political and environmental devastation. The concept of security cannot be successful unless it is able to address many challenges and a number of issues which affect the security of both the state itself and of the community at large.

Duffield<sup>192</sup> argues that security has gone through dramatic transformation. He observes that security is no longer concerned with the biggest economies and war machines in the world alone, but has developed an interest in some of its smallest. Security has moved towards humanitarian assistance which has also shifted from helping people to supporting the process of societal transformation. It is for this reason that Cilliers maintains that the "security dimension was responsible for ensuring a safe and secure environment that will enable the civilian humanitarian actors to undertake emergency relief, recovery, rehabilitation and reintegration operations which will prepare the ground for full-fledged reconstruction programmes"<sup>193</sup>.

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<sup>190</sup> Larry A. Swatuk, Peter Vale, Why Democracy Is not Enough: Southern Africa and Human Security in Southern Africa. In Security and Development in Southern Africa by Nana Poku ed (London: Praeger, 2001), they identified "Scarcity of water in the region as one of the most crucial security issue that deserve a major focus". Tsie, B, Trading Blows: Southern Africa, South Africa and Europe in the Post-Apartheid Era. (London: Catholic Institute for International relations, 1990), identifies non-military threats as "poverty, disease, environmental degradation and bad governance".

<sup>191</sup> Kai Frithjof Brand-Jacobsen, op. cit.

<sup>192</sup> Mark Duffield, Global Governance and the New War: The Merging of Development and Security.(London; Zed Books, 2001).

<sup>193</sup> Jakkie Cilliers, New interfaces between Security and Development; in Stephan Klingebiel, (ed), New Interfaces between security and development: Changing concepts and approaches. (Bonn: Studies/Deutsches Institut flur Entwicklungspolitik, 2006), 98.

Duffield argues further that there can be no development without security and no security without development. The linking of security and development was a new feature in the security debates. During the 1990s when the security development nexus came to the fore,

there was growing commitment to multilateral approaches to reducing violent conflicts and promoting peacebuilding in conflict-torn, conflict-prone and post conflict countries. The integrated policies promoted by the United Nations or the 'linked-up' policies adopted by key donor countries applied primarily to conflicts that did not affect the vital interests of powerful external actors<sup>194</sup>.

Nonetheless in some countries like the DRC, security and development approaches decidedly reflected the vital interests of key players in the conflict. While there are many definitions of human security, the concept in current academic lexicon addresses

a world in which the threats of catastrophic nuclear war between leading states has been replaced by concern for the well-being of people living within ineffective ones. Their ability to enjoy complete, safe and fulfilled lives - their human security - has moved from the shadows of domestic affairs onto the international political agenda<sup>195</sup>.

Failure to achieve the above human security risks disillusionment and thus creates intrastate conflict between different groups within communities. These failures threaten the stability of the state hence global order itself. Therefore human security embodies a notion of security that goes beyond conventional concerns with military capacity and defence of national borders. This new type of security draws its emphasis from the rise of humanism within the international system that draws also on accepted norms and conventions associated with the UN declaration of human rights, the Geneva conventions and founding of International Criminal Court.

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<sup>194</sup> Necla Tschirgi, Security and Development policies: Untangling the relation ship; in Stephan Klingebiel, (ed), New Interfaces between security and development: Changing concepts and approaches. (Bonn: Studies/Deutsches Institut flur Entwicklungspolitik,2006), 44.

<sup>195</sup> Mark Duffield, Human Security: Linking Development and Security in an age of Terror; in Stephan Klingebiel, (ed), New Interfaces between security and development: Changing concepts and approaches. (Bonn: Studies/Deutsches Institut flur Entwicklungspolitik, 2006), 12.

For Klingebiel<sup>196</sup>, security has fundamentally transformed from focusing on stability within the state to protective approach related to the individual. These changes in new conceptualisation of security have been brought about by the new dangers and threats such as economic and social threats including poverty, infectious disease and environmental degradation, inter-state conflict, internal conflict, including civil war, genocide and other large-scale atrocities, nuclear radiological chemical and biological weapons, terrorism and transnational organised crime. These threats challenged the protection of civilians and call for prevention<sup>197</sup>.

Robinson<sup>198</sup> on the other hand argues that the concept of security, including human security is insufficient if it does not address gender and childhood security. It must make clear distinction between the insecurity suffered by women, men and children. In any intrastate conflict like the one under discussion, there are different forms of violence which affected men, women and children differently. Therefore, the increased incidence of sexual violence and gender-based violence during war must be made an international issue as called for in 2000 in UN Security Council Resolution 1325 on women, peace and security. While the dissertation does not place great emphasis on these gender issues, it does not ignore the gendered implications of security in the three interventions.

The approaches of Waever and Buzan (the Copenhagen school) depart markedly from the traditional/neorealist security studies approach. Their work aims at broadening the security studies agenda while maintaining its coherence and relevance in international politics. Waever argues that security studies fall into three main schools: traditionalism/realism, critical security studies and the Copenhagen school.<sup>199</sup> The latter focuses on societal security and the securitization of issues. This broad definition of security is

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<sup>196</sup> Stephan Klingebiel, (ed), New Interfaces between security and development: Changing concepts and approaches. (Bonn: Studies/Deutsches Institut flur Entwicklungspolitik, 2006).

<sup>197</sup> UN Secretary-General (2004), High-Level Panel on Threats challenges and change: A more secure world; our shared responsibility, Newyork (UN document A/59/565).

<sup>198</sup> Clive Robison, Whose Security? Integration and integrity in EU policies for Security and Development; in Stephan Klingebiel, (ed), New Interfaces between security and development: Changing concepts and approaches. (Bonn: Studies/Deutsches Institut flur Entwicklungspolitik, 2006).

<sup>199</sup> Ole Waever, in Securitisation:Taking stock of a research programme in Security Studies.

<<http://zope.polforsk1.dk/securitytheory/oletext>> [04April2005]. See also Lisa Thompson, op, cit.

similar to that of Thompson who has identified similar areas<sup>200</sup> in relation to Africa. Waever argues that the Copenhagen school is built around three main ideas, namely securitisation, sectors and regional security complexes. For him, sectors include, environmental, economic, military and societal security, while the security complexes refer to regional security-level analysis. In relation to the securitisation of issues, he argues further that in security discourse an issue is presented as posing a security threat in order that it assume urgency so that normal procedures of tackling it are not followed. This is explicitly or implicitly the process of securitisation. According to this approach:

...the designation of the threat as existential justifies the use of extraordinary measures to handle it. The invocation of security has been the key to legitimising the use of force, and more generally opening the way for the state to mobilise or to take special power-e.g. using conscription, secrecy, and other means only legitimate when dealing with security matters<sup>201</sup>.

Similarly, Buzan, Waever and De Wilde argued that, “societal insecurity exists when communities of whatever kind define a development or potentiality as a threat to their survival as a community”.<sup>202</sup> This means that once security is identified as an issue of survival, it becomes a key factor to the society or those who regard it as such. It can also be argued that because of securitisation, the interveners in the three cases under study could not adhere to normal parliamentary procedures to authorise their interventions.

The concept of securitisation is crucial for the Copenhagen school because it is a speech act. In fact, “it is the utterances itself that is the act”.<sup>203</sup> The process of securitisation is done by labelling it a security issue and it is similarly recognised as such, for this reason becoming a security issue. Therefore, “a successful securitisation speech act occurs when a securitising actor makes a claim of existential threat to the unit on whose behalf s/he is

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<sup>200</sup> Lisa Thompson, op, cit., identified broad areas which fall within the field of Security studies and International Political economy as; mainstream regional security analysis, new security analysis, critical human security and development, regional integration/co-operation, regional development, and gendered approaches to security and development.

<sup>201</sup> Ole Waever in Securitisation, op, cit.

<sup>202</sup> Barry Buzan, Ole Waever and Jaap de Wilde, Security. A New Framework for Analysis, (London: Lynne Rienner; 1998),119.

<sup>203</sup> Ibid, 26.

authorised to speak and gets it accepted by an appropriate audience".<sup>204</sup> A successful claim necessitates that extraordinary measures are implemented. These measures include violating international rules in order to deal with the perceived threat, which characterises an issue as a security threat rather than merely a political issue. This concept reveals how an intersubjective threat is created. This is how interveners in Rwanda and the DRC achieved the securitisation of issues there. Ugandan and Rwandan authorities used the threat of insurgents in the DRC to justify their intervention, including attacking the United Nations High Commission for Refugees' (UNHCR's) camps in that country.

Despite the securitisation of issues and the widening of the new security approach, security is still predominately defined in military terms. It pervades nation states' policies in terms of defence budgets allocation and "socio-economic security continues to be reflected in an essentially separate policy discourse which uses the language and policy prescription of the development machine".<sup>205</sup> The reason for this is that security is a socially constructed reality resulting from the interaction between the actors. This fact is supported by the constructivist approach to security discussed below.

### **2.3.2 Constructivism**

Another approach, which has come to be closely related to the security studies perspective, is constructivism. The Copenhagen school's authors have developed a more constructivist approach to security threats even though still remaining within the framework of traditional security studies.<sup>206</sup>

The theory of constructivism aims to link cultural structures to identities. It focuses on environmental structures, which shape state norms, identities and government policy. The main ingredients of this theory, according to Jepperson, Wendt and Katzenstein, include norms, identities, environmental relations and cultural institutions. They submit that configurations of state

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<sup>204</sup> Anna Stavrianakis, A Tale of Two Ethnicities? An Analysis of Approaches to 'Ethnic Conflict': The case of Kosovo. <<http://www.Globalpolitics.net>> [26 April 2005], 6.

<sup>205</sup> Lisa Thompson, op. cit.

<sup>206</sup> Barry Buzan et al, op. cit.

identity affect interstate normative structures.<sup>207</sup> The effects of norms are pivotal in shaping national security interests or policies. For that reason, in analysing the three interventions under study, we have to look at the norms and environmental relations that motivated the intervening countries. Sterling-Folker argues that constructivism identifies institutions as both elements of stability and as strategic variables for the analysis of change. As he puts it, “it must” blend conjunctive analysis with an understanding of rule-governed activity and the various processes by which institutions are continually reproduced and modified through the actors’ practices.<sup>208</sup>

The constructivist approach recognises “cultural similarities among States”.<sup>209</sup> This is a factor that is important among the Great Lakes states, which share a great deal of commonality since their independence. According to this approach, to understand the roles of Uganda and Rwanda in promoting their national security policies one must understand the prevailing norms and how the national identities of these countries have been shaped by reconstructed cultural practices and institutional structures.<sup>210</sup> Norms, therefore, address issues obscured by approaches that treat interests exogenously, since norms are not static but change with social interaction. Hence, understanding this normative process is crucial for this theory.<sup>211</sup>

Smith argues that if states find themselves in a self-help situation, like the Great Lakes states in the early and late 1990s, “then this is because their practices made it that way and if the practices change then so will the inter-

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<sup>207</sup> Ronald L Jepperson, Alexander Wendt and Peter J Katzenstein, "Norms, Identity and Culture in National Security": In Peter J Katzenstei, ed. *The Culture of National Security: Norms and Identity in World Politics*. (New York: Columbia University Press, 1996).

<sup>208</sup> Sterling-Folker Jennifer, “Realism and the Constructivist Challenge: Rejecting, Reconstructing, or Rereading”: *International Studies Review* Vol.4. No.1 (2002):93.

<sup>209</sup> Adler E. and Barnett, M. security Communities in theoretical Perspective. *Security Communities*. (Cambridge University Press 1998), 10.

<sup>210</sup> Thomas U Berger, "Norms, Identity and National Security in Germany and Japan": In Peter J Katzenstein, ed. *The Culture of National Security: Norms and Identity in World Politics*, ([New York: Columbia University Press, 1996) see also Keith Krause and Michael C Williams, "From Strategy to Security: Foundations of Critical Security Studies": In Keith Krause and Michael C Williams, eds. *Critical Security Studies*. (Minneapolis, MN: University of Minnesota Press, 1997).

<sup>211</sup> Martha Fennimore, "Constructing Norms of Humanitarian Intervention": In Peter J Katzenstein, ed. *The Culture of National Security: Norms and Identity in World Politics*. (New York: Columbia University Press, 1996). See also Barry Buzan, Ole Waever and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynne Rienner, 1998).

subjective knowledge that constitutes the system".<sup>212</sup> The Copenhagen school agrees with constructivists that insecurity is linked to state security, which is related to societal insecurity. According to Wendt,<sup>213</sup> power and interest are important in international politics because they are products of culturally constructed ideas. According to this approach, security cannot be solely defined without reference to inter-subjective perceptions but other factors must be considered as well. Perceptions of security and insecurity are connected to values, beliefs and identities.<sup>214</sup> Explaining security on the basis on peace and power is regarded as narrow by this approach, which sees security as being broader in scope.

The constructivist approach does not take interests and identities as given. It focuses on how intersubjective practices between actors result in identities and interests being formed in the processes of interaction, rather than those that are formed prior to the interaction. Similarly, Anna Stavrianakis argues that "structures of international politics are social rather than material and these social structures shape actors identities and interests rather than their behaviours".<sup>215</sup> In this respect, according to Wendt, "We are what we are by how we interact rather than being what we are regardless of how we interact."<sup>216</sup> It can therefore be argued that leaders of the intervening countries were able to develop a similar interventionist foreign policy outlook because of their similar constructed backgrounds.

Constructivism sees the concept of sovereignty as a crucial institution in international society. Since sovereignty provides a state with its territorial rights, it also determines its basic political units.

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<sup>212</sup> Steve Smith, Reflectivist and Constructivist Approaches to International Theory; In John Baylis, and Steve Smith 2<sup>nd</sup>, ed. The Globalisation of World Politics an Introduction to International relations. (Oxford University Press; 2001), 244.

<sup>213</sup> Wendt, A, op, cit.

<sup>214</sup> Wendt, A, "Anarchy is what States makes of it: The Social Structure of Power Politics" International Organization. Vol 46, No2, 1992, pp393-395. See also Anton du Plessis, "International relations theory and the discourse on terrorism: Preliminary reflections on context and limits" *Strategic Review for Southern Africa*, 23 (2) (2001): 134-52.

<sup>215</sup> Alexander Went., 'Constructing International Politics', *International Security* 20 (1), (1997): 71.

<sup>216</sup> Wendt, A, op, cit..

The constructivist orientation recognises the legitimate use of force because it plays a central role in international politics, primary in influencing and shaping state security policies. This view sees the legitimate use of force as influential in structuring the incentives and constraints international actors tend to react to. The approach also focuses on the question of how social norms and ideas influence relations between states. Like neo-liberals, constructivists concentrate on issues like human rights, multilateralism and the value of international institutions for enhancing world peace. However, in the present discussion, constructivism does not explain why the interveners disregarded the multilateral approach and why they did not consult international institutions like the UN and OAU before mounting their interventions. While the theory argues that social norms and values are constantly constructed in order to influence the nation state foreign policy, other international relations approaches recognise the potential salient role of numbers of different actors, not just states, in international relations challenges. The pluralist approach recognises the role of these actors.



### 2.3.3 Pluralism

The theory of pluralism exercised a major influence both in the discipline of political science and in the sub-field of international relations. In criticising the traditional/realist conception of the security studies approach, pluralists argue that, “rather than speaking of ‘security’ and ‘development’, it is necessary to recognise that there are many different securities and forms of development. What may be secure for one could be the complete opposite of security for another.”<sup>217</sup> Therefore, “to seek to impose one view or one understanding upon those who do not support or share that view may in itself be conflict provoking and engendering, promoting insecurity and destabilisation rather than security.”<sup>218</sup>

Pluralists recognise co-operation between states as fundamental in guaranteeing security for all people and the environment. Therefore, rather than states being mistrustful of each other, they cooperate and adopt peaceful

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<sup>217</sup> Kai Frithjof Brand-Jacobsen, op cit.

<sup>218</sup> Ibid.

means of transforming the underlying causes of conflict that give rise to insecurity and threat. For this approach, cooperation and peaceful means are important in addressing many of the failings of traditional conceptions of security.

Pluralists criticise the view that the state is the main actor in international politics. In criticising this state orthodox view, they maintain that there is a large degree of convergence in the manner in which life inside and outside the state is contemplated.<sup>219</sup> Therefore, what happens inside determines what happens outside the state and the other way around. This approach advances several arguments that demonstrate the weakness of realists' approach to international relations. They do acknowledge the major role of state, but also argue that:

...states are important, for they set rules of the economic, communications, technology, and other games that occur simultaneously. But by themselves, they do not set the international agenda, nor can they make decisions as if removed from the interests, values, and aspirations of millions of business firms, banks, shipping companies, political parties, citizens groups, and the like.<sup>220</sup>

The nation state is seen as one of the players in the pluralistic world. Therefore, pluralists were fundamentally opposed to the traditional doctrine of sovereignty as espoused by Hobbes, Jean Bodin and John Austin.<sup>221</sup>

The approach dismisses the notion of unity and absoluteness of the state on both empirical and normative grounds. They argue that society consists of more than the sum of its parts. For pluralists it is wrong to ignore the role of independent actors, for example, rebel movements. The influences of these groups, according to this approach, are considerable in determining which issues are the most important.

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<sup>219</sup> Brian C Schmidt., Anarchy, World Politics and the Birth of a discipline: American International Relations, Pluralist Theory and the Myth of Interwar Idealism”, in International Relations, Vol. 16 (1) (2002): 9-31.

<sup>220</sup> Holsti, K.J., 6<sup>th</sup> ed. International Politics: A Framework for Analysis. (New Jersey: Prentice Hall, 1992) 70.

<sup>221</sup> Francis, W. Coker., “Pluralistic Theories and the Attack upon State Sovereignty”: In Charles Merriam and Harry Elmer eds. A History of Political Theories: Recent Times. (New York: Macmillan; 1924).

Pluralists highlight various protocols that states are increasingly entering into with regional, continental and international bodies, such as the UN Charter. According to this approach, these agreements are legally binding between member states and cannot be violated by them.<sup>222</sup> They argue that, in order to improve international relations, it is imperative to relinquish the theory of absolute sovereignty and its corollary, the equality of the state.

Despite pluralists conjecture, the doctrine and discourses of the sovereign state continues to be a dominant mode representing political reality. Since states make rules, as pluralists rightly argue, they have an equal capacity to unmake them and make those that justify their deeds, regardless of whether they are good or bad. They also have the capacity to violate these protocols. While the intervening countries under study here were signatories to international protocols regarding the peaceful resolution of conflicts, they appear not to have kept their side of the bargain. The pluralist theory comes short in explaining why these states decided to intervene in other countries' intrastate conflicts despite their international obligations on the contrary.



### 2.3.4 Idealism

Like most approaches, idealists argue that traditional security has some limitations because it only addresses security in military terms. Brand-Jacobsen argues that unless the international community "come[s] up with new ways of addressing security concerns and to transcend the limitations inherent in traditional conception of security and inter-and-intra-state relations,"<sup>223</sup> the current status of unauthorised use of force will continue. This is because scourges (not just of war) exist at all levels, not only the military level, and threaten security at various levels.

The starting point for most idealists derives from the perception that human beings are essentially cooperative. The implication for this statement is very important in analysing why war occurs and what the society must do to prevent it. According to this view, natural harmony exists between human beings. Therefore war stems not from human nature but from imperfect

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<sup>222</sup>Brian C. Schmidt., Op cit.

<sup>223</sup>Kai Frithjof Brand-Jacobsen, op, cit.

political institutions and practices. It is these imperfect arrangements, both at the national and international levels, that disrupts harmony between human beings. The crucial task is therefore to identify these imperfect arrangements, practices and institutions to prevent war from recurring.

The fundamental bedrock of idealism derives from President Woodrow Wilson's international reform agenda<sup>224</sup> in which he argues that the world must be made safe for democracy. The approach from the early 1900s to the late 1930s was motivated by the desire to prevent war. Wilson saw democracy as the system that is best placed to ameliorate inter- and intrastate conflicts. Among Wilson's fourteen principles two are relevant here. Wilson writes:

I. Open covenants of peace, (must be) openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view...

XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.<sup>225</sup>

According to Wilson, peace could be secured through the establishment of an international body, such as the League of Nations, to regulate international anarchy. The purpose of this body was to use diplomacy to manage international disputes and to protect states from external aggression. After the Second World War, the UN Charter adopted the above principle of the territorial integrity of states.<sup>226</sup> It was this principle that was violated by the interveners under study. Therefore, it is necessary to prevent the rampant use of force in order for stability to obtain within the international system. Idealists argue that the use of force must be authorised to be legitimate *jus ad belum* and *jus in bello*.<sup>227</sup>

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<sup>224</sup> Woodrow Wilson: op cit. See also 2 April, 1917 President Woodrow Wilson's War Message. <<http://www.lib.byu.edu/~rdh/ww1/1917/wilswarm.html>> [ 12March2004].

<sup>225</sup> Ibid.

<sup>226</sup> Robert J. Lieber, 3<sup>rd</sup> ed. No Common Power: Understanding International relations (New York; Harper Collis, 1995 ),279.

<sup>227</sup> Hedley Bull, ed.'The Grotian Conception of International Society': In M. Wright ed. Diplomatic Investigations. (Harvard University Press; 1966). See also the following authors for more emphasises on this point; Paul Ramsey, The Just War: Force and Political Responsibility. (New York: 1968), James Turner Johnson, Just War tradition and Restraint of war; A Moral and Historical Inquiry. (Princeton: Princeton University Press: 1981), William Vincent O'Brien, The Conduct of Just and Limited War.

However, after the Second World War, the idealist approach was replaced by the realist paradigm. There was consensus among scholars during this period that realism was superior in its ability to rationally explain the persistent and ubiquitous struggles for power among nations.<sup>228</sup> Most critics of idealism argue that it was out of touch with political realities. The approach is still unable to explain the actions of the three intervening states under study, especially since regional, continental and international bodies (collective security arrangements) appear not to have been consulted when these interventions were mounted.

### 2.3.5 Realism/Neo-Realism<sup>229</sup>

Among dominant traditional international theories, realism/neo-realism remains the most significant in the security studies approach. For this reason the realist approach has been viewed as the main theory of international relations. Realists' identify power, national interests and state survival as crucial in analysing inter-state relations.<sup>230</sup> The approach argues that where state interests are concerned, nation states must be guided by an ethic of responsibility. The principle of "an ethic of responsibility" is frequently used as a justification for breaking laws of wars,<sup>231</sup> as in the current interventions where state interests were concerned.

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(New York: Praeger 1981), Michael Walzer, 2<sup>nd</sup> ed. Just and Unjust Wars: A Moral Argument with Historical Illustration. (New York: Basik Books; 1992), Mark R. Amstuz, International Ethics: Concepts, Theories and Cases in Global politics. (Canham:Rowman &Littlefield: Roudlege; 1999). This analogy anticipated the soon to be crafted Charter of the United Nations which circumscribed the use of force.

<sup>228</sup> Stefano Guzzini., Realism in International Relations and International Political economy: The Continuing story of Death Foretold. (London: Roudlege, 1998).

<sup>229</sup> The term "structural realism" and "neo-realism" are generally used interchangeably. Note that Barry Buzan, Charles Jones, and Richard Little, The Logic of Anarchy: Neo-realism to Structural Realism (New York: Colombia University Press; 1993) uses neo-realism to refer to Kenneth Waltz's theory and refers to more general systemic theories as structural realism.

<sup>230</sup> Christopher Clapham, Africa and the International System: The Politics of Survival (Cambridge University Press, 1996). See also William I Zartman, National Interest and Ideology: 25-54: In Vernon Mckay ed. African Diplomacy Studies in the Determinants of Foreign Policy. (New York; Frederick A. Praeger, 1967).

<sup>231</sup> Tim Dunne and Brian C. Schmidt, op cit 152. According to realists, the leader must be guided by the principle of an ethic of responsibility. This requires the weighing up of consequences; the realization that individual acts of an immoral kind might have to be taken for greater good. The problem is that, an ethic of responsibility whilst instructing leaders to consider the consequences of their actions, it does not provide a guide to how state leaders should weigh the consequences.

Realist theory, sometimes known as political realism, has been acclaimed as the oldest theory of international politics. It can be traced back to Thucydides' account of the Peloponnesian war (431-400 BC) and to the classical works of Sun Tzu, who wrote the *Art of War*.<sup>232</sup> Thucydides observes that, in a world where no superordinate or central authority exists to impose order, "the strong do what they have the power to do and the weak accept what they have to accept".<sup>233</sup> Several proponents of realism argue that national security can best be achieved by the application of this theory. Writers like Thomas Hobbes, Machiavelli and Rousseau<sup>234</sup> argue that:

...the international system was viewed as a rather brutal arena in which states would seek to achieve their own security at the expense of their neighbours. Inter-state relations were seen as a struggle for power as states constantly attempted to take advantage of each other<sup>235</sup>.

Thucydides' and Hobbes' pessimism about the international system was also shared by Georg Schwarzenberger, who argued that, "in the absence of genuine international community...groups within the international system can be expected to do what they are physically able to do rather than what they are morally exhorted to do".<sup>236</sup>



Since realists regarded the international system as anarchic, it is evident that the intervening countries under scrutiny here subscribed to this approach. Contemporary neo-realists writers like John Mearsheimer and Kenneth Waltz also share the above pessimists' perspective.<sup>237</sup> They regard the international

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<sup>232</sup> Andrew Heywood, Politics. (London: Macmillan; 1997), 142. See chapter five for more discussion on realism.

<sup>233</sup> For further elaboration see Viotti, Paul R., Kauppi, Mark V. 2<sup>nd</sup> ed. International Relations Theory: Realism, Pluralism, and Globalism. (New York: Macmillan Publishing Company; 1993), 38.

<sup>234</sup> The following realists painted a pessimistic picture of realism; Hobbes, T. Leviathan (Harmondsworth,: Penguin, 1651, 1968) (ed. C.B. McPherson), Machiavelli N. The Prince (Harmondsworth: penguin, 1531, 1961) (trans. G. Bau), Rousseau, J.J. The Social Contract (London: Dent, 1762, 1913) (trans.G.D.H. Cole).

<sup>235</sup> John Baylis, International and Global Security in the Post-Cold war era: In John Baylis and Steve Smith 2<sup>nd</sup> ed. The Globalisation of World Politics an Introduction to International relations, (Oxford University Press; 2001), 256.

<sup>236</sup> James E. Dougherty, and Robert L. Pfaltzgreff,Jr, 3<sup>rd</sup>.ed. Contending Theories of International Relations: A comprehensive Survey. (New York: Harper & Row Publishers; 1990),8.

<sup>237</sup> These neo-realists are also known as structural realists because they see national security or insecurity as main a result of the structure of international system. Their book provides a thorough understanding. See Mearsheimer, J. 'Back to the Future: Instability After the Cold war', International Security 15 (1), (1990): 5-56, also by the same author, The False Promise of International Institution', International security 19 (3), (1994/5): 5-49 and Waltz, K. Theory of International Politics. (Reading, Mass: Addison-Wesley; 1979).

system as anarchic but not necessarily chaotic. For them, anarchy implies the absence of central authority capable of managing and controlling state behaviour. This means that the military interventions that are the subject of this study were not regulated because there was no legitimate body to restrain them.

Frederick L. Schuman<sup>238</sup> argues that the non-existence of international government in the international system makes each state rely on its own power and seek its own safety rather than relying on its neighbours. Similarly, Nicholas J. Spykman<sup>239</sup> sees a civilised state as relying solely on power as its last resort because power is the ability to influence and persuade others through several means but primarily through coercion.<sup>240</sup> Hans J. Morgenthau,<sup>241</sup> who sees international relations and all politics as a struggle for power because it is about man's control over the minds and actions of other men, shares this view.

Morgenthau places much importance on power considerations in formulating and evaluating policies over such other policy considerations as wealth, law and morality. Following from states' central concern about power, Morgenthau concludes that "a political policy seeks either to keep power, or to increase power, or to demonstrate power".<sup>242</sup> This direct reflection of power was demonstrated by all the intervening countries examined in this dissertation.

While Robert Strausz-Hupe shares the sentiments expressed by Morgenthau and others, he contends that in reality "international politics was dominated by the quest for power, and that at any given period of known history, there were several states locked in deadly conflict, all desiring the augmentation or

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<sup>238</sup> Frederic, L. Schuman ,4<sup>th</sup>, ed. International Politics. (New York: McGraw-Hill; 1969). See also Klaus Knorr, The War Potential of Nations (Princeton: Princeton University Press; 1956). For an analysis of the various components of national power, see Klaus Knorr, Power and wealth: Military Power and Potential (Lexington, Mass.: D.C. Heath; 1970).

<sup>239</sup> Nicholas J. Spykman, America's Strategy in World Politics (New York: Harcourt Brace Jovanovich; 1942), 11.

<sup>240</sup> See also Klaus Knorr, "The power of Nations: The Political Economy of International relations": In James E. Dougherty, Robert L. and Pfaltzgraff, Jr., 3<sup>rd</sup>.ed. Contending Theories of International Relations: A comprehensive Survey. (New York, Harper & Row Publishers; 1990), 85. He argued that "power designate only exercise of coercive influence".

<sup>241</sup> Morgenthau, Hans J., 4<sup>th</sup>, ed., Politics Among Nations, (New York: Knopf; 1967).

<sup>242</sup> Morgenthau, Hans J. op cit., 36.

preservation of their power".<sup>243</sup> This analysis of state behaviour is consistent, for example, with the actions of both Presidents Museveni and Kagame in the interventions under discussion. These leaders have consistently refused to remove their forces from the DRC, instead opting to destabilise the whole region as the study will show. Military interventions in the DRC and Lesotho in the 1997-98 and 1998 were indicative of countries locked in intrastate conflicts in order to both preserve and increase their power, as described above.

Kenneth Waltz describes power as a means rather than an end in an anarchic international system. He argues that "the goal the system encourages them to seek is security. Increased power may or may not serve that end".<sup>244</sup> The states to be analysed in this dissertation, Uganda, Rwanda, Burundi, Angola Namibia, South Africa and Zimbabwe, were quite aware that nobody could constrain their actions. For that matter, they also ignored the recognised competent institutions, like their own parliaments (see chapter six), the UNSC, OAU and SADC. These states had to rely on their own power to achieve their interventionists goals unhindered. Until today, these intervening countries have not been reprimanded by any of the above institutions for violating the UN Charter and other regional agreements relating to the norm of non-intervention in other sovereign states. The exercise of power, which has been defined in terms of military capabilities, plays a central role in realist theory. Robert Gilpin also argues that "power encompasses the military, economic, and technological capabilities of states".<sup>245</sup> In order to understand the behaviour of both the former guerrilla leaders and freedom fighters in these interventions, one must recognise their military capabilities in terms of the power they wielded during the interventions. It was their power that determined their behaviour and shaped their interests.

Realism's proponents argue further that under the above circumstances, permanent peace is very unlikely to be obtained by states. Realist scholars like Carr and Morgenthau, in promoting their pessimistic view of the world,

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<sup>243</sup> James E. Dougherty, Robert L. and Pfaltzgreff,Jr., Jr., op cit., 84.

<sup>244</sup> Waltz, K. Theory of International Politics (Reading, Mass.: Addison-Wesley; 1979), 126.

<sup>245</sup> James E. Dougherty, Robert L. and Pfaltzgreff,Jr., op cit., 84.

became very scathing about the idealists' belief in natural harmony and internationalism. Carr,<sup>246</sup> in particular, states further that:

a naïve faith in international law and collective security in the interwar period prevented statesmen on both sides of the Atlantic from understanding, and acting to contain, German expansion. Realists emphasise that, in contrast, as there is no higher authority than sovereign state, international politics is conducted in a 'state of nature', and is thus characterised by anarchy, not harmony. An anarchic international system is one in which each state is forced to help itself and give priority to its own national interest, defined, most basically, as state survival and territorial defence.<sup>247</sup>

For realists, military capacity is the key for each state to achieve its interests in this anarchic world. The main reason for realists to conceptualise the world in this manner derives from their strongly held view that "states will tend to rely on the threat or use of military force to secure their objectives in international politics".<sup>248</sup>

Realists also emphasise territorial issues as a direct motivator for intervention. Morgenthau<sup>249</sup> describes a number of territorial-related elements of national power, such as defensive geographical barriers, mountain ranges, bodies of water, natural resources such as industrial minerals, oil or arable land that can be used to feed one's citizens. Realists see these territorial issues as valuable in increasing state power. Following this perspective it could be argued that the Rwandan motive that led to armed conflict in the DRC was territorial in nature<sup>250</sup> (see chapters three and four).

Although realists emphasise power and/or security as the primary concerns of state leaders, states sometimes pursue other goals not directly related to power and security. Waltz<sup>251</sup> and Mearsheimer<sup>252</sup> argue that there is a clear

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<sup>246</sup> Carr, E.H., *The Twenty Years Crisis, 1919-1939*. (London: Macmillan, 1939). Morgenthau, Hans *Politics Among Nations: The Struggle for Power and Peace*. (New York; Knopf: 1948).

<sup>247</sup> Andrew Heywood, *op cit.*, 143.

<sup>248</sup> Michael E. Brown and Lynn-Jones M. Sean., ed. *The Perils of Anarchy: Contemporary Realism and International Security* (Cambridge: The MIT Press; 1995), ix.

<sup>249</sup> Hans Morgenthau, 1<sup>st</sup> ed. *Politics Among Nations: The Struggle for Power and Peace*. (New York; Knopf; 1948), 80-88.

<sup>250</sup> The first President of Rwanda after genocide Pasteur Bizimungu once argued for the reversal of Berlin conference borders. In his view the territory occupied by the Banyamulenge tribe in the DRC, belongs to Rwanda. Therefore, he demanded the return of this land to the sovereignty of Rwanda.

<sup>251</sup> Waltz, K. *op cit.*, 126.

<sup>252</sup> Mearsheimer J.J., *The Tragedy of Great Power Politics*. (New York W.W. Norton; 2001), 46-48.

hierarchy of state goals, with security being the primary concern. Once survival is assured, states can safely seek other myriad goals, such as human rights, ideology, health, environment and wealth creation – in a sense, the new security paradigm issues – but only if they are not in conflict with the pursuit of security goals.

## **2.4 The Appropriateness of the Realist Approach**

In view of the above discussion, the realist approach sheds considerable light on the interventions discussed in this dissertation. From the security studies approach, these countries perceived threats from outside their states in military terms and therefore had to address these security threats by military means. The actions of the intervening states indicated that they were concerned about their security in a more traditional/realist sense than they were in other forms of security. Neo-realists see culture and identity as deriving from the distribution of capabilities with no independent explanatory power. They also see actors deploying culture and identity in international politics strategically to further their own interests. Both Museveni and Kagame used their shared culture with the Congolese Banyamulenge ethnic group as their strategy to invade the DRC.<sup>253</sup>



In defining the security studies approach, Ayoob argues that security threats must come from outside the state and the targeted state must respond to the attack. The Rwandan and DRC responses in 1990 and 1998 respectively were cases in point. Both these countries were invaded by foreign countries; Rwanda was invaded by Uganda while the DRC was invaded by Burundi, Rwanda and Uganda. In all cases, these countries perceived their security in realist terms. This is because despite the now broadened security paradigm, in most Third World countries the concept of security remains state centric and realistic in orientation. It can also be argued that in most of the intervening countries, states continue to be the major provider of security in all its variants.

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<sup>253</sup> Dmitri Niarguinen, Alexander Wendt and Martin Wight, Transforming Realism: Irreducible Core Gives Life to New Interpretations and Flexible Incarnations. <<http://venus.cj.uw.edu.pl/rubikon/forum/dmitri.htm>>[25May2004].

It would also be fair to state that the realist and neo-realist approaches identify the dominance of the state and the role of power in international politics as crucial. Therefore, in a number of respects the classical as well as the not-so-classical realists' approaches explain several activities of the intervening states both in the Great Lakes and SADC regions on the basis of power politics. Furthermore, several issues were securitised by intervening countries (see chapters three, four and five) in order to mount the interventions in Rwanda, the DRC and Lesotho. These include the Rwandan refugees in Uganda, the Banyamulenge question, both Mobutu's and Kabilia's misrule in the DRC and the Katse Dam in Lesotho. The above events appear to indicate that the realist approach fits best in explaining these interventions.

The realist approach assumes that where state interests were concerned, the intervening states were prepared to do everything in their power to secure them even if they had to violate the UN Charter. It would appear that states obey international laws only when those laws conform to their self-interest. They are also ready to violate them if they are against their interests. In fact, it would appear that even internal official processes, such as appraising state organs like parliament, were ignored before the decisions to intervene were taken. This apparent lack of consultation was extended to both regional and international bodies (see chapter six below).<sup>254</sup>

Nevertheless, there is a broad consensus that even though new security or human security as defined by various authors goes beyond the dimension of military security, as a paradigm it remains state-centric in character. Thus, at minimum, realism offers an orienting framework of analysis that gives the field of security studies much of its intellectual coherence and commonality of outlook. It is this perspective that shows that military interventions have been studied in realist terms.

## 2.5 Conclusion

The chapter has provided an overview of how military interventions have been studied. Keith Krause and Michael Williams also demonstrated how security

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<sup>254</sup> Ibid.

studies approaches contributed to the understanding of international relations. This understanding was developed further by Barry Buzan, Shaw, Thompson and Swatuk and Vale, who defined security in broad terms, as explained above. Nevertheless, the chapter also argued that although realist theory has an explanatory power in explaining these interventions, there are more nuanced approaches in international relations, which enjoy similar status as Holsti, Brand-Jacobsen, Brian Schmidt and others have argued.

This study does not rule out other security theories, which have similar explanatory power, but it attempts to indicate and analyse to what extent realism accurately describes the behaviour of states in sub-Saharan Africa with regard to the conflicts under analysis. This does not, however, mean that African countries are the only countries which have been engaged in military interventions: other members of the UN have also been involved in similar conflicts. This realist pattern is also not new within the international system.

Other perspectives, particularly constructivisms as Sterling-Folker, Adler and Barnett have demonstrated, are also potentially useful for explanatory purposes. For example, constructivism holds the view that the international system is socially constructed and comprises both material resources and social interaction. Social interaction is said to determine the state's identities, interests and behaviours. This would mean that because most guerrilla leaders and freedom fighters share similar backgrounds, their interactions at state level influences and determines states' behaviour and the foreign policies of their countries. Therefore, their interactions at this level also shape their respective states' interests. This leads us to conclude that constructivists are ontological realists because they believe not only in the existence of the material world but also that this material world offers resistance when we act upon it. The material world is shaped by and shapes human action through dynamic interaction.

The selection of realist theory is based on the fact that it proved to be reliable in analysing security issues, particularly state behaviour. It is for this reason that the study focuses on the security dimension and that this particular

approach is applied to these cases. Based on this approach the following four key strategic issues are pursued:

1. national security interests,
2. humanitarian concerns,
3. the role of international organisations, and
4. parliamentary oversight of the Executive.

Section two examines the interventions in Rwanda, the DRC and Lesotho in order to establish whether they are consistent with the realist explanation as discussed above. The next chapter will therefore provide this link with the above dominant security approach.



## CHAPTER 3

### SECTION TWO: AN EMPIRICAL EXAMINATION OF MILITARY INTERVENTIONS IN SOUTHERN AFRICA

#### Military Intervention in Rwanda

*The cold war, in which superpowers sought to maintain a global balance of power without resorting to nuclear arms, masked many local, intrastate conflicts by internationalizing them. What in actuality were civil wars among indigenous contending for local power were turned into “virtual” international conflicts fought by proxy....With the end of the cold war, this virtual bubble burst, leaving an unprecedented number of civil wars. Of the 108 violent conflicts between 1989 and 1998, 92 are considered to be intrastate.<sup>255</sup>*

*It is almost a banality to make the observation that many parts of Africa have been affected by violent conflict in the past few decades. Consequently violent conflicts, both inter-state and intrastate, have brought havoc and ruin to peoples in many parts of the continent. The cost of war in terms of economic ruin and destruction of property is enormous, the social and human costs incalculable.<sup>256</sup>*



#### 3.0 Introduction

This chapter links the previous theoretically-oriented discussion in chapters one and two. The focus is specifically on how issues in the countries under analysis were securitised in order that they could be addressed in a more pressing manner. Specifically, the chapter deals with why Uganda intervened in Rwanda and how this military intervention should be understood. The previous chapters emphasised the dominance of unilateral military intervention in sub-Saharan Africa, lacking UNSC authorisation. The realist approach has revealed, as Morgenthau has argued, that “statesmen think and

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<sup>255</sup> Nat J. Colletta and Michelle, L. Cullen., Violent Conflict and the Transformation of Social Capital: Lessons from Cambodia, Rwanda, Guatemala, and Somalia, (Washington DC, USA: The World Bank: 2000), 3. See also Peter Wallensteen and Margereta Sollenberg. “ Armed Conflict, Conflict Termination, and Peace Agreement, 1998-96” Journal of Peace Research 33 (3, August , 1996):339-58, and also Margareta Sollenberg, ed. “States in Armed Conflict 1998”. Report 54. Department of Peace and Conflict Research, (Sweden:Uppsala University, 1998).

<sup>256</sup> Liisa Laakso, ed. Regional Integration for Conflict Prevention and Peace Building in Africa; Europe, SADC and ECOWAS, (University of Helsinki: Department of Political Science 2002), 4.

act in terms of the national interests<sup>257</sup> which appear to have been the main influence on the military interventions in the Great Lakes region.

This chapter traces the issue of Rwandan refugees and their role in Ugandan politics. It also examines the circumstances that led to the birth of both the NRA<sup>258</sup> and the RPA. It argues that the senior commanders of the RPA were similarly commanders of the NRA. Finally, the chapter also analyses factors that led to the internationalisation of this conflict.

### **3.1 The Rwandan Refugees**

Refugees left Rwanda in different waves but under similar circumstances - escaping persecution and genocide perpetuated by the majority Hutus in Rwanda from 1959-61, 1963-64 and in 1973, respectively.<sup>259</sup> Among the groups fighting for the control of state power in Rwanda at the dawn of independence, the Hutus emerged triumphant. The 1959 persecution of Tutsis by the Hutu majority resulted in the exodus of thousands of Tutsi refugees from Rwanda into Uganda. The magnitude and scope of the massacre of Tutsis expanded geographically within Rwanda itself, with violent consequences of major proportions.

The Tutsis who did not leave during 1959 pogrom became the oppressed minority in the country. Consequently, "those who settled as refugees in neighbouring countries and abroad were denied their right to return home by the Hutu government of Grēgoire Kayibanda (1962-73) and General Juvēna Habyarimana (1973-94)".<sup>260</sup> The Rwandan revolution, which triggered the first wave of refugees, involved the purging of Rwandan Tutsis from positions of

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<sup>257</sup> Morgenthau Hans, J., Sixth ed. Politics Among Nations: the Struggle for Power and Peace (New York; Alfred A. Knopf;1985), 11.

<sup>258</sup> NRA- National Resistance Army was President Museveni's guerrilla army of which majority of its members were also members of RPA who joined the movement and later formed RPF. These organisations worked closely with each other as one unit.

<sup>259</sup> Rwanda and Zaire: Comprehending the crisis.<<http://www.chesterwdf.org.uk/mullen1.htm>> [18March2004].

<sup>260</sup> Georges Nzongo-Ntalaja, ed. Civil War, Peace Keeping, and the Great Lakes Region: in Ricardo Renē Laremont, The Causes of War and the Consequences of Peace Keeping in Africa,(Portsmouth, NH Heinemann, 2002). See also Linda Melvern, A People Betrayed: The Role of the West in Rwanda's Genocide. (London Zed Books, 2000). For more emphasise on the refugees frustrations resulting from being prevented from going back home, see also The Gacaca System and the International Criminal Tribunal for Rwanda. <[http://www.donika.com/prosecuting\\_genocide\\_in\\_rwanda.htm#\\_Toc](http://www.donika.com/prosecuting_genocide_in_rwanda.htm#_Toc)> [18March2004].

power in the government and the country at large. Several attempts by Tutsis to resist these purges were met by even more severe repression. These frantic efforts led to more waves of refugees. For instance, “the second wave was triggered by the repression that followed each of the major Inyenzi (Tutsi guerrilla movement) attempts to restore Tutsi power through armed attacks”.<sup>261</sup> Similarly, the increasing political crisis in Rwanda between the minority Tutsis and the majority Hutus also exacerbated the 1972-73 outflows of Tutsi refugees.

In Uganda, the Banyarwanda (people of Rwanda) were clearly distinguishable and formed a distinct cultural group. Together with their language (Kinyarwanda) “they constituted the sixth largest ethnic group within Uganda according to the 1959 census, surpassed only by the Baganda, the Iteso, the Banyankole, the Basoga, and the Bakiga”.<sup>262</sup> Since 1959, most of the refugees were registered with the UNHCR in Burundi, Uganda, Tanzania and Zaire.<sup>263</sup> By 1990, they formed a significant population of slightly over 1.3 million people in Uganda, out of a total population of 18 million people in that country. It can also be argued that they constituted a Banyarwanda cultural diaspora in Uganda. In the 1990s the influx of Tutsi refugees from Rwanda was estimated to have reached 1.5 million people. Most lived in the western part of Uganda. Within this group of Ugandan Banyarwanda, between 500,000 and 700,000 in the early 1990s were migrants and included Hutus as well as Tutsis. While the majority of migrants were Hutus, Tutsis formed the majority of refugees. It was on the basis of these differences that political differences in Rwanda were perpetuated and flourished.

Unlike in Uganda, the Tutsi refugees in Tanzania could not take up citizenship but had relatively easy access to the land as a means of improving their livelihoods. In Zaire, they were at times offered citizenship but the state withdrew this right on several occasions, in particular the right to possess land. During the 1980s the marginalisation of Banyarwanda in Zaire was at its

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<sup>261</sup> Mahmood Mandani, When Victims Becomes Killers: Colonialism, Nativism, and the Genocide in Rwanda. (Kampala Uganda, Fountain Press, 2001), 160.

<sup>262</sup> Ibid, 161.

<sup>263</sup> Linda Melvern, op cit.

peak. The right to Zairian nationality, which was granted in the 1970s, was rescinded. The government required that “only Banyarwanda who could prove ancestral residence in the area since 1885 will be granted citizenship. Banyarwanda were effectively treated as new arrivals and become refugees in a land that had been home, often for centuries”.<sup>264</sup>

The Rwandan refugees were hardest hit by the issue of citizenship in Uganda and Zaire. In Uganda, several governments’ policies were against the granting of citizenship. This was because “successive Ugandan governments considered even the children of refugees to be refugees”.<sup>265</sup> This practice was similar to that of Middle East where Palestinian refugees were also considered refugees for generations – once a refugee, always a refugee.

The first Obote Government in the 1960s passed the Control of Alien Refugees Act. This was part of its quest to draw a clear boundary between nationals and immigrants. Melven notes that:

Rwanda  
History

the legislation made the Rwandese a special class of residents subject to arbitrary questioning or even detention. Among the immigrants, the Rwandese were particularly vulnerable. Those who spoke Kinyarwanda could be found in all three categories: refugees, migrant, and national.<sup>266</sup>

Furthermore, the Obote government ordered the removal of thousands unskilled foreigners from public employment in 1969, of which large numbers were Rwandan. This was because they were perceived by the state as presenting a security threat and therefore had to be removed from public offices in order to save the state from this threat. It was therefore no surprise that the overthrow of Obote came as a major relief to Rwandans in Uganda. After General Idi Amin removed President Milton Obote from power, in a popular move he brought “the deposed Tutsi King, Mwami Kigeri, from Nairobi to Uganda and allocat[ed] a house and a car for his use”.<sup>267</sup> It was this gesture that motivated a number of Banyarwanda refugees to join both Amin’s

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<sup>264</sup> Simon Massey, Operation Assurance: The Greatest Intervention That Never Happened. <<http://www.jha.ac/articles/a036.htm>>. [2004, March 18]. See also Peter Rosenblum, Endgame in Zaire: <<http://www.currenthistory.com/archivemay97/Rosenblum.html>>. [12 April 2004].

<sup>265</sup> Mahmood Mandani, op cit., 165. See also Linda Melven, op cit, Rwanda, Interlacustrine states. <<http://www.ictr.org/default.htm0>>[14 March 2004].

<sup>266</sup> Linda Melven, op cit., 167.

<sup>267</sup> Ibid, 167.

army and the dreaded Ugandan Secret Service. Others, particularly students, joined the anti-Amin forces. Melven observes that among the students who were involved in the anti-Amin recruitment:

the most prominent of these was Fred Rugeyema, a teenage secondary-school boy recruited by Yoweri Museveni into the Front for National Salvation (FRONASA) in the mid-1970s. When FRONASA moved into Uganda behind Tanzanian forces in the anti-Amin war of 1979, Museveni began a mass recruitment that included Banyarwanda.<sup>268</sup>

Following the overthrow of Idi Amin, Museveni's FRONASA merged with Obote's Kikosi Maalum (KM) in order to form a joint Ugandan National Liberation Army (UNLA). The two organisations eventually divorced each other following what Museveni perceived as rigged 1980 elections that put Obote in power for the second time. The Obote regime even claimed that Museveni's soldiers were Banyarwanda. As a result of these developments, Obote's regime unleashed repressive measures against Rwandan refugees in Uganda, whom he claimed posed a security threat to the state. But "the more the repression of the Banyarwanda was stepped up, the more Banyarwanda soldiers joined the Museveni and the NRA in the bush".<sup>269</sup> For Obote's regime, the fact that Banyarwanda refugees first joined the discredited Amin's regime and now Museveni's insurgency, he saw them as mercenaries who were destined to destabilise Uganda at any given moment, regardless of how detrimental their actions were to the whole refugees' population at large. It was as a result of this perception that Obote's government intensified state repression against ordinary Banyarwanda in western Uganda.

The consequences of the repressive measures mounted by the state were very severe.<sup>270</sup> Since the Rwandan refugees were seen by Obote's regime as a security threat, Tutsis bore the brunt of official discrimination and anti-refugee prejudice promoted by the Ugandan state.<sup>271</sup> Attacks by Obote's

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<sup>268</sup> Ibid, 168.

<sup>269</sup> Ibid, 168.

<sup>270</sup> Makara Sabiti, Notes on Uganda's Relations with its Neighbouring States: With Specific Reference to the conflict in the Democratic Republic of Congo: In Southern African Economist Vol. 11No12. Oct/Nov 1998. Obote's supporters began to loot houses belonging to Rwandan refugees. Some houses were burned, roofs stolen and causing occupants to flee with their cattle and whatever little property they could carry. While adults fled to refugee camps, many youths headed for the bush to support the rapidly growing ranks of the NRA movement.

<sup>271</sup> Ibid, 166. See also Norm Dixon, No interest in ethnic politics': Rwandan rebels.

followers against the Banyarwanda were varied. In October 1982, after prolonged conflict over land and state jobs, the Rwandan refugees were attacked by fellow Ugandans.<sup>272</sup> There was rampant looting and rape. More than 80,000 Rwandans fled towards the Rwandan border and some 35,000 head of cattle were stolen. Though a few people made it across the Rwandan border, the Rwandan border guards then closed the border. The situation was desperate as more than 10,000 remained in a no man's land between the Ugandan and Rwandan borders.

In December 1983, chiefs "evicted over 19,000 Banyarwanda from Rakai and Masaka districts. With the Rwanda border closed, half fled to Tanzania, and the other half divided, once again the older ones heading for the security of camps, with the younger lured by the promise of guerrilla ranks".<sup>273</sup> Therefore, the continued persecution of Rwandan refugees left them with two options: the elderly headed for refugee camps while the youth joined the NRA. They became Museveni's natural allies and saw the NRA as helping their interests. As long as the Obote regime continued to oppress them, they were presented with reason enough to help Museveni's NRA.<sup>274</sup> This pattern of events continued until the 1990 NRA/RPA military intervention into Rwanda.

When the Obote regime was overthrown, the new Lutwa regime received around 30,000 refugees who were expelled from Rwanda in 1982, but the Lutwa regime returned them to NRA-controlled areas. It was not clear whether this was by mistake or whether it was deliberate. "One more time, the guerrilla's harvested youthful recruits from the victimised refugees' population. Two months later, when victorious NRA entered the city of Kampala to take power in January 1986, roughly a quarter of their ranks of 16,000 were composed of Banyarwanda".<sup>275</sup>

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<<http://www.greenleft.org.au/back/1994/150/150p17.htm>>. [25May2004]. See also Raymond W. Copson, Africa's Wars and Prospects for Peace, (London; ME Sharpe, 1994). They were seen as Banyarwanda refugees different from both "Uganda Banyarwanda (the nationals) and migrants by this single fact: many of their children were educated and successful. But even in the moment of their success, they could not escape the social stigma of being refugees"

<sup>272</sup> Linda Melven, op cit.

<sup>273</sup> Mahmood Mandani, op cit., 169.

<sup>274</sup> Linda Melven, op cit., 167.

<sup>275</sup> Mahmood Mandani, op cit., 170.

### **3.2 The Securitisation of the Rwandan Refugees**

Central to the Ugandan intervention in Rwanda, among other things, has been Museveni quest for power in the region and the long outstanding securitised issue of the Rwandan Tutsi refugees in Uganda. Chapter two mentioned Ole Waever's argument that once an issue has been identified as a threat it justifies the use of extraordinary methods to address it. For instance, "the large presence of Rwandans in the military (NRA) became a focus of resentment among Ugandans, who regarded them as unfairly privileged foreigners".<sup>276</sup> This was the case in point in all sectors of public administration and of the economy before and after Museveni took power in Uganda. It was this perception which elevated the issue of Rwandan refugees in Uganda, forcing any regime in power to address it as a matter of urgency. It can be argued that the securitisation of Rwandan refugees spurred the Ugandan intervention in Rwanda in order to address their plight.

While it may be argued that the securitisation of Rwandan refugee might have been a diversionary tactic by Museveni's regime to forestall a simmering discontent within both the Ugandan army and ordinary citizens, it also, gave the government a strategic way of assisting them (Rwandan refugees) to return to their homeland through force of arms.

In July 1986, after making several attempts to return home Rwandan refugees were informed by Kigali authorities that it was not possible.<sup>277</sup> The Rwandan authorities argued that the country was not big enough to accommodate them, and thus exacerbating their problem.<sup>278</sup> According to Prunier,<sup>279</sup> Museveni was angered by the Rwandan regime's refusal to allow the refugees to go home and regarded it's reasoning as racist.<sup>280</sup> The refugee issue was

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<sup>276</sup> Barry Crawford, Rwanda: Myth and Reality. In http Myth and Reality.

<<http://www2.cddc.vt.edu/spoon-archives/marxism-general.archive/rwanda>> [28May2005],4.

<sup>277</sup> Martin Shaw, From the Rwandan genocide of 1994 to the Congo civil war.

<<http://www.sussex.ac.uk/Users/hafa3/rwanda.htm>> [19March2004].

<sup>278</sup> Linda Melven, op cit. She argued that the Rwandan authorities announced that for those refugees who wanted to return, they will not be allowed back because the country was small.

<sup>279</sup> Gérard Prunier, The Rwanda Crisis: History of a Genocide, (New York: Columbia University Press; 1995).

<sup>280</sup> S'fiso Ngesi, Charles Villa-Vicencio, Rwanda: Balancing the Weight of History: In Erick Doxtader and Charles Villa-Vicencio, ed. Through Fire with Water: The Roots of Division and The Potential for Reconciliation in Africa. (South Africa: Institute for Justice and Reconciliation, 2003).

therefore securitised by the Ugandan government under President Museveni and became a national issue that had to be addressed by the state. In short, it was elevated to become a national interest, thus qualifying the state to use extraordinary means to achieve its ends.

In a similar spirit, the August 1988 Washington DC meeting of the Tutsi diaspora passed a strongly worded resolution stating that they would return to their country using whatever means necessary (not excluding military means) to exercise this right. It was followed by a flurry of activity. Resolutions made by this conference were transmitted to the Ugandan government,<sup>281</sup> now under Museveni. Like his predecessors, Museveni had already identified the Rwandan refugee issue as a national interest. This meant that it was in the national interest of Uganda to assist the Rwandans to return to their country through whatever means were available to it.

### **3.3 The Birth of National Resistance Army (NRA) and the Rwandan Patriotic Front (RPF)**

The uncertainties surrounding the status of Rwandans refugees made them desperate. It was this precarious state of affairs that forced them to establish their first political organisation. The RPF was formed by Tutsi exiles in Uganda in 1979.<sup>282</sup> Among the founding fathers were Fred Rwigyema and Paul Kagame. This was a successor organisation to the former guerrilla movement, Inyenzi. It was a political movement that grew up within the Banyarwanda refugees in southern Uganda. The party operated openly and legally in Uganda. The establishment of the RPF also saw the coming into being in 1988 of the Rwandan Patriotic Army (RPA), an armed wing of the RPF.<sup>283</sup>



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<sup>281</sup> Gérald Prunier., The Rwanda Crisis: History of a Genocide, (London; Hurst & Company, 1997).

<sup>282</sup> Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999, (United Kingdom: The Edwin Mellen Press, Ltd., 1999). See also, Bruce D. Jones, Military Intervention in Rwanda's Two wars: Partisanship and indifference, 116-145. In Barbara F. Walter and Jack Snyder ed. Civil Wars, Insecurity, and Intervention. (New York: Columbia University Press, 1999).

<sup>283</sup> Georges Nzongola-Ntalaja, The Congo from Leopold to Kabila: A people's History. (London; Zed Books, 2002) see also Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999, (United Kingdom: the Edwin Mellen Press, Ltd., 1999). The RPA, which was also known as the *Front Patriotique Rwandais (FPR)* was formed by both the Hutus and Tutsi exiles.

The RPF relations with NRA could be traced back to the rigged Ugandan election of December 1980, which brought Milton Obote to power. It was this election that motivated the emergence of several guerrilla movements in different parts of the country, including the Buganda region. Among the three guerrilla movements that sprang up in this area the Popular Resistance Army (PRA) was led by Yoweri Museveni, a former Provisional Defence Minister. Under the leadership of Museveni the PRA comprised twenty-six members who mounted various operations in the region. They raided military training schools in search of weapons. "Among the twenty-six were two Rwandese exiled political leaders, Fred Rwigyema and Paul Kagame. Both had been members of the Front for National Salvation (FRONASA), the guerrilla group created by Museveni in 1973 during his exile in Tanzania".<sup>284</sup>

Both Kagame and Rwigyema became very close friends with Museveni during difficult times. Prunier argues that they advised Museveni and remained his closed confidantes, particularly after:

Museveni's party was politically crushed in the December 1980 elections. They shared with him the same left-leaning nationalist views, distrust of the West, hatred of dictatorship and belief in the redemptive' powers of popular warfare; then the stock-in-trade of young progressive politicians.<sup>285</sup>

This relationship made Museveni's opponents, especially President Obote, accuse him of being a security threat to Uganda and led to accusations of Rwandan meddling in Ugandan affairs. The fact of the matter was that Museveni was purely Ugandan, of the Banyankole Bahima tribe. However, Gerald Prunier argues that one of Museveni's grandmothers was a Tutsi Rwandan. Museveni is a Hima by origin - the Ankole equivalent of Tutsi.<sup>286</sup> This means that he (Museveni) has Rwandan family connections, hence the major underlying reason he assisted their course. It is clear that ethnicity played a major role in consolidating relations between Museveni and Kagame alliance. This gave credence to the claim that the two leaders were harbouring a plan to revive the Hima Empire of which both their ethnic groups belong.

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<sup>284</sup> Gérald Prunier, op cit., 68. See also Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999, (United Kingdom; the Edwin Mellen Press, Ltd., 1999).

<sup>285</sup> Ibid,68.

<sup>286</sup> Rwanda, Interlacustrine state. <<http://www.ictr.org/default.htm>> [14March2004].

### 3.4 The Role of Rwandan Refugees in Uganda

The Banyarwanda fighters played a crucial role in fighting Museveni's wars in Uganda. When Museveni's NRA forces entered Kampala on the 26<sup>th</sup> January 1986, for instance, a large number of the NRA fighters were Banyarwanda.<sup>287</sup>

The symbiotic relationship between Museveni NRA and RPF leadership can not be over emphasised. In fact, when the NRA had to change itself into an army, more Rwandans were recruited into the Ugandan army, which was used to fight anti-NRA guerrillas in northern Uganda from Sudan. Prunier goes further to argue that out of the 14,000 members of the Ugandan army:

Banyarwanda soldiers numbered possibly around 8,000...  
But the Officers Corps contained a disproportionately higher number of Banyarwanda veterans. They were the boys who had joined NRA in 1982-83, acquired a lot of fighting experience and then been Commissioned<sup>288</sup>.

The growth of Tutsi numbers in the NRA increased rapidly around the middle of 1986. The policy of recruiting more soldiers was important to Museveni because with a fortified state he would be able to use force or the threat of it in order to achieve his interests in the Great Lakes Region. Therefore, the military recruitment campaign in 1986 after Museveni came into power resulted in swelling numbers of Banyarwanda who were recruited from friendly areas in both western and southern areas of Uganda. By 1990 almost over 200,000 soldiers had been recruited for the NRA. With this massive force Museveni could not be dictated to by his neighbouring countries, as Frederick L. Schuman<sup>289</sup> argues, nor would he be at what realists call the mercy of militarily strong states. In other words, by wielding such a military capability he would be able to achieve his realist interests in the region.

The Rwandan refugees saw recruitment into NRA as an opportunity for training for the future campaign: the armed return to Rwanda. It was clear that this planned armed intervention was aimed at removing the Habyarimana regime in Rwanda by force and as such it was not influenced by a humanitarian imperative but, by what Morgenthau called the interest principle

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<sup>287</sup> Gérald Prunier, op cit.

<sup>288</sup> Ibid, 71. See also Rober Latham, Ronald Kassimir and Thomas M. Callaghy, ed. Intervention & Transnationalism in Africa: Global-Local Networks of Power. (Cambridge University, 2001).

<sup>289</sup> Frederic L. Schuman op cit.

which influences most men. For that reason, "Thousands signed up hoping that what had successfully occurred in Uganda could now be replicated in Rwanda. Joining the NRA was a first step along the road leading home".<sup>290</sup>

Clark<sup>291</sup> argues that, before Museveni came to power in Uganda, Rwandan refugees' goal of returning home was seen as viable only if Museveni could be assisted to come to power. Tutsis therefore found themselves compelled to join Museveni's guerrilla army, which was seen as the vehicle that would facilitate this process. Therefore, to this end, more refugees had to be trained and integrated into the NRA. In the following three years, these recruits acquired military experience in mounting successful campaigns to secure Uganda's eastern and southern borders, where the regime experienced a legitimization crisis. This was seen as an excellent training process from the refugees' point of view.

Museveni's intention was consistent with the Morgenthau analogy mentioned in chapter one, namely that a political leader must preserve power to keep power and increase it. The recruitment of thousands of Rwandans into his army was a demonstration of this power. This military build-up was key to enhancing his capacity to achieve his main interest, namely removing the Kigali regime from power.

With the Tutsis attainment of high positions in most sectors of the Ugandan government, especially the army, relations between the NRA and RPF became more solid. In the army both Rwiyema and Kagame rose rapidly through the ranks, becoming prominent in Museveni's entourage. Rwiyema was the most successful, becoming Museveni's deputy in the NRA and the

<sup>290</sup> Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999, (United Kingdom; the Edwin Mellen Press, Ltd., 1999), 28. See also Timothy Longman, State, Civil Society, and Genocide in Rwanda; 339-358: In Richarch Joseph, ed. State, Conflict, and Democracy in Africa. (London; Lynne Rienner Publishers inc, 1999), Ogeng Otunnu. An Historical Analysis of the Invasion by the Rwandan Patriotic Army (RPA), 31-49: In Howard Adelman and Astri Suhrke, ed. The Crisis from Uganda to Zaire; The Path of a Genocide. (London: Transaction Publishers, 1999), Museveni, Y. K. What is Africa's Problem? (Kampala: NRM Publications, 1992), Catherine, Watson. Exile From Rwanda: Background to an Invasion. (Washington: US Committee for Refugees, 1991), Human Rights Watch Arms Project. Rwanda/Zaire: Rearming with Impunity-International Support for the Perpetrators of the Rwandese Genocide. 7:4. (May 1995).

<sup>291</sup> John F. Clark, Explaining Ugandan Intervention in Congo: Evidence and Interpretations: In The Journal of Modern African Studies, 39, 2 (2001), pp.261-287.

Ugandan Army as the Deputy Commander-in-Chief and Deputy Minister of Defence. All RPA Senior Officers occupied the same positions within the NRA and they were still on the payroll of the Ugandan government.<sup>292</sup> They were also responsible for the security and intelligence matters of the country. In further describing the Rwandan progression and role within the NRA, Mahmood Mandani argues that,

...when the NRA entered Kampala in 1986, Rwigyema was its Deputy Commander. In 1987, he was appointed Deputy Minister of Defence in Kampala. Paul Kagame became the Acting Chief of Military Intelligence of the NRA. Peter Baingana was head of NRA Medical Services. Chris Bunyenyezi was Commander of the notorious 306<sup>th</sup> Brigade, accused of gross rights violations in Teso. The Senior Officers who under the command of Major-General Rwigyema formed the leadership of the RPF when it crossed into Rwanda, including six other senior NRA Officers; Lt. Col. Wasswa, and major's Kagame, Baingana, Kaka, Bunyenyezi, and Nduguta. These senior Officers were just the tip of the iceberg.<sup>293</sup>

Major Kagame was sent as a Ugandan military officer to Leavenworth in the US for further military training. Like all those who later invaded Rwanda in October 1990, they were Ugandan military officers.<sup>294</sup> Kagame only came back to take over the RPF command after Major-General Rwigyema was killed in battle. The attainment of these high military positions after Museveni's victory even made Banyarwanda claim that Uganda belonged to them. Indeed, they liberated the country and comprised the majority of the Ugandan Defence Force and also of its senior command structure. They were both its military strategists and planners.<sup>295</sup>

Most Ugandans became unhappy about this situation, especially Museveni's ardent supporters in the Buganda region. These claims created unnecessary

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<sup>292</sup> David Kibirige, Report on Ghost Soldiers is Ready; in The Sunday Monitor. <<http://monitor.co.ug/news/news4.php>> [05October2003].

<sup>293</sup> Georges Nzongola-Ntalaja, op cit., 222. See also Georges Nzongo-Ntalaja, Civil War, Peace Keeping, and the Great Lakes Region: In Ricardo René Laremont, ed. The Causes of War and the Consequences of Peace Keeping in Africa. (Portsmouth, NH Heinemann, 2002), Gérald Prunier, The Rwanda Crisis: History of a Genocide. (London; Hurst & Company, 1997), Robert Latham, Ronald Kassimir and Thomas M. Callaghy, ed. Intervention & Transnationalism in Africa: Global-Local Networks of Power. (Cambridge University, 2001), Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999, (United Kingdom; the Edwin Mellen Press, Ltd., 1999).

<sup>294</sup> RPF-Ugandan Conspiracy, international Monitor Institute. <<http://www.imisite.org/Rwanda.php#top>> [2004, April 2].

<sup>295</sup> Georges Nzongola-Ntalaja, op cit, 222.

tension and stress within the Ugandan army as well. Museveni came under severe political pressure. While some actions that he took were symbolic, such as removing Major-General Rwigyema from public posts while he was still enjoying his benefits, he was nonetheless confronted with a major political issue: what was he going to do with Rwandan refugees? The answer was not far off: their rightful return to their country, thus enabling him to influence political events not only in Rwanda but also in the Great Lakes Region.

Since the Rwandan refugees' status was now solidly a primary Ugandan national interest, which must be achieved at all costs, Museveni saw it as his responsibility to use power in order to assist the refugees towards their goal. He needed a trusted ally in Rwanda to be able to advance his hegemonic interests in the region. The RPF was well suited to execute this role. It was not inconceivable that Museveni was going to be instrumental in assisting the RPF to secure victory in Rwanda. For that reason, "With Museveni's assistance, the Rwandan Patriotic Front...the political organisation of Rwandan refugees in Uganda, launched military operations against the Habyarimana regime in October 1990".<sup>296</sup> It was in Uganda's national interest to ensure that it put the RPF into power in Kigali and that it removed the current Rwandan leadership by force of arms, because power is a function of military might. This was also congruent with Museveni's belief that dictators like Habyarimana must be removed from power by military<sup>297</sup> means. This was because the two leaders clashed over the issue of allowing the refugees back, which was in Museveni's interest but not in Habyarimana's. This perspective was consistent with Lord Salisbury's analogy that "the only bond of union among nations is the absence of all clashing interests".<sup>298</sup> In this case the clash was around the Rwandan refugees.

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<sup>296</sup> Georges Nzongola-Ntalaja, op cit., 94. He argued that the symbiotic relationships between Museveni and RPF leadership could not be overemphasized. This relationship which started during the struggle days in Ugandan made it impossible for Museveni not be involved in Rwandan intrastate conflict. Apart from that, RPA leadership was also UPDF leadership. Nevertheless, their intervention was resisted by Belgium, French and Mobutu soldiers on the side of Habyarimana. The French were also assisted by the FAR and the Interahawwe commonly known as the genocidaire.

<sup>297</sup> John F. Clark, op cit.

<sup>298</sup> Hans J. Morgenthau op cit.

### **3.5 The Ugandan Military Intervention in Rwanda**

The securitisation of the Rwandan refugees' status in Uganda motivated it to intervene militarily in Rwandan affairs. This intervention was had its historical roots in the 1959 Hutu revolution in Rwanda.<sup>299</sup> As discussed, the Rwandan Tutsis who fled from genocide in 1959 went to Uganda where they invested their energies in domestic conflicts in order to be in a position to mount their campaign with the help of those they assisted to obtain power in Uganda. These Rwandans became instrumental in securing Museveni's victory in Uganda and he was determined to assist them to remove the regime in Rwanda.

While it may also be argued that Museveni might not have had long-term intentions of intervening in Rwanda, the presence of large numbers of Rwandans in the NRA made this a viable possibility. This large military was "attracting local and Western criticism. Particularly after the threat to state security posed by northern dissident movements had largely been contained".<sup>300</sup> What worried people was the presence of a large army with no visible enemy in sight. Conversely, Museveni and his close lieutenants knew the major purpose of this massive army, which was to remove Habyarimana from power in Rwanda. Therefore, "the possibility of this extension of the war further strengthened when many of the officer cadres who were fighting for him also had the ambition to return home and overthrow the Hutu-dominated regime of Habyarimana".<sup>301</sup> Most of these young officers were able to use their positions with the NRA to bring the Ugandan state on board and also managed to access weapons, food, and other logistical support for the intervention.<sup>302</sup>

Some RPA factional leaders carried out the first RPA intervention in Rwanda in late 1989. This was a group which consistently differed with the Rugyema

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<sup>299</sup> Central Africa: Nzongola-Ntalaja Speech, 2 Date distributed.

<<http://www.africaaction.org/about/index.php>> [04August2004].

<sup>300</sup> Barry Crawford op cit,4. This threat was initially posted by the Lords Resistance Army. It was crushed by the UPDF.

<sup>301</sup> Dani Wadada Nabudere., "The political Economy of Conflict and War in the great Lakes Region", The Institute for Justice and Reconciliation, Monograph Series, Cape Town.

<<http://www.ijr.org.za/Monograph/mono1.Pdf>> [ 28March2004].

<sup>302</sup> John F. Clark, op cit.

camp in the RPA. The Rwandan forces inflicted a massive defeat on this group, which then returned back to its bases in Uganda. Its defeat saw unity emerging within the RPA camp once again. They then prepared for the second invasion as a single group under Rwigyema's leadership. The second intervention was a long one and was well executed. Even though it took the life of its commander, Rwigyema, among others, it provided the ultimate victory for the NRA/RPA in May 1994.

Active members of Museveni's NRA in Uganda led this intervention. Museveni needed to use force because power and force itself are they key means of achieving national interests.<sup>303</sup> Major General Fred Rwigyema led the intervention with 10,000 well-armed NRA/RPA fighters. This Ugandan intervention (NRA/RPA) took place on the 1<sup>st</sup> October 1990.<sup>304</sup> Prunier states that, the Ugandan intervention in Rwanda commenced:

...at 2:30 on the afternoon on Monday, 1<sup>st</sup> October, a group of about fifty armed men came out of the bush near the Rwandese border post of Kagitumba and opened fire on the guards, killing one and setting the other to flight. Within minutes, hundreds more men clad in Ugandan army fatigues had joined the attackers and were crossing into Rwanda.<sup>305</sup>

This attack was led by a contingent of about 2,500 soldiers from the Ugandan army. They were later reinforced by the remainder 7,500 NRA/RPA troops. The intervening force was heavily armed with modern military warfare equipment. Their arsenal included heavy machine-guns, mortars, BM-21s, multiple-rocket launchers, recoilless rifles and Russian Zug light automatic canons. Some of the equipment was procured by President Museveni's own bodyguards, such as staff radio communication vehicles.<sup>306</sup> The weaponry reflected the degree of Ugandan national interest in the conflict.

It is important to note once again that the RPF formed a large part of Ugandan army at the time of the intervention. In fact, 7,000 members of the intervening

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<sup>303</sup> Margaret P. Karns and Karen A. Mingst, International Organisations: The Politics and Processes of Global Governance. (London: Lynne Rienner Publishers, Inc; 2004)

<sup>304</sup> Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999, (United Kingdom; The Edwin Mellen Press, Ltd., 1999). See also Ogeng Otunnu, op cit.

<sup>305</sup> Gérard Prunier, op cit., 193.

<sup>306</sup> Raymond W. Copson, Africa's Wars and Prospects for Peace. (London; ME Sharpe, 1994). See also Gérard Prunier, op cit. Wayne Madsen, Genocide and Covert Operations in Africa 1993-1999. (United Kingdom: the Edwin Mellen Press, Ltd., 1999).

force came directly from the Ugandan army, bringing their arms and heavy equipment with them.<sup>307</sup> The intervention was executed with military precision, even though it took a long time to thoroughly plan it. Otunnu argues that:

Museveni and the leaders of the RPA/RPF in the NRA/NRM and government had been planning the invasion since 1986. One of invasion's objectives was to end the suffering of the Tutsi, Museveni's ethnic group. Thus, it was the urgent need to liberate Museveni's people that determined the amount of military, financial, and political support that the regime devoted to the mission.<sup>308</sup>

The Tutsis suffering was seen as the most important national interest which triggered the Ugandan intervention in Rwanda. While this may be the case, it would appear that no regional, continental or international body was approached to come to the aid of the refugees. The humanitarian claim was shrouded in controversy because the refugees were not in Rwanda but in Uganda, the intervening state. Nevertheless, it can be argued that their presence and suffering in Uganda threatened the stability of the Ugandan state, making the survival of the Ugandan state dependent on their repatriation to their homeland. While Museveni repeatedly denied providing direct support for the RPA, Western diplomats in the region suggested that, not only did he do so, but the NRA was also very active in this incursion. For instance, when the intervention produced mixed results in early 1994, "the Ugandan government, led by Museveni's half-brother Salim Saleh, assisted the effort as the battle neared Kigali".<sup>309</sup>

Museveni knew that his military was fortified and more experienced in combat than the Forces Armées Rwandaise (FAR). He believed that the regime in Kigali was weak, as opposed to his well-trained army. They had fought in places like Luwero, West Nile, Acholi and Kasese. While the majority of Rwandese in his army got their training in these wars, some were sent for further training to the US, North Korea, Britain and Canada.<sup>310</sup>

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<sup>307</sup> Alison Des Forges., "Leave None to Tell the Story", Genocide in Rwanda, (United States of America, Human Rights Watch; 1999). For more evidence regarding the role of UPDF in this intervention, see also, Khan M. Shaharyar. The Shallow Graves of Rwanda. (London: I.B. Publishers, 2000).

<sup>308</sup> Ogeng Otiende, op cit., 41.

<sup>309</sup> Dani Wadada Nabudere, op cit.

<sup>310</sup> Ogeng Otiende, op cit.

Museveni's quest for more power in the region dated far back to his guerrilla days.<sup>311</sup> Among other reasons for the Ugandan intervention in Rwanda was Museveni ambitious attempt to establish a Tutsi dynasty in the region. He saw the dominance of Tutsis in Rwanda, Burundi, Eastern Zaire and Uganda as providing inherent benefits. Firstly, the hegemony of his people in this region was in keeping with the promise he made to RANU (now RPA/RPF), that he was going to assist them to return home by military means.

Secondly, it would be a reward for the peoples of Burundi and Eastern Zaire who had assisted him, militarily, politically and economically, during his war with both the Obote and Okello regimes and made it possible for him to assume power in Uganda. Finally, he saw himself as having a messianic role to play in the Great Lakes Region. This was one of the reasons underlying his attack, aimed at removing the Kigali leadership from power and replacing it with a more favourable regime. Museveni identified the Tutsi refugee leadership as suited for this role. This friendly leadership was crucial towards the attainment of his desire to establish the BaHima-Tutsi Empire<sup>312</sup> in the Great Lakes Region and also assist his cousins, the Tutsis, to return home. It can be argued that Museveni's quest for power and influence in the region would be aided if this group was assisted to control the levers of power in Kigali.

From the first intervention day in October 1<sup>st</sup> 1990 till the victory day in May 1994, the intervening force was dressed in Ugandan army uniforms and using Ugandan defence force military transport. When they crossed the Ugandan border they removed "their insignia off their shoulders as they crossed".<sup>313</sup> Some political observers argue that the Rwandan RPA was in fact functioning like an army within the NRA. When it came to combat operations, they were the most experienced and capable. Therefore, the invading force was already

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<sup>311</sup> John F. Clark, op, cit, argued that Museveni always wanted to present a Messianic image in the region that was able to influence the leaders of this region. He saw the current leadership as corrupt and dictatorial which he must replaced with the one that he will be able to influence easily. For instance, Museveni has always hated Mobutu's rule in Zaire for many years.

<sup>312</sup> John F. Clark, Explaining Ugandan Intervention in Congo: Evidence and Interpretations: In The Journal of Modern African Studies, 39, 2 (2001): 261-287.

<sup>313</sup> Barry Crawford., Rwanda: Myth and Reality. <<http://www2.cddc.vt.edu/spoon-archives/marxism-general.archive/rwanda>> [28May2005], 5-6.

organised and answerable to the Commander-in-Chief of the NRA, President Museveni.

While Kampala continued to deny supplying weapons to RPA and its involvement in the war, “General Kagame, the Commander of the Rwandan Patriotic Army and the effective leader of the Rwandan Patriotic Front (RPF/A), later admitted taking Ugandan army weapons, including tanks, for their own war, promising to return them”.<sup>314</sup> Nevertheless, since they hoped that the war would be short and swift, they carried limited supplies of ammunition and fuel. In contrast, the enemy forces, Armées Rwandaises (FAR) were a well-equipped regular army of around 5,200 men who were equipped by France with Panhard armoured cars, heavy artillery and Gazelle helicopters.

Despite NRA/RPA weapons limitations, they benefited from a surprise effect and thus managed to advance to nearly over 60 kilometres, down to Gabiro. The RPA knew also that they “had almost unlimited access to NRA hardware”.<sup>315</sup> Kigali questioned Museveni’s profession of friendship with Rwanda while simultaneously equipping the RPA.

The Ugandan intervention was also a means for Museveni to reward Rwandan refugees because of their significant contribution to the Ugandan civil war. In explaining Museveni’s involvement in the Rwandan intervention, the American Human Rights Watch Arms Project claimed that they were informed by “a Senior Ugandan Officer that Uganda provided heavy weapons, including artillery, and a steady streams of ammunition, food and logistics for the RPF, and that the two armies shared intelligence”.<sup>316</sup>

The evidence of Uganda intervention in order to secure its power interests in Rwanda was too overwhelming to be disputed by President Museveni. According to the Ugandan newspaper, *The Monitor*, the Ugandan authorities claimed that in October 1990, “about 4,000 NRA (now UPDF) soldiers deserted the army and formed the Rwanda Patriotic Army. Their names were

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<sup>314</sup> Dani Wadada Nabudere., op cit.

<sup>315</sup> Linda Melvern., op cit., 28

<sup>316</sup> Ibid), 28-29.

reportedly maintained on the payrolls, military officials say".<sup>317</sup> The issue of desertion remains questionable because these soldiers were still being paid from the state treasury. In the same paper, Ugandan officials conceded through the senior army spokesman that, "Yes, it is true, names of soldiers who left and joined the RPA were maintained", army spokesman Major Shaban Bantariza said".<sup>318</sup> It can safely be argued that this was done in the national interest that is to camouflage the intervention as coming from the RPF not the UPDF. This is because the security of the state, as the Machiavellian analogy puts it, is so crucial that certain acts by the head of state may be justified because the security of the state cannot be compromised.

Barry Crawford argued that senior officers of the RPF kept moving in and out of Uganda without fear of arrest. In further demonstrating Ugandan involvement, "a senior NRA operations officer told the Human Rights Watch Arms Project that Uganda has supported the RPF throughout the conflict. The officer said that after the failure of the RPF's October 1990 invasion, the NRA provided even heavier weaponry including artillery".<sup>319</sup> The Ugandan government contrived from the beginning of the invasion to hide its involvement in the Rwandan intrastate conflict. For instance, in its quest to hide its identity (NRA) within the RPA, the invading army engaged in a covert operation of switching of military labels from NRA to RPA in 1990.<sup>320</sup> Otunnu states that despite the above attempts to operationalise this covert strategy, it became difficult because:

...throughout the civil war, the RPA was supplied from Ugandan People's Defence Forces (UPDF) military bases inside Uganda. The Tutsi commissioned officers in the Ugandan army took over positions in the RPA. The October 1990 invasion by Ugandan forces was presented to public opinion as a war of liberation by a Tutsi led guerrilla army.<sup>321</sup>

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<sup>317</sup> David Kibirige, Report on Ghost Soldiers is Ready; in The Sunday Monitor, <<http://monitor.co.ug/news/news4.php>> [15October2003].

<sup>318</sup> Ibid.

<sup>319</sup> Ogengo Otunnu., op cit, 43

<sup>320</sup> Ibid. See Barry Crawford., op cit, and also Raymond W. Copson, Africa's Wars and Prospects for Peace. (London; M E Sharpe;1994), who argued that Ugandan army was using numerous strategies to disguise their identy when intervening in Rwanda.

<sup>321</sup> Ibid, 43.

Conversely, the Kigali regime also concurred that it was the NRA, which invaded Rwanda and they supported their claim by presenting the NRA prisoners of war (POWs), weapons, munitions, vehicles and other documentary evidence. The evidence included automatic rifles, mortars, artillery and the Soviet-designed Katyusha multiple rocket system. Furthermore, Colonel Deogratias Nsabimana, while being interviewed by the Human Rights Watch Arms Project (HRWAP), argued that “the involvement of Uganda in this conflict is evident. The attack came from there, and also we know that it was conducted and led by NRA Military Officers”.<sup>322</sup> Furthermore, the participation of President Museveni’s bodyguards and other non-Rwandans attested to the fact that Uganda was indeed directly involved in the conflict.

While the Ugandan government had consistently appeared evasive on the intervention issue, the HRWAP concluded that it was very much responsible for invading Rwanda. The HRWAP also “believes that there is credible evidence that the Ugandan government allowed the RPF to move arms, logistical supplies and troops across Ugandan soil, and provided direct military support to RPF in the form of arms, ammunition, and military equipment”.<sup>323</sup> This conclusion stemmed from the fact that more than 10,000 members of RPA/NRA were transported together with heavy machinery to strategic points near the borders of both countries. The soccer stadium in Kabale, south of the Ugandan border, experienced a flurry of military activities. The stadium also served as an ammunition storage area and command post for the invading forces.<sup>324</sup> Rwigyema portrayed the movement of large numbers of troops in this area to the Ugandan people as preparations for Ugandan Independence Day parades. The soldiers were seen openly bidding farewell to their family members before leaving their barracks to travel two days to the stadium, which is also about 200 miles from Kampala.

On facing diplomatic pressure to admit his role in invading Rwanda, Museveni was at first evasive but ultimately admitted to intervening in a sovereign state.

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<sup>322</sup> Ibid, 42.

<sup>323</sup> Ibid, 44.

<sup>324</sup> Wayne Madsen., op cit.

For instance, in his address to the regional heads of state in Harare shortly after the Rwandan intervention, he said:

While the Banyarwanda in the NRA had informed him in advance of their intention to organise to regain their rights in Rwanda, they had launched the invasion without prior consultation. Significantly, he continued, even though faced with (a) fait accompli situation by our Rwandan brothers, Uganda decided to help the Rwandese Patriotic Front (RPF), materially, so that they are not defeated because that would have been detrimental to the Tutsi people of Rwanda and would not have been good for Ugandan's stability. It was as candid an admission of complicity as any head of state could have made.<sup>325</sup>

President Museveni and his advisers were acutely aware of the intervention, firstly, "because a conspiracy of this magnitude cannot be completely hidden; secondly because the men who led it were among the President's closest friends; and thirdly because the political activities of Rwandese exiles in Uganda (and elsewhere in the world) were public knowledge".<sup>326</sup> Uganda's partisan intervention was countered by French, Belgian and Zairian intervention on the side of Habyarimana regime. It was the French intervention which assisted in the FAR's decisive response. It can be argued that without the help of France, Belgium and Zaire, the FAR would have been defeated by the RPA much earlier during the conflict. Similarly, without Ugandan help the RPA would not have been in a position to mount its intervention in October 1990.

What is clear is that Museveni came to power with no clear foreign policy. The only thing that he learnt was that in order to remove your enemy from power you must have military power because with power you can achieve your interests. He achieved this objective by defeating both Obote and Okello's regimes, spending five years in the bush to do so. Therefore, his foreign policy was crafted on the belief that the threat or use of force was the only means of conflict resolution. This was not surprising because "his method of coming to power was power of the gun".<sup>327</sup> Museveni's realist view comes

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<sup>325</sup> Mahmood Mandani., op cit., 183.

<sup>326</sup> Gérard Prunier., op cit., 97.

<sup>327</sup> Sabiti Makara., Notes on Uganda's Relations with its Neighbouring States: With Specific Reference to The Conflict in the Democratic Republic of Congo. In Southern African Economist, Vol.11, No.12, (Oct/Nov, 1998), 15.

through clearly in his recent book, “What is the African Problem?”, which argues strongly for the use of military violence to solve African problems. It was for this reason that Museveni states that the Tutsi problem in Rwanda could only be solved by force, not through a commitment to the idealists’ belief of talking to the enemy while sacrificing your national interests. The successful removal of Kigali regime in 1994 was an illustration of this (Museveni’s) foreign policy. The Ugandan intervention in the Rwandan intrastate conflict attracted several countries to the aid of Kigali’s regime. The whole conflict became not only domestic but internationalised.

### **3.6 The Internationalisation of Ugandan Intervention in Rwanda**

The Ugandan intervention in Rwanda soon became an international conflict as more countries became involved. It was not only Uganda that had an interest in the removal of the Kigali regime: other countries did too, while still others were equally behind Rwanda. This intervention became a major struggle for power between Uganda and its international supporters and Rwanda with its allies. The intervention brought the Anglo-French and US relations onto a collision course. The intervention was eventually forestalled by the involvement of other countries, which saw Ugandan intervention as an aggression against the sovereign state of Rwanda. In fact, the Ugandan intervention could not achieve its objective because “France, Belgium and Mobutu’s Zaire came, with variable degree of assistance to dictator’s (Habyarimana) rescue and prevented a victory by the RPF”.<sup>328</sup> The French saw the invasion by the Tutsi-dominated Ugandan army as aggression against the sovereign state of Rwanda. Belgium provided 400 paratroopers in assistance, while France sent 300. In addition, and “within a few days, more than 600 French troops were in the country to protect and evacuate French citizens. There were also two companies of parachutists and paramilitaries from the French Secret Service”.<sup>329</sup>

The French also invoked a 1975 military training and technical cooperation agreement. Although some people argued that this was not a defence pact,

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<sup>328</sup> Georges Nzongola-Ntalaja., op cit., 222.

<sup>329</sup> Linda Melvern, op cit, 30.

the fact of the matter was that the French response invoked this agreement as if it was indeed a defence pact. Therefore, “on Thursday 4 October, a company (150 men) of *2ème Régiment Entranger Parachutiste* stationed in the Central African Republic flew down to Kigali, immediately taking up position around the airport”.<sup>330</sup> This swift action by France was precipitated by what they perceived “as an invasion by a neighbouring state, considered to be part of a Ugandan plot, which, in turn, was party of a larger post-Cold War attack by ‘les anglo,’ whose eyes were on French interests in Africa”.<sup>331</sup>

In addition, the US’s active support for the RPA/NRA put them at odds with France, which supported the regime in Kigali. US military advisers were advising the NRA/RPA about their troop deployments and other invasion strategies. Chossudovsky argues that, according the French officials, from 1989 the US had been supporting the RPF/UPDF attacks on Rwandan territory:

There were at least 56 'situation reports' in [US] State Department files in 1991...As American and British relations with Uganda and the RPF strengthened, so hostilities between Uganda and Rwanda escalated...By August 1990 the RPF had begun preparing an invasion with the full knowledge and approval of British intelligence.<sup>332</sup>

The US also supported the donation by Uganda of \$183m to the RPF in order to intensify hostilities between RPA and FAR. This US behaviour has led Duffield to state that, “strategic actors, including politicians of powerful states, officials of donor organisations and even international interests that support market liberalisation, can facilitate violence either by tolerating the war by their actions or even making warfare easier”<sup>333</sup>. The complicity of both the US and Britain in this war became more evident than ever before. These countries

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<sup>330</sup> Gérald Prunier., op cit., 101.

<sup>331</sup> Adam Jones., “Review” of Linda Melvern, *A People Betrayed: The Role of the West in Rwanda’s Genocide* (London Zed Books, 2000).

<<http://www.amazon.com/exec/obidos/ASIN/185649831x/adamjonesfree-20/104-5866423-8880716>> [28February2003]. See also Chris Fagen, Ignoring the World’s Bloodiest War.

<<http://www.doublestandards.org/index.html>> [17May2004].

<sup>332</sup> Michel Chossudovsky., op cit. See also Fiona Foster, *Massacring the truth in Rwanda*.

<<http://www.udayton.edu/~rwanda/articles/fiona.html>> [17July2004].

<sup>333</sup> Mark Duffield, op cit, 293.

provided accommodation for Uganda and RPA in fighting the Rwandan government.

The US support for the invasion was twofold: some covert support was covert, and some overt support as mentioned above, pursued through the Ugandan government as the US proxy. The US provided training for both the UPDF and the RPA. Commanders like Paul Kagame benefited immensely from this US training. The UK and US supplies for these forces came through Uganda army. According to the personnel of the International Red Cross, “Ugandan NRA trucks disguised with Red Cross insignia entered Rwanda with arms<sup>334</sup> procured by both the US and the UK. Furthermore, both the Ugandan UPDF’s and the RPA forces’ military build-up were fully supported by those two countries. From August 1990, the NRA/RPA had been preparing to invade Rwanda with the full approval of British Intelligence. Among other assistance, the UK provided military training at the Jinja military base.

The US initiatives involved CIA covert support operations to both the NRA and RPA. However, on October 27 the French began to repulse the RPA/NRA forces and a cease-fire was therefore negotiated. It was the French who were able to sustain the life of FAR during the early period of Ugandan intervention. It is arguable that without their support it would have been inconceivable for FAR to respond the way it did. The French openly accused the US of complicity in Uganda’s intervention in Rwanda. They saw the combined Anglo-American plot as contrived to impose a Tutsi regime in Kigali, despite international rules on military intervention. They argued that the Anglo-American conspiracy was geared towards entrenching Yoweri Museveni in East Africa and thus affecting French interests.<sup>335</sup> Jones states that this intervention demonstrated that both:

Partisan intervention – [by] Uganda and [the] French - were thus important facilitators of the Rwandan military war. Uganda was, following Brown’s formulation, ‘an active

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<sup>334</sup> M-TH: Part 2 of 4 - on Rwanda/Zaire, etc.<<http://lists.econ.utah.edu/pipermail/marxism-thaxis/1996-December/002446.html>> [02August2004]. See also Barry Crawford, Rwanda: Myth and Reality. <<http://www2.cddc.vt.edu/spoon-archives/marxism-general.archive/rwanda>> [28May2005], 5-6.

<sup>335</sup> Lynne Duke, Whispers of Genocide, and Again Africa Suffers Alone. <<http://www.genocidewatch.org/CommentaryJune29Africa.htm>>. [27March2004].

contributor to military escalation'. Making possible the RPF's military bid for power (or power sharing). France cannot be seen to have contributed to an escalation of military activity, per se, as their intervention was in defence of a regime with whom they had a defence agreement and that came under attack by a rebel army.<sup>336</sup>

The French, Belgians and Zairians intervened only to hold back the Ugandan aggression. This well planned and well organized military intervention was followed by a four-year war, which ended with the military victory of the RPF in July 1994. Questions raised by the war include the violation of Rwandan sovereignty and the planning and waging of the war by President Museveni of Uganda and by the leaders of the RPF, and the conduct of the war by the Rwandese Patriotic Army (RPA). Philpot argues that, as far as international community was concerned:

One of the gravest violations of the obligation not to conduct aggressive war occurs when a foreign country favours a people in a neighbouring country and invades to rescue them. This concept is germane to the present conflict given Uganda's active promotion of Tutsi supremacy in Rwanda. In Briand Kellogg, this type of intervention was conceived as a major cause of genocide. The use of force was therefore outlawed as a means of settling disputes except in exceptional cases of self defence.<sup>337</sup>

According to Linda Slattery<sup>338</sup> and Barrie Collins,<sup>339</sup> what was crucial for President Museveni, was not so much the resumption of negotiations between the Kigali regime and the RPF, but the outright victory of RPF in order to (for Museveni) achieve his realist interests by all costs.

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<sup>336</sup> Bruce D. Jones, Military Intervention in Rwanda's Two wars: Partisanship and indifference, 116-145: In Barbara F. Walter and Jack Snyder, ed. Civil Wars, Insecurity, and Intervention. (New York: Columbia University Press, 1999), 130.

<sup>337</sup> John Philpot I, The International Criminal Tribunal for Rwanda-Justice Betrayed.  
<<http://www.udayton.edu/~rwanda/articles/philpot.html>>[18September2004].

<sup>338</sup> Linda Slattery, Rwanda-10 years since the genocide.  
<<http://www.wsws.org/articles/2004/may2004/rwan-m03.shtml>> [16May2005]. She argues that the US was very much happy to stand aside while tens of thousands were being slaughtered, it wanted to ensure that the RPF clears out the Hutu government, and with it the French government.

<sup>339</sup> Barrie Collins., Rewriting Rwanda: Today's accepted wisdom about Rwanda bears little relations to the real events of 10 years ago. <<http://www.spiked-online.com/Articles/000000CA4BD.htm>> [16May2005], while America and Britain encourage peaceful means of conflict management, they backed the RPF, Belgium and France supported Habyarimana government. With continuation of hostilities, the Belgian withdrew their support from Kigali and supported the RPF. France was left with Habyarimana, the stage was now set for a major RPF victory.

### **3.7 The Role of Arusha Peace Talks in the Rwandan Conflict**

The Arusha peace agreement was reached almost three years after the war started in October 1990. This was after concerted efforts to create a ceasefire by the OAU, which led to both “the RPF and the Rwandan government signing a cease-fire at Arusha, Tanzania in July 1992 and in August 1992 they signed the first of a series of agreements that would be known as the Arusha Accords”.<sup>340</sup> From the beginning, the parties were negotiating in bad faith: each wanted peace on its own terms.

The continuous violation of the peace process, by the parties to this conflict, motivated further efforts towards negotiations for second ceasefire. These initiatives brought non-regional actors (in particular the US and UK) whom for the first time were urging the parties to resume peace talks. This was to the surprise of many people, because it was the Anglo-American alliance which supported this intervention financially and materially in the first place.<sup>341</sup>

The negotiations, however, lasted 13 months and had mixed results. In some cases there was compromise, in others deadlock and violation and then agreement once again. The process reflected a lack of political will to carry out the agreement. Otunnu notes that, while the Arusha negotiations were in process, some member of the RPA:

especially those who subscribed to Museveni’s justification of total war against repressive regimes, felt the negotiations were taking too long and that Habyarimana’s concessions were inadequate. They felt that RPA would not meet its political and military objectives of removing Habyarimana from power. Thus, Kagame noted that the negotiations ‘needed a long time which we could not survive’.<sup>342</sup>

The negotiation process was proving futile for the RPA. They argued that it delayed their plans for removing the Kigali regime and that a military solution

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<sup>340</sup> Alison Des Forges, “Leave None to Tell the Story”, Genocide in Rwanda, (United States of America, Human Rights Watch; 1999).

<sup>341</sup> Barrie Collins, Rewriting Rwanda: Today’s accepted wisdom about Rwanda bears little relations to the real events of 10 years ago. <<http://www.spiked-online.com/Articles/0000000CA4BD.htm>> [16May2005].

<sup>342</sup> Ogengo Otunnu., op cit., 36. These pressures mounted by these countries came as a result of RPF boycotting Gbadolite September 1991 and October 23-25 Paris peace negotiations under strong influence from President Museveni. It was not until the US threatened to cut US military support for Uganda that finally Museveni was able to rein in his ally the RPF to attend the 1992 June 6-8 talks, which saw both the RPF and Government of Rwanda finally agreeing to comprehensive peace talks under Tanzanian mediation.

must be adopted as President Museveni suggested. According to Otunnu, the RPA also noted that since their action violated the OAU Charter and compromised Museveni, who was a current OAU Chairman, it would be more prudent for the whole military operation to be disguised as an RPA mission without NRA involvement and be conducted while Museveni was out of the country. They argued that this would absolve him from any direct responsibility for the RPA activities. Otunnu states further that:

On February 8, 1993, the RPF violated the July 1992 cease-fire and launched a massive attack along the northern front and rapidly drove back government troops...The RPF, critical of international inaction, claimed that they had to attack to halt the late January massacres of Tutsi and others. In fact, the slaughter of Tutsi had stopped more than a week before the RPF move, suggesting that the real motive for the attack had been to force progress on the negotiations...The RPF initiative was a great success in military terms, but far less so in political terms.<sup>343</sup>

Several parties<sup>344</sup> which agreed to work with the RPF, including the government of Rwanda, felt betrayed by the sudden RPA violation of the ceasefire and resumption of combat. They began to question the RPF's credibility as a committed partner really wanting a negotiated peace and a win-win solution. They saw it as rather aiming to resolve conflict by military means and thus determined to achieve a zero-sum victory, replacing the existing autocratic regime with another through the imposition of its own conditions.

The Rwandan and international human rights organisations published a scathing report of this violation. They charged that the RPF had "assassinated at least eight Rwandan government officials and their families, had executed some fifty persons thought to be the supporters of the MRND, and had killed at least two hundred other civilians in the course of its advance".<sup>345</sup> Most

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<sup>343</sup> Alison Des Forges., op cit., 109.

<sup>344</sup> These parties included the National Revolutionary Movement for Development (Mouvement Re'veolutionnaire National pour le De'velopment, MRND, Habyarimana party which was initially an official party of the state before the introduction of multiparty politics), Democratic Republican Movement (Mouvement De'mocratique Republicain MDR), Social Democratic Party ( Parti Social De'mocrate,PSD), and Liberal Party (Parti Libe'ral,PL).

<sup>345</sup> Alison Des Forges., op cit.,110.See also Barrie Collins, op cit. He argues that former RPF officer, jean-Pierre Mugabe alleged that after signing the Arusha Accords, RPF General Paul Kagame started visiting unit commands and the areas controlled by the RPF. He told army soldiers not to believe at all

foreigners and Rwandans became disillusioned about the RPF's methods. However, this strategy did not succeed in absolving Uganda from its involvement in the Rwandan conflict.

The final peace agreement, which provided for a power sharing transitional agreement, was approved on August 1993. All parties allowed for the deployment of neutral UN forces, known as the UN Assistance Mission for Rwanda (UNMIR). The UNMIR was going to supervise the elections process and combined ceasefire, together with the movement of 600 RPF soldiers to Kigali where they would be protected by UN troops. Most of the region's leaders attended the conference. Madsen argues that:

Museveni, the only substantial ally of the RPF, knew that the agreement would give the Tutsi a psychological advantage over the Hutus. The Hutus were unhappy about accommodating the hated Tutsis. Consequently, rampant mutual suspicions delayed implementation of the Arusha Accords into 1994.<sup>346</sup>

The agreement was also rejected by the Akazu, the inner circle of the Habyarimana regime for being unfair and for its exclusionary character. Among the issues which created much discontent was the exclusion of the Coalition Pour Le d`efense de la republique (CDR), to which the RPF strongly objected. The RPF was able to secure a better deal than Kigali, thus embittering CDR which saw the deal as reflecting the RPF's views much more than a compromise. Consequently, they motivated several demonstrations among their Hutu supporters, which took some Tutsi lives. For instance, from January 22-31 "over 300 Tutsi civilians in the north were murdered. This civil violence, in turn, led to a renewal of civil war: On the 8 February 1993 the RPF launched a major offensive, claiming it was occasioned by the recent massacres".<sup>347</sup>

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in the Accords; "Be ready with your military equipment, we are going to fight for the final war against Kigali government.

<sup>346</sup> Wayne Madsen., op cit., 106. These group of Hutus were known as the "Akazu" or the inner circle who according to Barrie Collins, op cit, conspired to destroy the negotiated power settlement between the RPF and the Rwandan government known as the Arusha Accords, by planning the extermination of every ethnic Tutsi and everyone else suspected of sympathising with the RPF. This 'final solution' would secure their control of the country and remove all the threat posed by Tutsis to the state.

<sup>347</sup> Bruce D. Jones., op cit., 141.

This offensive and violation of the ceasefire proved the RPF's strength and put them on firm ground to influence negotiations in their favour. Their advance also motivated France to deploy more troops, claiming that the RPF was throttling Kigali. It was at this stage that the RPF was in a clear position to remove FAR if it had not been for the presence of French troops in Kigali. The Arusha agreement was drawn up in such a way that it would accommodate RPF interests and offer them more power in the power-sharing government. The Kigali regime would find itself having to reject the whole deal. Therefore, the hastily arranged demonstrations by Akazu and the affiliated uprisings fell directly into the RPA/NRA's plans and those of the US, the latter being supportive to the war since it started.

There are however, some lessons to be learned from the Arusha peace talks. The first lesson relates to the manner in which the peace process managed to restore trust and confidence among Rwandans and the DRC people of different ethnic groups through addressing all the key sources of conflict in detail.. The thirteen months negotiation process in Rwanda in particular had all the time that was needed to build confidence and trust in an evolutionary and incremental manner among the parties to the conflict.

The implementation of Arusha peace talks depended greatly on the sustainability of all the parties trust, confidence and positive spirit, throughout the implementation process. This could have succeeded if the schedule which was painstakingly negotiated was adhered to, particularly those related to putting the transitional structures in place. These structures were critical in keeping the positive spirit alive, removing obstacles, and pushing the process forward. Finally, the Arusha peace process also became a positive prelude to the formation of the OAU's mechanism for conflict prevention, management and resolution that was instituted after the adoption of a resolution at the Cairo OAU Summit of July 1993.

### **3.8 Conclusion**

This chapter concludes that the intervention in Rwanda appears to have been inconsistent with the humanitarian claims advanced by the Ugandan

government in its justification. Far from it being humanitarian, as Concepção Osório, Terezinha da Silva,<sup>348</sup> Thusi and Suarez have argued, it flouted the UN Charter because it was not directed towards defending or assisting innocent people.

Similarly, the ICISS maintains that for an intervention to satisfy the humanitarian claim, it must be associated with justifiable means of legitimate force and authorised by the UNSC. The Ugandan intervention in Rwanda seemed not have been authorised by this international body or any of its subordinate bodies. Therefore, it appears to have been against Article 2.4, which outlaws the use of force or the threat of it in order to achieve humanitarian objectives. It can also argued that this intervention was not even making Rwanda adopt more humanitarian policies, as Kenda suggested, or geared towards that aim.

From the forgoing discussion, it appears that the intervention did not seem to have been authorised by the Ugandan parliament and, as such, contravened the Ugandan Constitution. This is discussed further in chapter six. In fact, the Ugandan executive seems to have played no role in informing parliament about this intervention, nor did parliamentarians hold the executive accountable.

The chapter goes further to point out, as Bary Buzan, Ole Waever and Jaap de Wilde have argued, that any issue, once securitised, allows the state to adopt extraordinary measures to address it. The securitisation of Rwandan refugees by the Ugandan state made it easy for this country to intervene in Rwanda. Labelling an issue as a security threat makes it easier for the state to address it in a realist manner, as was the case in this intervention. By returning Rwandan refugees by force of arms, and changing the political leadership in Rwanda, this Ugandan intervention was consistent with Holsti's and Zartmann's conjectures on military interventions, which were geared

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<sup>348</sup> Concepção Osório and Terezinha da Silva, Aid Versus Solidarity Versus Development in Mozambique: A Gendered Perspective: In Lisa Thompson, Scarlett Cornelissen, ed. Humanitarian Aid and Development Aid in Southern Africa: Clash or Continuum? Monograph Series. (Bellville: Centre for Southern African Studies; University of the Western Cape; 2001), 106. See also Thokozani Thusi, op cit.

towards forceful removal of other state leaders and their constitutions by a foreign country (ies).

The intervention seemed to have been motivated by what Morgenthau termed the principle of interest that rules the relations between men. The chapter therefore concludes that the underlying motivation for this intervention was based on a realist national interest, which was not within the UN frame. Tim Dunne and Brian C. Schmidt argue that for an intervention to be consistent with realist interests it must have the following three variables; ‘power, national interest and state survival’. This chapter concludes that these variables were present in this intervention.

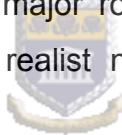


# CHAPTER 4

## THE MILITARY INTERVENTION IN THE DEMOCRATIC REPUBLIC OF CONGO

### **4.0 Introduction**

The previous chapter discussed the Ugandan intervention in Rwanda and argued that it was motivated by realist interests. This chapter analyses the 1996-1997 military intervention and circumstances, which led to the removal of the Mobutu Sese Seko regime in Zaire. Secondly, it discusses the collapse of the *Alliance des forces démocratiques pour la libération du Congo Zaire* (ADFL), which was made up of four countries: Angola, Burundi, Rwanda and Uganda, and the circumstances that led to the 1998 military rebellion in the Democratic Republic of Congo (DRC) (as Zaire became known after the end of Mobutu's reign). It argues that this rebellion was successfully foiled by Kabila's newly formed alliance.<sup>349</sup> From the analysis in chapter two, it is clear that state interests tend to play a major role in military interventions. The chapter thus investigates whether realist national interests motivated this intervention.



The DRC<sup>350</sup> has long been identified as one of the best materially endowed countries in the world with regard to its mineral potential, among other assets. The country was recently ranked “number five in copper production with annual output of 500,000 tones of copper. It ranked number one in terms of cobalt and diamond production. The gold potential of the country is virtually untouched”.<sup>351</sup> It has been this tremendous resource endowment, which has

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<sup>349</sup> This new alliance was now composed by Sudan, Chad and other Southern African Development Community Members (SADC) such as; Angola which is ruled by a former guerrilla leader who was initially involved in the first DRC intervention and installation of Kabila in power, Namibia and Zimbabwe which are led by the former freedom fighters.

<sup>350</sup> The DRC is the third largest country in Africa with an area of 2.3 million square kilometres, approximately the same size as Western Australia or Western Europe. The population of approximately 45 million is made up of more than 200 ethnic groups. Most of these ethnic groups also live within its neighbouring countries. Kinshasa is the capital of the DRC it is located in the west of the country on the Congo River which constitutes one of the world’s largest river systems and the source of immense hydro-electric power. Lubumbashi is the regional centre of the Copperbelt area in the south east of the country. French is the official language with Swahili and Bemba the most common languages spoken in this country.

<sup>351</sup> Anvil Mining, NL. Democratic Republic of Congo. <<http://www.anvil.com.au/avlintro2.htm>> [3, May 2004,], argues that, the country attained its independence from Belgium in 1960. For instance,

been given as the main cause of conflicts, coupled with the weak government that the country has had since independence. This had been the reason for military interventions into the country, rather than the often-cited security threats that the DRC has been claimed to present to its neighbours, such as Uganda, Burundi and Rwanda.

Between 1998 and 2000, a sharp increase in the world prices of tantalum occurred, leading to a large increase in cotton production in eastern DRC. Given the substantial increase in the price of coltan during the early part of 1998 the world supply of coltan was decreasing while the demand was increasing, a kilo of coltan of average grade was estimated at \$200. According to the estimates of professionals, the Rwandan army through Rwanda's Metals was exporting at least 100 tons per month. Rwanda's army could have made \$20 million per month, simply by selling the coltan that, on average, intermediaries buy from small dealers at about \$10 per kg<sup>352</sup>.

According to the above estimates, RPA must have made at least \$250 million over a period of 18 months. Governments of Uganda and Burundi together with their supported rebels were also involved in looting and smuggling of coltan, using illegal monopolies, forced labour, prisoners and even murder<sup>353</sup>. These were some of the reasons why 1998 was a turning point in the democratic Republic of Congo.

#### **4.1 The 1996-97 Military Intervention in the DRC**

The 1996-97 military interventions in the DRC has its roots in the Cold War period.<sup>354</sup> Some African countries became part of the sphere of influence of

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highly valued resources from Lake Kivu such as metals and other rich substances can be found in “the north eastern region of the country which was quickly occupied by Rwanda and Uganda during the early phases of the second Congo war.

<sup>352</sup> Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of the Congo, United Nations Security Council, April 12, 2001.

<sup>353</sup> Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of the Congo, United Nations Security Council, S/2003/107, October 28, 2003.

<sup>354</sup> Mel McNulty, The Collapse of Zaire: Implosion, Revolution or External Sabotage? In the Journal of Modern African Studies, 37, 1. (1999), 53-82. Several world powers during the Cold War carved up the African continent according to their different interests. It was during this period that Africa became a continent contested by both the Eastern and Western world. Each political block, wanted to control and maintain its interests on the continent.

the competing superpowers.<sup>355</sup> For instance, the country then known as Zaire was under the US's influence while Angola remained under the influence of the Soviet Union. The end of Cold War changed these relationships. The Soviet Union left the continent<sup>356</sup> while the US remained. Some major world powers, such as France, the UK and the US, continued promoting their interests in Africa.<sup>357</sup> While Belgium withdrew from the former Zaire, France established a new base in Rwanda and took a dominant role in the early 1990s to counterbalance both the US- and the UK-supported Ugandan intervention in Rwanda.

It was also during this period that both the US and UK trained the Ugandan and Rwandan armies. The role of the US in the former Zaire went into a drastic decline. This reflected the fact that the US support could be easily adapted when it suited Washington.<sup>358</sup> The adaptability of western policy was demonstrated by the support given to Kabil<sup>359</sup> and his allies when intervening and removing the Kinshasa government.



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<sup>355</sup> Barry Crawford, Rwanda: Myth and Reality. <<http://www2.cddc.vt.edu/spoon-archives/marxism-general-archive/rwanda>> [28, May 2005], argued that western powers during the Cold War backed various mulerous and corrupt regimes, among them Mobutu Sese Seko of Zaire stood out as one such regime.

<sup>356</sup> Birgit Hoffmann, Regional and International Dimensions of the Conflict in the Democratic Republic of the Congo. <<http://www.uni-gruppe.de/deutsch/psfeb03/documrnts/conflictldr.doc>>. [2, June 2004]. See also Daniel Stroux. Kriegerische Auseinandersetzung in Kongo-Zaire. In: Bundeszentrale für politische Bildung (Hg.): Informationen zur politischen Bildung, 3/1999. Afrika 1, S. 48.

<sup>357</sup> Mel McNulty, op cit, 53. However, Belgium, the DRC colonial power, has completely withdrawn from the DRC and the continent at large.

<sup>358</sup> Horace Campbell, Reclaiming Zimbabwe: The Exhaustion of the Patriarchal Model of Liberation. (Asmara, Eritrea: Africa World Press Inc, 2003), argues that during the Cold War Mobutu and his cronies had close economic relations with Belgium, France, Morocco and the United States. The Cold War was used as a cover for these societies to plunder the resources of the Congo and in the process provided uncritical and unlimited military and financial support for Mobutu and Zairian capitalists. During the Cold War Mobutu was an ally of the US and with the post-Cold War dispensation he had become a liability to be discarded. Contrary to the US democratic position, the support of US and its western allies for democratisation and stability in the region remains suspect. For example in Uganda stability but not democratisation was given a high premium by the USA. The main issue at play in this area was power politics, hence the reason why the UK and the US perceived stability of the Great Lakes region as a desirable variable over democratisation rather than the democratisation process which leads to sustainable stability.

<sup>359</sup> Horace Campbell, Democratisation, Citizenship and Peace in Congo: In Southern African Political & economic Monthly, Vol. II, No10 (August/September 1998), 6-7, argues that Laurent Kabil<sup>359</sup> had been a guerrilla leader since the early 1960s fighting in the Fizi mountains in Kivu region against Mobutu regime.

Several reasons could be cited for the embroilment of Rwanda and its allies in the DRC. Thousands of ex-FAR and Interahamwe forces fled to the DRC after the Rwandan genocide and established camps there,<sup>360</sup> and this was said to have spurred the intervention. The motives for foreign intervention in the DRC thus included the presence of former Rwandan government army and militias, who had sought political asylum in the DRC. They were suspected of having committed genocide in Rwanda and the intervening countries contrived to arrest them.<sup>361</sup>

Mel McNulty argues that these countries (Uganda and Rwanda) claimed to have intervened in the DRC to protect their national security interests. Filip Reyntjens, by the same token, argues that “the main reason why Uganda, Rwanda, and - to a lesser extent - Burundi intervened in the DRC in the autumn of 1996 was related to their security”.<sup>362</sup> The intervention in DRC<sup>363</sup> by its neighbours was challenging because they all faced a similar problem of armed militias and rebel groups “that continue to use DRC territory as their operational bases to foment civil unrest and cross-border raids that threaten to destabilise their governments”.<sup>364</sup> Rwanda<sup>365</sup> saw the refugee camps as a launching pad used by the Hutu militias and their supporters to “conduct raids across the border, kill Tutsis, co-operate with and incite local Hutus in Rwanda, destroy infrastructure and undermine confidence in the government so they could finish the ‘work’ begun during the 100 days of genocide”.<sup>366</sup>

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<sup>360</sup> Mel McNulty, op cit, 54, argues that Mobutu regime was sheltering these Rwandan enemies in his country.

<sup>361</sup> Ibid,73. Ironically, it was this intervention which is alleged to have incited gross human rights violation by the ex-FAR, Interahamwe and the RPA. These developments threatened regional security, and the intense fighting in November in Zaire forced international humanitarian workers and Zairians to flee into Rwanda. The above events made Kinshasa government to become very suspect about the new government in Kigali.

<sup>362</sup> Filip Reyntjens, Briefing: The Second Congo War: More Than a Remake: In African Affairs 98. (1999), 241-250.

<sup>363</sup> Howard Wolpe, The Great Lakes Crisis: An American View: In South African Journal of International Affairs, Vol. 7, No.1 (Summer 2001), 27-42,

<sup>364</sup> Paul, S. Orogun, “Crisis of Government, Ethnic Schisms, Civil war, and Regional Destabilization of the democratic Republic of the Congo” World Affairs Vol. 165 (Summer 2002), 27.

<sup>365</sup> McNulty op cit.

<sup>366</sup> Ngesi S'Fiso and Villa-Vicencio Charles, “Rwanda: Balancing the Weight of History”: In Doxtader Erik and Villa-Vicencio Charles ed. Through Fire with Water: The Roots of Division and the Potential for Reconciliation in Africa. (Cape Town: ABC Press, 2003), 5-6.

These refugee camps were alleged to have been used by the ex-FAR as a launching pad for sustained attacks against Rwanda in October 1996. It was as a result of the attacks from the refugee camps that the Kigali regime and its allies in October 1996 led the informal coalition of groups against Mobutu Sese Seko, invaded the former Zaire and attacked the Hutu-dominated UNHCR refugee camps in Kivu in order to dismantle them. Therefore, it was “this drive against those responsible for the genocide that served as the engine of the seven-month war, which eventually ended with Mobutu’s overthrow and Kabila’s rise to power in Kinshasa on 17 May 1997”.<sup>367</sup>

President Mobutu was alleged to be assisting these genocidaires to rearm and he persistently refused all efforts to cooperate with the International Criminal Tribunal for Rwanda in arresting and bringing them to book for the genocide. He resisted all efforts to extradite them to the Tribunal. It was under these circumstances that Kigali and its allies thought that if the international community did not disarm the ex-FAR members, it was incumbent on them to do so.<sup>368</sup>



According to Kagame and Museveni, it was up to the Rwandan and Ugandan governments to flush out these forces from Zaire because “if the UN did not dismantle the camps, somebody else would have to do it”.<sup>369</sup> They saw UN reluctance to address the process of vetting genuine refugees from militias as a major cause for concern. The refugee problem had created tensions between Zaire and both these countries in the past. The “Rwandan involvement in the DRC was further motivated by the plight of the Zairian Tutsis, who had been supportive of the RPF after the 1990 invasion, providing recruits, weapon and money. Mobutu wanted to strip these ethnic Tutsis of their citizenship and drive them from the country”.<sup>370</sup> It was this denial of citizenship to ethnic Tutsis that sparked the rebellion, which was in turn seized

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<sup>367</sup> Georges Nzongola-Ntalaja, Civil War, Peacekeeping, and The Great Lakes Region: In Ricardo Ren'e Laremont, ed. The Causes of War and the Consequences of Peacekeeping in Africa. (Portsmouth, NH Heinemann; 2002), 95.

<sup>368</sup> Ngesi S'Fiso, Villa-Vicencio Charles, op cit, 6.

<sup>369</sup> Ibid,6.

<sup>370</sup> Georges Nzongola-Ntalaja, op cit, 6.

upon by the Rwandan government as a reason for attacking Hutu refugee camps in order to dismantle them for good.

The Mobutu regime not only denied citizenship to Banyamulenge (the Tutsi group in Zaire), it also wanted them to be deported to Rwanda. For instance, in September 1996, the Deputy Mayor of South Kivu Province issued an ultimatum to the Banyamulenge to leave Zaire. The Banyamulenge resisted and their rebellion, in turn, gathered into a “coalition of forces committed to overthrowing the Mobutu regime”.<sup>371</sup> This group was therefore integrated, like other anti-Mobutu groups, into the ADFL to fight for his removal.

While these reasons for intervention might be cogent, the regional and continental bodies and the UN were never involved. Thus, the intervention was beyond the idealist framework of the UN Charter and was not authorised by the UNSC.

The ADFL coalition<sup>372</sup> eventually overthrew the Mobutu regime on the 17<sup>th</sup> May 1997. The ADFL became triumphed in a period of just six to seven months after mounting the operation. The military intervention by the coalition not only changed leadership in Kinshasa but also chose and imposed the guerilla leader, Laurent Kabilal, as the country’s leader. Uganda and Rwanda also occupied and looted the country of its mineral resources.<sup>373</sup> The removal of Mobutu by Kabilal was embraced by the western world and Kabilal’s<sup>374</sup>

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<sup>371</sup> Tyrone Savage, “The Democratic Republic of the Congo: Inchoate Transition, Interlocking Conflicts”: In Doxtader Erik and Villa-Vicencio Charles ed. Through Fire With Water: The Roots of Division and the Potential for Reconciliation in Africa. (Cape Town; ABC Press, 2003), 131.

<sup>372</sup> Horace Campbell, op cit, argues that the ADFL was a coalition of four liberation groups: the party of Popular Revolution (PRP), the National Council of Democratic resistance (CNRD), the Revolutionary Movement for the Liberation of Zaire (MLRZ), and the Democratic Alliance of the People (ADP), but most significantly, this coalition was driven by Uganda and Rwanda.

<sup>373</sup> Georges Nzongola-Ntalaja, The Congo, From Leopold to Kabilal A people’s History (London: Zed Books, 2002)214.

<sup>374</sup> Mwesiga Baregu, ed. The Crisis in the Democratic Republic of Congo. (Zimbabwe: SAPES Trust Books; 1999), (i), argued that, in May 1997 the Allied Democratic Forces for Liberation of Congo-Zaire (ADFL), under the leadership of hitherto little known Laurent Desire Kabilal, with the support of a number of neighbouring countries, overthrew the tottering regime of Joseph Mobutu in the then Zaire. Because the Mobutu regime had for some time been in a state of gradual but irreversible decay, the process of overthrowing it was swift and decisive. That meant that apart from being externally conceived, the ADFL alliance had had a brief political life before coming into power and the struggle waged against Mobutu regime was largely military not political.

ascension to power generated high expectations among the Western powers, which saw the 1997 coup as critical in stabilising the region.<sup>375</sup>

However, Kabila's ascension to power was fraught with problems, especially the expectations placed on him by the allies. Among other things, he was to expel Rwandan refugees and arrest former Rwandan soldiers and the Interahamwe, which were said to have been responsible for the Rwandan genocide. Fulfilling some of these expectations proved a very serious challenge for Kabila; there were far too many parties that were involved in this conflict. It was clear that this was the strategy formulated by members of the alliance (Rwanda and Uganda primarily) to sustain their intervention in the DRC and to stay in this country indefinitely.

Among the challenges with which Kabila was confronted was the increasing number of refugees from Rwanda, who presented a major predicament for the new regime. For instance, millions of refugees in the eastern Congo exacerbated ongoing problems of political and ethnic friction in the Great Lakes Region. Among the refugees were an estimated 10,000 to 50,000 members of the Interahamwe and other Hutu militant groups,<sup>376</sup> which the UN wanted Kabila to bring to account for their disappearance in the DRC forests and other human rights violations.

The ADFL coalition in the DRC therefore became embroiled with the UN over the issue of the latter's humanitarian investigations into the coalition's suspected human rights during its seven months campaign. This tension was posed by the UN desire to investigate the issue of missing Hutu refugees and other associated human rights violations in the DRC. Several thousands of refugees were allegedly killed during the ADFL final push to remove the Mobutu Sese Seko regime, promoting the UN investigations. The investigations were opposed by Kabila's regime in complicity with the

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<sup>375</sup> Hofmeier, Rolf / Mehler, Andreas. Afrika Jahrbuch 1999. Politik, Wirtschaft und Gesellschaft in Afrika südlich der Sahara. Institut für Afrika-Kunde (Hg.). Opladen: Leske + Budrich, (2000).

<sup>376</sup> The Responsibility To Protect; Research, Bibliography, Background: Supplementary To The Report of The International Commission on Intervention and State Sovereignty, (Canada, December: 2001).

Rwandan government.<sup>377</sup> It was difficult for the UN to establish with certainty how many thousands were massacred during this time.

#### **4.2 Death of the Friendship and the 1998 Military Rebellion in the DRC**

The shifting of inter/non-state coalition around the DRC conflict was among other factors triggered by the need to achieve economic exploitation in the DRC. Repeated military operations and violence, including rape and other forms of attacks on civilians in areas rich in minerals motivated this shift. Consequently, disrupting humanitarian assistance and using pillage as a strategy of war. Looting often accompanied by torture, killing, rape, targeting harvests, stealing from medical centres, planned and coordinated attacks and robbing of villages and systematically pillaging and many more. Apart from these triggers, the main one that appears to have been crucial in motivating the collapse of the alliance was the status and role of Rwandan troops in the DRC and President Kabila's capacity to address his alliance expectations.

Despite its military successes in removing Mobutu from power, the alliance was plagued with problems. Internal division within ADFL was soon to haunt Kabila's regime and his allies. His government was confronted with several tensions regarding the role of both Rwandan and Ugandan troops. Among these were the issues of the compensation policy for foreign forces and their long-term status in the DRC. Both Rwanda and Uganda "expected long-term involvement and substantial rewards. Former FAZ and DSP soldiers resented the Rwandan and Ugandan presence in the Congo. They feared being discarded by the new government without compensation".<sup>378</sup>

A few months after he took power in 1997, the Congolese accused Kabila of being a puppet of Uganda and especially of Rwanda, because Rwandan troops were in charge of the DRC army and Rwandans also occupied top positions in the DRC government.<sup>379</sup> Furthermore, Rwandan Field Commander James Kabarebe "served as chief of staff of FAC, the new

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<sup>377</sup> Kibasomba Roger, "A Failing State: The Republic of Congo": In Cawthra Gavin, Robin Luckham ed. Governing in Security democratic control of military and Security establishment in Transitional democracies. (London: ZED Books, 2003).

<sup>378</sup> Ibid, 258.

<sup>379</sup> Mwesiga Baregu, op cit.

Congolese National Army, and many of his trusted unit commanders were equally officers of the RPA".<sup>380</sup>

President Kabila could not address these grievances. They raised nationalistic sentiments, making them very difficult to be addressed in a constructive and holistic manner. The failure to manage these military fears properly was a major setback for the alliance. It became abundantly clear that the Kabila government had completely reneged on its agreements with its allies. The above tensions were soon to develop into major factional disputes within the DRC army. Filip Reyntjens argues that the "coalitions started to shift almost overnight in a spectacular fashion: again reasoning in the logic of 'the enemy of my enemy is my friend,' yesterday's allies became adversaries".<sup>381</sup> This hastened the demise of the ADLF following a complete fall-out among its constituent parts.

This situation made life politically difficult for Kabila. His response to the latest accusations was both swift and radical: he expelled both Ugandan and Rwandan troops from the DRC, accusing them of fomenting a coup plot against his regime to replace it with a "Tutsi-Hima empire in the region. Coalition shifted almost overnight. By August 1998, yesterday's friends were enemies".<sup>382</sup>

The tables were now turned against Kabila by his former allies, Uganda, Rwanda and Burundi. They subsequently unleashed a new struggle to remove him from power. A few months after the Rwandan and Ugandan coalition's removal of Mobutu from power, "in August 1998, Rwanda supported a second military campaign in an attempt to topple the new President, Laurent Kabila",<sup>383</sup> whom they previously supported. From August 1998 factional disputes within Kabila's erstwhile military alliance erupted into open conflict.

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<sup>380</sup> Georges Nzongola-Ntalaja, op cit., 96.

<sup>381</sup> Filip Reyntjens, op cit, 247.

<sup>382</sup> Streleau Susanne. Uganda: Half Way to Democracy, in Through Fire with Water: In Doxtader Erik, Villa-Vicencio Charles ed. The Roots of Division and the Potential for Reconciliation in Africa. (Cape Town, ABC Press; 2003), 245.

<sup>383</sup> Ngesi S'Fiso, op cit., 6.

Kabila's expulsion of Rwandan and Ugandan forces from the DRC galvanised the demise of the ADFL coalition. It was inevitable that it would put a strain on the cordial relations in this coalition. Both Rwanda and Uganda were aggrieved by what they regarded as Kabila's ineffectiveness in taking a principled stance regarding the Banyamulenge nationality question and the security that he had promised his allies before taking power. The discontent by the DRC former allies was exacerbated by his inability to contain numerous incursions into Rwanda by Hutu rebels from the DRC. The dominant position and influence of Rwanda, perceived by Kabila's principal allies as resulting from Kabila's poor performance, became a thorn in the side of the relationship. For instance, "it was believed that as early as January 1998, the intelligence chiefs of Angola, Rwanda, and Uganda held discussions regarding the desirability of finding an alternative leader for Congo".<sup>384</sup> It had become evident that Kabila was no longer trusted by his former friends.

The collapse of the ADFL led to both Uganda and Rwanda forging, "new alliances and coalitions with those opposing Kabila. The second Rwandan and Ugandan invasion of Congo, in 1998, attracted Kabila dissidents and led to the launch of new rebel movements".<sup>385</sup> While Rwanda and Uganda assisted in toppling Mobutu and installing Kabila, these countries were shocked by Kabila's refusal to arrest, disarm and expel the ex-FAR, Interahamwe and other Hutu extremists groups who were consistently destabilising Rwanda. To exacerbate matters, Kabila also refused to address the citizenship question of the Banyamulenge. The unceasing incursions by insurgents into Rwanda also "meant that the smouldering and unresolved ethnic conflicts from the 1994 Rwandan genocide were being exported into

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<sup>384</sup> Afoaku Osita Congo's., op cit., 113. These events forced Kabila to call on the DRC citizens to protect their country against invaders. The response of the people was unprecedented. The invading forces found themselves enormously overstretched. They were still far from determining events deeper in this vast country. The outcome was that central government controlled about half the country, from the equator region in the North West to mineral-rich Katanga in the south east. Insurgent groups comprising Rwandan, Ugandan and Congolese rebel forces controlled the remainder. See also Angola Military Intervention to Support Kabila Seems Unlikely.

<<http://www.mumia.org/wwwboard/messages/1572.html>> [12 June 2004].

<sup>385</sup> Kibasomba Roger "A Failing State the Democratic Republic of Congo": In Gavin Cawthra and Robin Luckham ed. Governing in Security democratic control of military and Security establishment in Transitional democracies. (London: Zed Books; 2003), 255. Kabila himself was assassination on January 2001, and his son Joseph became President.

the DRC territory".<sup>386</sup> This finally put to an end the special relations between Kabila and his allies.

#### 4.2.1 The 1998 Military Rebellion

On the 27th July 1998 Kabila's decision to "send Commander James Kabarebe and his Rwandan comrades-in-arms back home, apparently to pre-empt a coup d'etat, was the immediate cause of the rebellion that shook Goma and Kinshasa six days later".<sup>387</sup> The military rebellion erupted on the 2<sup>nd</sup> August 1998. The senior commander of one of the best-trained Congolese armies, stationed in Goma, (the Arme'e National Congolese – Congolese National Army) deserted from Kabila's army. He was immediately joined by the 12th Brigade in Bukavu. On 4<sup>th</sup> August, "in a spectacular cross-continent air lift, a plane full of Rwandan and Ugandan soldiers led by James Kabarebe lands at Kitona army base located in the lower Congo near Cabinda".<sup>388</sup>

The military rebellion in the DRC had begun. Within a very short period more troops joined and "within days, they captured a number of towns and, most importantly, the Inga hydroelectric dam, where they were able to cut off electricity supply to Kinshasa as well as Katanga".<sup>389</sup> A few weeks after the mutiny in the DRC, "the loss of Congo's third largest city, Kisangani, to Rwandan troops, the provincial governor in that city, with the active collaboration of senior local Officials, waged a public hate campaign against Congolese Tutsi that resulted in the killing of at least 100 people".<sup>390</sup> The uprising, which was led by both Rwandan and Ugandan forces, would have

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<sup>386</sup> Paul, S. Orogun, op cit., 30.

<sup>387</sup> Georges Nzongola-Ntalaja, op cit., 96. See also Afoaku Osita Congo's., Rebels their Origins, Motivations, and Strategies: In Clark, F. John, ed. The African Stakes of the Congo War. (New York: Palgrave Macmillan, 2002). Kabila's expulsion of Ugandan and Rwandan soldiers, who formed part of the DRC national army, sparked a new conflict between himself and his former allies. The armed rebellion against Kabila was initiated only six days after Kabila fired the above foreign forces from the DRC. These foreign contingents had assisted Kabila in the ousting of former President Mobutu Seseko. The decision to expel them was premature because Kabila had no military strength at the time considering the fact that both the Ugandan and Rwandan armies dominated the DRC army. Nevertheless, he was compelled by domestic forces to expel them in order to pacify the increasingly angry masses in the DRC who openly challenged the presence of a large foreign contingency in the country.

<sup>388</sup> Afoaku Osita op cit, 115.

<sup>389</sup> Ibid, 115.

<sup>390</sup> Tyrone Savage, "op cit 132.

reached the gate of the capital had it not been for the timely military intervention of Zimbabwean and Angolan troops on the side of Kabila's regime.

The recruitment policy of Kabila during the rebellion further exacerbated the tension between Uganda and Rwanda by "ostensibly recruiting segments of ex-Mobutu loyalists (ex-FAZ), Mayi-Mai warriors, former Rwandese army (ex-FAR) and the Interahamwe militia into their ranks".<sup>391</sup> This recruitment policy was predicated on the premise that 'the enemy of my enemy was my friend', a strategy that was also adopted by both Uganda and Rwanda during this rebellion.<sup>392</sup>

The RPA/Banyamulenge soldiers, like other rebel movements, were recruited to destabilise and exacerbate the DRC rebellion. (This serves to confirm Jackson's point that Africa since 1960 has experienced the most devastating conflict, primarily in Rwanda, the Congo/DRC and Sudan. He argues that these conflicts were rooted in intrastate structures.<sup>393</sup>) This indigenous Tutsi minority was known as the 'Kinyarwanda-speaking minorities' or Banyamulenge in the Kivu province. They were consistently denied citizenship by the Mobutu regime. For instance, "to many in Kivu province, the 1972 citizenship decree has come to symbolise not simply an inclusive citizenship policy but one so undiscriminating that, if followed in practice, it would surely turn Kivu into an open sanctuary for the surplus population from Rwanda and Burundi".<sup>394</sup> However, this situation was not allowed by the Hutu majority whose anxieties were raised by a provision in a 1972 decree granting citizenship to 1959-1960 refugees.

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<sup>391</sup> Great Lakes Country Early Warning Report, Great Lakes Early Warning Network. <<http://www.fewer.org/greatlakes/gldr1098.htm>> [12, May 2004], See also Horace Campbell, op cit, who argued that Kabila openly worked with the Ex-Far who were suspected of genocide in Rwanda.

<sup>392</sup> Seybolt B. Taylor in Collaboration with the Uppsala Conflict Data Project Major Conflicts.<<http://www.Sipri.se/index.html>> [17, March 2004]. See also chapter summary from The SIPRI Yearbook 2000: Armaments, Disarmament and International Security (Oxford, Oxford University press; 2000).

<sup>393</sup> Richard Jackson, Review Article, 'Conflict Resolution in Africa: Intervention, Indifference and Indigenous Solutions; In the Journal of the Royal Society, African Affairs, (April 2001), V100, No399, 322.

<sup>394</sup> Mahmood Mamdani, "Understanding the crisis in Kivu: Report of the CODESRIA MISSION to the Democratic Republic of Congo September 1997 Monograph Series1/2001, 8. See also, Johan Pottier, Re-Imagining Rwanda: Conflict Survival and Disinformation in the Late Twentieth Century, (Cambridge University Press; 2002), 48.

During the NRA/RPA conflict in Rwanda in 1990 (see chapter three), most young men from Kivu decided to cross into Uganda and there they joined the NRA/RPA forces. The Mobutu regime started persecuting the Tutsis who came to Congo after the Berlin conference. However, the persecution only intensified the Tutsi exodus to Uganda. It was this citizenship issue that made it easier for Rwanda and Burundi to operate with ease in Kivu among the Banyamulenge. This ethnic group had made serious demands for citizenship and land ownership. But their numerous attempts to acquire them fell on deaf ears. It was the precarious situation of Banyamulenge in the DRC that motivated their main supporters, Rwanda and Uganda, to use this conflict as a pretext to “further undermine Kabila’s government. However, their involvement into the internal affairs of the DRC has elicited both political and military responses from other nations in the region”<sup>395</sup> as well.

#### **4.2.2 Forging New Alliances: The Struggle Continues**

The conflict spiralled out of control as the intervening countries continued to form new alliances among themselves, on the basis of those who supported Kabila and those who were against him.<sup>396</sup> Nevertheless, the DRC’s neighbours continued to claim that they were in the DRC for their own national security reasons, fighting against rebels who mounted incursions from the DRC into their countries. More attacks were mounted this time around by Angolan troops on August 23<sup>rd</sup> 1998 against Ugandan-Rwandan-RCD positions in their bases in Cabinda, around the lower DRC area. The situation deteriorated for the anti-Kabila forces, which found themselves surrounded. Then, “on the 26<sup>th</sup> August 1998, Zimbabwe sent a military expedition to Kinshasa to support the Kabila regime. Later Namibia and Chad also send

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<sup>395</sup> Great Lakes Country Early Warning Report, op cit.

<sup>396</sup> S’Fiso Ngesi, op cit, 7 argues that the situation produced a stalemate, which led to the fragmentation of RCD insurgency group into three groups. The militant branch was under Emile Ilunga and backed by Rwandan government. Furthermore, “in 2000, the RPA and forces of the Rwandan-backed Congolese armed opposition groups, such as ‘the Goma-based Rassemblement Congolais pour la démocratie (RCD-Goma)’, and the Congolese Rally for Democracy, continued to control large areas of eastern DRC”. On the other hand, Turner Thomas, War in the Congo Volume 5 Number 10 April 2000. <[http://www.foreignpolicy-infocus.org/briefs/vol5/V5n10congo\\_body.html](http://www.foreignpolicy-infocus.org/briefs/vol5/V5n10congo_body.html)> [4 August 2004] observes that As for the second faction, was not seeking a military solution under Wamba leadership who was supported by Ugandan forces, while the third movement, the Congolese Liberation Movement (MLC) of Jean-Pierre Bemba, unlike the Wamba faction advocated military solution and continued to be trained by Uganda as well. See also Dani Wandada Nabudere op cit.

troops that took up positions supporting Kabila".<sup>397</sup> The newly formed Kabila's alliance resisted the Ugandan, Burundian and Rwandan intervention, which attempted to remove him from power.

#### **4.3 Attempts to Remove Kabila from Power by Former Allies**

The role taken by Uganda, Rwanda and Burundi in their quest to overthrow Kabila's regime cannot be overemphasised. While their contribution to this new struggle varied, the motive was the same: the removal of Kabila's regime by military means. The war that commenced on August 2<sup>nd</sup> 1998 was a "simultaneous invasion of the country by Rwanda and Uganda and [a] rebellion against President Laurent-Desiré Kabila by Rwandan-backed units of the Congolese Armed Forces (Forces armées Congolaises, FAC)".<sup>398</sup>

##### **4.3.1 The Ugandan Government**

In August 1998, Museveni supported the DRC rebellion with the intention of removing Kabila from power. Museveni felt betrayed by Kabila, whom he had assisted to come to power in the DRC. Therefore, removing Kabila's regime, which had assisted the genocidaires and other terrorists groups to destabilise Rwanda, and which used the DRC as a springboard to launch attacks on Uganda, became an attractive prospect. It was as a result of the above that "in August 1998, UPDF troops entered the DRC, establishing a stronghold in Kisangani and ultimately pushing several hundred kilometres west of the Uganda/DRC border".<sup>399</sup> For over a year, the UPDF troops both fought the DRC army and assisted rebel groups, which aimed to remove Kabila from power.

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<sup>397</sup> Afoaku Osita, op cit, 116.

<sup>398</sup> Georges Nzongola-Ntalaja op cit., 92. Most of the civilian leadership, which constituted three anxious groups, had one thing in common the opposition to Kabila's regime. The first group was made up of former Kabila Tutsi friends who assisted him to overthrow Mobutu Sese Seko. The second group was made up of non-Tutsi intellectuals and former ADLF (Alliance des forces démocratiques pour la libération du Congo), who perceived Kabila as a replica of Mobutu. The last group was composed of former Mobutu allies seeking to regain power in the Congo.

<sup>399</sup> The African Forum, "Background Report: Great Lakes Early Warning Network," Forum on Early warning and Early Response (FEWER), August/September 1988.

<<http://www.fewer.org/greatlakes/great1298html>> [2004, June2]. This was another contingent of soldiers who were reinforcing both Rwandan and Ugandan forces who were based in Eastern Congo and never left the DRC territory since the removal of Mobutu regime.

The 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 threat to Rwanda, a close ally of Uganda.<sup>400</sup> This whole situation made Museveni disenchanted with Kinshasa after Kabilia ascended to power. Museveni argued that Kabilia showed no interest in dealing with and preventing Rwandan rebels from using the DRC as its springboard for attacks from the eastern DRC. Museveni saw Kabilia's government as identical with Mobutu's, wallowing "in power and failing to enact substantive economic reforms, which might have betokened the rise of a legitimate trading partner to Uganda's west".<sup>401</sup> On the other hand, Kabilia saw Museveni as dominating in Rwanda and he was against a similar scenario occurring in the DRC.

Among other reasons for Ugandan support for the DRC rebellion, chief was the security threat to Ugandan sovereignty posed by ADF rebels. 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>402</sup> It was for this reason that Museveni contributed a contingent of over 30,000<sup>403</sup> soldiers towards this mission.

Museveni's determination to destabilise the DRC was also demonstrated by his unrelenting support for armed rebels, which he claimed were assisting him to crush the Ugandan insurgents who operated freely within the DRC territory. In order to affirm his influence in the DRC's domestic affairs, Uganda backed both the Congolese MLC and RCD rebels.<sup>404</sup> President Museveni was instrumental in recruiting, equipping and supporting rebel movements in the

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<sup>400</sup> Helen M. Hintjens, Explaining The 1994 Genocide in Rwanda; In the Journal of Modern African Studies, Vol 37, No2 (June), 241-286.

<sup>401</sup> Daniel Reilly. African Regional Peace Operations and Civil-Military Relations: A Comparative Analysis of three Cases, ( BA Honours Thesis. Woodrow Wilson School of Public and International Affairs. USA, 2000). 23.

<sup>402</sup> Streleau Susanne. Uganda: Half Way to Democracy: In Doxtader Erik and Villa-Vicencio Charles ed. Through Fire with Water: The Roots of Division and the Potential for Reconciliation in Africa. (Cape Town, ABC Press; 2003), 245.

<sup>403</sup> Georges Nzongola-Ntalaja, op cit.

<sup>404</sup> Birgit Hoffmann, op cit

DRC.<sup>405</sup> The more Rwanda and Uganda supported the DRC dissidents, the more they were able to weaken its security and sovereignty.<sup>406</sup> Furthermore, in the north-eastern DRC where the Ugandan army had occupied several towns, such as Bunia, Beni and Rutshuri, the government of Uganda “provided heavy weaponry and surface to air missiles to CMD rebels defending the town and airport of Kisangani in Haute-Congo province”.<sup>407</sup>

Nevertheless, incursions still continued and Uganda claimed that the unmitigated security threats remained. Despite the fact that Museveni had accused Kabila of assisting ADF rebels to mount cross-border raids from the DRC, Uganda went further and established a military base in mid-1998 in the north-eastern DRC. It was on this basis that the DRC government accused “Uganda of sending troops into the DRC to support the RCD...On August 25<sup>th</sup> 1998, the Ugandan authorities admitted that their government had troops in the DRC”.<sup>408</sup>

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. Kampala accused Khartoum of assisting these rebels in terrorising the Ugandan state. 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, Museveni 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. Museveni argued that Sudan was also arming anti-Uganda

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<sup>405</sup> Georges Nzongola-Ntalaja, op cit, 100. For instance, Kampala’s support for Jean-Pierre Bemba’s MLC, which was created by Uganda as a response to the lack of popular support for the RCD in the Congo, and its strong backing for the faction of the RCD led by Ernest Wanba dia Wamba are indicative of a strategy aimed at the Somalization of the Congo.

<sup>406</sup> Birgit Hoffmann, op cit, argues that, Rwanda like Uganda had strong relations with the RCD group and continued to manage their finances. It also intervened in the DRC for economic interests as well as from the current security problems between the borders of these countries. The Rwandan government was therefore sponsoring the RCD rebellion within the DRC for both Kivu-based reasons and the need to protect the country’s political autonomy and territorial sovereignty. See also Alexactus T. Kaure, DRC: Back from the Brink? In Southern African Political & Economic Monthly Vol.13, No1, (October 1999), 5-6.

<sup>407</sup> Great Lakes Country Early Warning Report, op cit.

<sup>408</sup> Paul, S. Orogun, op cit., 32.

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>409</sup>

Museveni also alleged that Sudan had been recruiting and training young Ugandans, mostly Moslems, to engage in terrorist acts against the Ugandan people.<sup>410</sup> Even before the Congo, intervention became a hot issue: Sudan and Uganda had always accused each other of training terrorists. The triggering of the DRC rebellion by Uganda was a military strategy by Museveni to pre-empt the Ugandan insurgency movement, the ADF, in the DRC. This strategy was also coupled with the toppling of Kabila regime.<sup>411</sup>

The Ugandan involvement in the DRC was thus precipitated by its war with the Khartoum government, which assisted the ADF rebels according to Kampala officials. It was for this reason that the Ugandan army deployment was not only limited to areas where rebels were active, but to areas further afield, such as "Kisangani, thousands of kilometres from the border. The explanation given for pushing so far inside Congo was to take control of strategic facilities such as airfields to prevent their use by Sudan".<sup>412</sup> Thus, the deteriorating relations between Uganda and Sudan found their convenient outlet in the DRC conflict. Uganda therefore justified its involvement in the DRC on the grounds that the ADF and Lords Resistance Army (LRA) rebels threatened the security of Uganda.<sup>413</sup>

Museveni resisted negotiations with these groups. He consistently refused to engage in constructive talks with either the Ugandan rebels or the Kabila government. The ADF, like its backers, was also known for its aversion to peaceful negotiations. Museveni's position has always been that negotiations

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<sup>409</sup> Makara Sabiti, "Notes on Uganda's Relations with its Neighbouring States: With Specific Reference to the Conflict in the Democratic Republic of Congo". Southern African Economy Vol.11, No12, (Oct/Nov1998): 16.

<sup>410</sup> Baregu, Mwesiga, removing Obstacles to Peace in the DRC. Southern African Politics & Economic Monthly, Vol. 12, No.5, (May 1999): 52-54.

<sup>411</sup> D.R.Congo: The Case of Zimbabwe's Plans of Extensive Logging.

<<http://www.Padrign.gu.se/EDCNews/Research/ZimbabweLogging.htm>> [2 June 2004]

<sup>412</sup> Paul, S. Orogun, op cit., 32.

<sup>413</sup> Horace Campbell, op cit.

wasted time and insurgents must be crushed together with whoever was assisting them. This time it was the regime in Kinshasa.

#### **4.3.2 The Rwandan Government**

Rwanda, like Uganda, felt betrayed by Kabila's overt support of the Hutu militia who were destabilising Kigali government. Rwanda contributed over 30,000 troops from the RPA towards the goal of removing Kabila from power<sup>414</sup>. The troops were based within the DRC territory in the eastern towns of Bukavu and Goma. Like Uganda, the Kigali regime cited national security reasons to justify its military presence on DRC territory.

Rwanda's government's interest in the DRC was the presence of the deposed Habyarimana army, which had allegedly committed genocide in Rwanda in 1994. This was the Kigali government's main justification for its military intervention in the DRC. Numerous allegations were made against the genocidaires, as the ex-FAR had become commonly known because of the genocide they were said to have committed in Rwanda.<sup>415</sup> Chief among them was that they were indoctrinating thousands of refugees in the refugee camps to assist them in re-launching their incursions into Rwanda.<sup>416</sup>

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. 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>417</sup> Bizimungu and his allies concluded that Rwanda had a legitimate right to

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<sup>414</sup> Birgit Hoffmann, Regional and International Dimensions of the Conflict in the Democratic Republic of the Congo. <<http://www.uni-gruppe.de/deutsch/psfeb03/documrnts/conflictfdc.doc>> [2 June 2004]. The irony that most of these troops never left the DRC since Kabila came to power.

<sup>415</sup> Christian R. Manahl, From Genocide to Regional War: The Breakdown of International Order in Central Africa; African Studies Quarterly. <<http://web.africa.ufl.edu/asq/v4/v4i1a2.htm>>[29 May 2005].

<sup>416</sup> Gasana Emmanuel, Jean-Bosco Butera, Deo Byanafashe, Kareikezi Alice. Rwanda: In Adebayo Adedeji ,ed. Comprehending and Mastering African Conflicts: The Search for Sustainable peace & Good Governance. (London: Zed Books, 1999).

<sup>417</sup> Wurst Jim, Conflict-Africa: African Leaders Urge UN Intervention in DRC. <[http://www.oneworld.org/ips2/jan00/17\\_41-078.html](http://www.oneworld.org/ips2/jan00/17_41-078.html)> [6 May 2004].

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>418</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. 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.

The Rwandan government accused Kabila of “remobilising, training, and re-equipping thousands of Hutus extremists, who are based in the DRC and continue to terrorise the Rwandan population through incessant cross-border raids”.<sup>419</sup> 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.

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>420</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>421</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.

While Rwanda called for a ceasefire in the DRC and for the implementation of the Lusaka accord, it was not committed to withdrawing its army from the DRC. 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>422</sup> It was this behaviour that made some independent observers accuse the Rwandan position of being hypocritical (“aufgesetzter

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<sup>418</sup> S’Fiso Ngesi, op cit., 7.

<sup>419</sup> Paul, S. Orogun, op cit., 30.

<sup>420</sup> Ibid, 30.

<sup>421</sup> D.R.Congo: The Case of Zimbabwe’s Plans of Extensive Logging.

<<http://www.Padrign.gu.se/EDCNews/Research/Zimbabwelogging.htm>> [27May2004].

<sup>422</sup> Stroux, Daniel (2002): Kongo: Neue Allianzen, neue Hoffnung. In: E+Z – Entwicklung und Zusammenarbeit, Nr. (6, Juni 2002): S. 171.

*Friedensville*").<sup>423</sup> According to the Rwandan government officials, Kabila's overt support for the genocidaires persuaded them not to engage in negotiations with the DRC but instead to support the rebellion.<sup>424</sup> Like its allies, Rwanda portrayed a total disregard for a negotiated settlement in the DRC.

#### **4.2.3 The Burundian Government**

Burundi was the third country that stepped into the DRC intrastate conflict in support of the rebellion. In Burundi, the country's first Hutu President, Melchior Ndadaye, who won democratic elections in June 1993, was assassinated by the country's Tutsi armed forces. Members of his *Front Pour La démocratique au Burundi* (Frodebu) and thousands of Hutus were displaced by Burundian armed forces. This conflict promoted the exodus of Burundi's Hutu refugees into the DRC. The President's assassination was subsequently followed by the killing of over 50,000 Burundians.

Burundi, like Rwanda and Uganda, extended its civil war into the DRC's territory. However, after the military coup of Major Buyoya, Burundi's neighbouring countries imposed economic sanctions against the country. These made Bujumbura a free trade zone for smuggled diamonds from the Congo. Therefore "with Kampala and Kigali deeply involved in the gold trade, Bujumbura could not afford to be left out of the scramble for Congo riches".<sup>425</sup> Officially the government denied all involvement implications in the conflict, just like Uganda and Rwanda. Burundi even refused to sign the Lusaka Ceasefire Agreement.<sup>426</sup> However, it has not been able to escape the charge that "the Burundian army assisted the rebels in capturing Uvira and Kalemie in south Kivu".<sup>427</sup> Burundi justified its support for the DRC rebellion on security grounds.

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423 Hofmeier, Rolf / Mehler, op cit., 469.

424 Troubling Signs Marks Kagame's Path to Lasting Unity in Rwanda, eAfrica the electronic Journal of governance and innovation, Vol 2, (July 2004), Gerald J. Bender, "Angola: A Case Study; in Politics of identity and Exclusion in Africa; from Violence Confrontation to Peaceful Cooperation: Seminar Report 2001, No11. Konrad-Adenaur-Stiftung, Johannesburg, RSA, 94.

425 Georges Nzongola-Ntalaja, op cit., 102.

426 Eike Ohlendorf, Gemeinsamkeiten und Unterschiede zwischen Rwanda und Burundi.

<<http://www.rrz.uni-hamburg.de/Konflikt-Afrika/KK-DC-BurundiA-Anf.-Start.html>> [27May2004].

427 Great Lakes Country Early Warning Report, op cit.

Kabila also accused Burundi of violating the DRC's territorial integrity and sovereignty. Despite constant denials, Burundian soldiers "repeatedly crossed into Congolese territory to engage in military reprisals against the Hutu rebel guerrillas known as the *Forces Pour La democratic* (FDD)".<sup>428</sup> The other rebel group, the National Liberation Front (FNL) consistently mounted a series of incursions from the DRC into Burundi. Like FDD, FNL engaged the Burundian army in the DRC territory on numerous occasions.

Burundi, like its partners, consistently argued that Kabila was arming the Burundian Hutu rebels and assisting them to invade the country. Burundi and its allies thus contrived "to effect a leadership change in Kinshasa to protect the Banyamulenge and to redress the issue of border insecurity within the Great Lakes Region".<sup>429</sup> These countries perceived military intervention as the best strategy for conflict resolution in the region. These activities persuaded Kabila's government to maintain that:

Burundi was covertly providing military support to the RCD rebels and that Burundi has even staged helicopter-bombing raids in Congolese territory. Other regional sources have noted that some 2,000 Burundian troops are fighting in the east of the DRC against Burundian Hutu guerrillas<sup>430</sup>.

The Burundian war aims were also analogous to both Ugandan and Rwandan objectives. The three governments had a similar interest in solving African conflicts by military means. The overthrow of a Hutu president by Tutsi military might in Burundi and their subsequent forging of alliances with the above countries is a reflection of the convergence of these countries interests. For instance, during the 1990 Ugandan intervention in Rwanda, some Tutsis from Burundi participated in that conflict. Burundi became part of the coalition that removed Mobutu and attempted to remove Kabila in the collective quest to punish the Hutus refugees who were driven out by the incoming governments in both Rwanda and Burundi. It was for these reasons that the Burundian government justified its establishment of military bases in the south-east of the DRC.

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<sup>428</sup> Paul, S. Orogun, op cit., 34.

<sup>429</sup> Ibid, 32.

<sup>430</sup> Ibid, 34.

#### **4.4 The DRC Regional Allies' Resistance to Kabila's Removal from Power**

The 1998 military rebellion in the DRC forced the embattled Kabila regime to appeal to the international community for help in dislodging the rebel advance on Kinshasa. Following several accusations by the DRC leadership against its former allies for instigating a military rebellion in the DRC, Kabila recruited Zimbabwe, Namibia, Angola, Chad and several non-state militias to avert an imminent collapse of his regime.<sup>431</sup> The DRC civil war thus became more international. Most of these new participants not only wanted to assist Kabila but also had special interests. The DRC became a theatre of armed conflict. This military intervention widened the war "to armies from at least eight African countries and many armed rebel groups, including Hutu extremists from Rwanda and Burundi".<sup>432</sup> It was the involvement of these parties which deepened the hatred and various rifts in the Great Lakes Region and across southern Africa.

In August 1998 three SADC members, Angola, Namibia and Zimbabwe, intervened in the DRC conflict to dislodge Ugandan/Rwandan backed rebels who were threatening to topple Kabila's government. In justifying their intervention in the DRC, they argued that they were supporting a fellow member of SADC which was facing external aggression. They further claimed that their actions were in accordance with the OAU Charter and the UN United Nations. Contrary to these claims, they were never authorised by any of the above bodies or even SADC itself (see appendix A about the procedure to be followed to settle inter/intrastate conflicts). Their actions were way beyond the idealistic UN framework; instead their realist interests were the main reason for their interventions. They did not even make an effort to engage these bodies before their intervention, not even the Organ of Politics, Defence and Security, which is the arm of SADC that deals with security issues (see chapter five). It is important to have a closer look at each country's contribution in this conflict.

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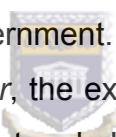
<sup>431</sup> Schoeman Maxi, op cit,3.

<sup>432</sup> Nzongola-Ntalaja Georges, op cit., 92.

#### **4.4.1 The Angolan government**

Angola was the first SADC country that supported the government in Kinshasa. It shares immediate borders with the DRC. The Angolan circumstances differ from those of Zimbabwe and Namibia. During the Mobutu Regime (1965–1997) the former Zaire provided shelter for the National Union for the Total Independence of Angola (UNITA) rebels. The Angolan intervention in the DRC was thus twofold. The country aimed to secure military leverage over UNITA rebels. Therefore, “on the one hand Angola was keen to prevent contact between UNITA and the DRC rebels. On the other hand access to DRC territory meant easier access for targeting UNITA bases”.<sup>433</sup> It was evident that Angola’s President Dos Santos wished to forestall any military advantage or any alliance that UNITA would attempt to gain or forge.<sup>434</sup>

The Angolan intervention in the DRC was spurred by the perceived formation of an unholy alliance between DRC rebels, UNITA and ex-Mobutu generals, who intended to topple Kabila’s government. According to the Johannesburg-based *Mail and Guardian Newspaper*, the ex-Mobutu generals, after failing to recruit mercenaries in South Africa to topple Kabila, recruited from those rebel factions and countries that stood to lose most from the Kinshasa regime. It became evident that these generals shared similar interests with the authorities in Kigali, Bujumbura and Kampala. With the support of 2,500



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<sup>433</sup> D.R. Congo op cit. Angola participated in the Congo conflict in 1996-1997 for ousting Mabuto Seseko and it was also involved in 1998 conflict for the same reasons on the side of Kabila against the former allies Burundi, Uganda and Rwanda. See also Filip Reyntjens op cit, who argues that this switching of sides of Angola was based on the realist strategy that subscribed to the lexicon that ‘my enemy’s enemy is my friend as a result of UNITA’s friendship with these countries. The second DRC war broke on August 2<sup>nd</sup>, 1998 simultaneously in both the east and the west of the DRC. The anti-Kabila forces and their foreign backers (Uganda, Burundi and Rwanda) gained major ground mostly by penetrating deeply in the east. Within a period of just a month, the whole situation had transformed itself into a full-scale war with anti-government forces occupying several hundred kilometres deep inside the DRC territory. Their main objective was to deal a decisive blow on Kabila’s government. The timely Angolan intervention in this conflict foiled this intervention. Angola was able to forestall their military advance and averted the collapse of Kabila’s regime. See also Degenhardt W. Henry, Day, J. Alan ed. Political Dissent: An International Guide to dissident, Extra-Parliamentary, Guerrilla and Illegal Political Movements. (Essex, United Kingdom: Longman House; 1983).

<sup>434</sup> The Angolan interest was to block UNITA at all costs from having military and other logistical access from the DRC. In like manner, it was more desirable to have a regime in the DRC, which was friendly to the Angolan government. Kabila was identified as a genuine ally of Angola. It was in MPLA’s interest to have Kabila in power in order to deny UNITA this tactical advantage. The Angolan elite wanted to protect Angolan security interests, hence their involvement in this war. It was for this reason that they ignored to request SADC authorisation before intervening in the DRC conflict.

soldiers, Angola focused on strengthening Kabila's government.<sup>435</sup> At the same time it wanted to solve its own rebel problems.

Angola's government, among others, was aiming at protecting oil installations that financed its own war effort. It also wanted to prohibit Savimbi's supplies and "to maintain a favourable or compliant regime in Kinshasa. This third element could mean either supporting the regime in power, or replacing it with a more suitable one".<sup>436</sup> The Angolan government was brought into this war on the side of Kabila to forestall UNITA's frequent incursions from its DRC bases to Angola. Therefore, the Angolan's government was understood to have been vehemently "opposed to any ceasefire that leaves a government friendly to UNITA in place in the region",<sup>437</sup> especially in the DRC.

Several reasons have been advanced for the Angolan intervention in the DRC. Among others, similar to all countries that became embroiled in this DRC intrastate conflict, were reasons of security and covert economic interests. However, national security interests were central to the Angolan government's hierarchy of interests. For instance, apart from securing its petroleum and diamond interests in northwest Cabinda region, it "feared that Savimbi would once again use the Congo as a rear base for his rebellion, as he did during the Mobutu regime"<sup>438</sup> and invade this oil- and diamond-rich area.

The stability of the DRC was much more desirable to Angola than to the other countries, especially because it shares a stretch of border amounting to 2,511 kilometres. It was not in Angola's interests to see more instability along this

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<sup>435</sup> Likoti F.J. op cit. The Angolan war strategy therefore, comprised several elements; among the primary strategies was to pursue the fight against Savimbi, who had established bases in the DRC.

<sup>436</sup> Turner Thomas. Angola's Role in the Congo War. Clark, F. John ed. The African Stakes of the Congo War. (New York: Palgrave Macmillan, 2002): 75. Angola had a long history of involvement in the DRC. This was mostly related to its domestic conflicts with UNITA rebels said to be operating from the DRC territory. From August 1998, Angola supplied military weapons to the besieged Kabila government. It used its air power and troops to repel rebels from reaching Kinshasa and overthrowing Kabila's regime. Angola saw the toppling of Kabila by the Tutsi alliance as a direct threat to its security interests, since it believed that UNITA was going to have access to the DRC bases that might enable it to launch fresh attacks.

<sup>437</sup> Paul, S. Orogun, op cit., 35. For more reasons of Angola intervention see Antoine Roz'es, "Angolan Deadlock: Chronicle of a war with no Solution", in African Security Review, Vol.101, No3 (2001), 17-31.

<sup>438</sup> Georges Nzongola-Ntalaja, op cit., 103.

stretch of land. It can also be argued that, having intervened in both Congos, and helping to install the regimes of Denis Sassou-Nguesso in Brazzaville and Kabila in Kinshasa, Angola was now keener than ever to be perceived as a regional power in Central Africa.

#### **4.4.2 The Namibian Government**

Namibia became the second SADC country to support Kabila's regime. In demonstrating its support to Kabila, the government in Windhoek sent about 2,000 soldiers into the DRC to pre-empt the combined Ugandan and Rwandan intervention. This deployment of Namibian troops provoked controversy among SADC members, especially South Africa, the Chair of SADC, which saw it as an illegal intervention. In Namibia,<sup>439</sup> the interventionist policy was subjected to mounting criticism as both opposition parties and NGOs denounced it. In the UN General Assembly, the Foreign Ministers of Namibia and Zimbabwe were very vocal in defending their countries' decisions to intervene in the DRC. This was to no avail as more calls were made for withdrawal of their troops from the DRC.



Namibia's President Nujoma stated unequivocally that Namibian intervention, like that of Angola and Zimbabwe, was strictly geared towards defending the DRC's political sovereignty and the territorial integrity of the Kabila's regime in Kinshasa. Among other reasons, Nujoma cited Namibia's future security interests, proclaiming that Namibian troops were in the DRC because the peace and stability that the country enjoyed today was not going to last forever. This assertion, like that of Zimbabwe, was a political rhetoric and nothing else. The fact of the matter was that Namibia, like Zimbabwe, had economic considerations and geopolitical expediencies, which propelled Namibia's adventurism in the DRC. Orogun writes:

...the Namibian government had plans to divert water from the river Congo across Angola to northern Namibia. Thus, by intervening on Kabila's behalf in the current Congo crisis, President Sam Nujoma, like President Mugabe of Zimbabwe, was trying to secure economic and vital resource benefits

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<sup>439</sup> Paul, S. Orogun Crisis of government, ethnic schisms, civil war, and regional destabilization of the Democratic Republic of Congo.

<[http://www.findarticles.com/p/articles/mi\\_m2393/is\\_1\\_165/ai\\_90307666/pg\\_7](http://www.findarticles.com/p/articles/mi_m2393/is_1_165/ai_90307666/pg_7)> [02February2002].

while advocating the political rhetoric of standing up to South Africa.<sup>440</sup>

Namibian main interest of diverting water from the Congo was consistent with Morgenthau's assertion (cited in chapter two above) that territorial issues such as access to water resources are central in motivating military interventions by other states. Nujoma secured agreement with the DRC government to collect water from the river Congo before it flows into the Atlantic Ocean and then channel it to Namibia.<sup>441</sup> Thus, it was rational for Namibia to intervene on Kabila's behalf in the DRC. This Namibian intervention was critical in guaranteeing that the country would secure economic and vital resource benefits from the DRC, while advocating the political rhetoric of standing up to South Africa,<sup>442</sup> which was against the intervention.

Apart from water, Namibia involvement was also motivated by commercial and diamonds interests. Like Zimbabwe, the country was involved in diamond diggings, which benefited the ruling elite. In fact, "Namibia's Mines Minister, Jesaya Nyamu, admitted that the country had commercial interests in a diamond mine in the DRC".<sup>443</sup> The irony here was that the Minister was alluding to the greed theory explained above. This reflected the fact that while the country claimed security threats, it was actually motivated by its "greed for loot-seeking" rather than "justice- seeking" behaviour. In its quest to hide its motives, Namibia's government even went to the extent of holding some of its soldiers who refused to participate in the DRC war in their barracks in order to prevent them from being interviewed by human rights groups, such as the Namibian National Society of Human Rights.

As far as security interests were concerned, Namibia's government argued that national security justified its intervention, especially because UNITA was using the Caprivi, which is Namibian soil, as a base for its operations. They

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<sup>440</sup> Paul, S. Orogun op cit., 36. See also, Paul, S. Orogun , Crisis of government, ethnic schisms, civil war, and regional destabilization of the Democratic Republic of Congo.

<[http://www.findarticles.com/p/articles/mi\\_m2393/is\\_1\\_165/ai\\_90307666/pg\\_7](http://www.findarticles.com/p/articles/mi_m2393/is_1_165/ai_90307666/pg_7)> [02February2002].

<sup>441</sup> Georges Nzongola-Ntalaja, op cit.

<sup>442</sup> Paul, S. Orogun op cit .

<sup>443</sup> Edmond Tiku, Erik Doxtader. Namibia: The Jigsaw Puzzle of Democracy: Erik Doxtader and Charles Villa-Vicencio ed. Through Fire with Water: The Roots of Division and The Potential for Reconciliation in Africa. (Institution for Justice and Reconciliation; South Africa: 2003), 334.

contended that UNITA was also assisting the people of Caprivi to secede from Namibia and as such, Namibian intervention in the DRC on the side of both Kinshasa and Luanda in this war would directly boost their security interests against the Caprivi separatists.

Furthermore, Namibia had been equipping Kabila's government with military equipment to sustain the regime's war effort. For example, Namibia was reported:

in mid-August 1998 to have provided about twenty tons of military weapons and other supplies to the DRC government. In late August, the Namibian government admitted to supplying arms and other equipment to the DRC but continued to deny reports that it had also sent troops there.<sup>444</sup>

While initially Namibia refused to acknowledge that it had been supplying arms to the DRC, it finally did so under much public pressure but refused to confirm or deny accusations that it had sent its army into the DRC. Namibian officials in their public pronouncements expressed commitment to keeping Namibian troops in the DRC while at the same time reaping benefits provided by Kabila's government. They consistently maintained that Namibian troops would only contemplate withdrawing from the DRC when the UN peacekeeping forces were fully deployed. It can therefore be argued that Namibia was motivated by several interests in the DRC conflict, ranging from access to resources such as water and diamonds to commercial and security interests.

#### **4.4.3 The Zimbabwean Government**

Zimbabwe is the third government that came to the rescue of Kabila regime. Harare deployed about 11,000 soldiers in the DRC.<sup>445</sup> Their main task was to

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<sup>444</sup> Paul, S. Orogun, "Crisis of Government, Ethnic Schisms, Civil war, and Regional Destabilization of the democratic Republic of the Congo" World Affairs Vol. 165 (Summer 2002),.

<sup>445</sup> An anonymous senior Zimbabwe government official has detailed the human and financial costs of his country's involvement in the Congo conflict.

<<http://128.242.103.136/~resisftp/resistance/enanalyse/af3.htm>> [27May2004]. See also Branching out: Zimbabwe's resource colonialism in Democratic Republic of Congo.

<<http://www.eldis.org/static/DOC5568.htm>>[27May2004], Jim Wurst CONFLICT-AFRICA: African Leaders Urge UN Intervention in DRC. <[http://www.oneworld.org/ips2/jan00/17\\_41\\_078.html](http://www.oneworld.org/ips2/jan00/17_41_078.html)> [28May2004], Lewis Machipisa, ZIMBABWE: People Question The Wisdom Of A Far Away War; <[http://www.oneworld.org/ips2/aug98/16\\_41\\_060.html](http://www.oneworld.org/ips2/aug98/16_41_060.html)> [28May2004], President announces

control and defend military and economic centres of strategic importance.<sup>446</sup> Zimbabwean troops were mostly stationed around the ore mines of Katanga and the diamond mines of Mbuji-Mayi.<sup>447</sup> It was further claimed that Mugabe supported Kabila in return for financial concessions in diamond mines and regional influence.<sup>448</sup>

Several theories have been articulated to explain the Zimbabwean intervention in the DRC. Like the South African intervention in Lesotho, these claims were both based on realist's interests.<sup>449</sup> In the case of Zimbabwe, the intervention was based on strategic, economic and military interests, despite the fact that a military solution to the crisis in DRC was not feasible.<sup>450</sup> Zimbabwe's military interests<sup>451</sup> are demonstrated in Appendix B. Since realist interests dominated Zimbabwean government thinking, it was inconceivable for it to advocate a regime change that would result in crippling financial losses for Zimbabwe. Furthermore, the Zimbabwean intervention in the DRC proved even more lucrative for President Mugabe and his cronies. According to a London based NGO, Global Witness, Zimbabwe has been reported to be making DRC:



pay for the intervention on the government side by allowing logging of an area larger than the UK. This NGO asserted

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Zimbabwean Intervention in the DRC, [Online] Available

[http://www.gta.gov.zw/foreign%20affairs/congo\\_intervention.htm](http://www.gta.gov.zw/foreign%20affairs/congo_intervention.htm) [29May2004].

<sup>446</sup> Michael Nest, Ambitions, Profits and Loss: Zimbabwe an Economic Involvement in the Democratic Republic of the Congo: In the Journal of the Royal African Society, African Affairs, Vol. 100, No.400, (July 2001), 469-490.

<sup>447</sup> Hofmeier, Rolf / Mehler, Andreas op cit., 433.

<sup>448</sup> Paul, S. Orogun, op cit., Robert I. Rotberg, Africa's Mess, Mugabe's Mayhem: in Foreign Affairs, Vol.79, No.5, September/October 2000.

<sup>449</sup> The Role of Southern African Development Community Organ of Politics Defence and Security. (M.A. thesis, University of Cape Town, Cape Town, 2003). See also The Daily Telegraph, London, 18th January 2000. The paper argues that Zimbabwe military intervention in the DRC has been the same with those of the other interveners.

<sup>450</sup> Hevina S. Dashwood, Zimbabwe: The Political Economy of Transformation. (Toronto: University of Toronto Press, 2000).

<sup>451</sup> Operation Sovereign Legitimacy (OSLEG)is a company established by Zimbabwean Defence force to represent its economic interests in the DRC. Since the 1998 Zimbabwean intervention in the DRC, this company has established joint ventures with fictitious companies owned by Kabila's government such as Comiex-Congo. This company is alleged to be directly owned by President Kabila. Together OSLEG and COMIEX have created a Congolese subsidiary named COSLEG. COSLEG, in turn, is behind SOCEBO, the biggest ever logging operation in the history of Congo, which was granted an 85m-acre concession by the Congolese government in August 2001. Therefore, according to Great Lakes Country Early Warning Report, op cit. Zimbabwe's intervention in the DRC was fuelled by lucrative economic deals negotiated by the leaders of both countries. Zimbabwe has reportedly invested at least \$240 million in DRC. The sum includes a contract to supply military hardware the rehabilitation of certain infrastructures, and mining.

that this logging will be carried out through a Congolese company called Congolese Society for the Exploitation of Timber (SOCEBO), which is part of a complex web of businesses set up by Zanu-PF, which is an empire controlled by Zimbabwe's political and military elite, led by Emmerson Mnangagwa, Speaker of Zimbabwe's Parliament, a former Minister of State Security, and close confidante of President Mugabe.<sup>452</sup>

Another equally crucial Zimbabwean national interest was to have free access to the supply of the DRC electricity.<sup>453</sup> According to Ogunlande Davidson and Stanford Mwakasonda, "the Zimbabwe Electricity Supply Authority (ZESA) is the main utility responsible for the generation, transmission and distribution of electricity in Zimbabwe. Unfortunately, ZESA does not meet local demand, and supply is supplemented by imports from neighbouring countries".<sup>454</sup> Zimbabwe's dependency on the DRC's electricity should not be overemphasized. The country remains the most deficient in terms of electricity supply in the region. It imports 26% of its electricity from Mozambique's Hydro Cahora Bassa (HCB) with the rest coming from ESKOM South Africa, ZESCO Zambia and SNEL from the DRC.<sup>455</sup> It was in Zimbabwe's national interest to intervene in the DRC conflict in order to get right of first access to the DRC's electricity.<sup>456</sup> Apart from this, the DRC electricity is said to be the cheapest in southern Africa, while the HCB's supplies are the most expensive, which Zimbabwe cannot afford. In fact, Zimbabwe's access to the DRC's electricity

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<sup>452</sup> D.R. Congo: op cit, closely associated with this company is COSLEG. In fact SOCEBO is a Subordinate company of COSLEG, which supplied Zimbabwean troops fighting on behalf of Kabila in the DRC in exchange for rights to mine diamonds, cobalt and now to harvest timber. Furthermore, UNEP raised their concern about these dubious deals between Zimbabwe and Kabila. The UNEP argued that in DRC 15% of the country's land area has been signed over to Zimbabwe's army-not notably skilled loggers. The long-term impact on people's livelihoods and rare wildlife such as guerrilla will be devastating. The Global Witness argued further that the Zimbabwean intervention in DRC domestic conflict had been occasioned by the massive reaps and exploitation of the DRC resources such as diamonds and logging while keeping Mugabe in power.

<sup>453</sup> Michael Nest, op cit, 473.

<sup>454</sup> Ogunlande R. Davidson, Stanford A. Mwakasonda, Southern Africa sub-regional study: South Africa and Zimbabwe Electricity access sub-theme; FOR the GLOBAL NETWORK ON ENERGY FOR SUSTAINABLE DEVELOPMENT

November 2003 ENERGY & DEVELOPMENT RESEARCH CENTRE: University of Cape Town.<<http://www.erc.uct.ac.za/publications/Southern%20Africa%20regional%20study%20-%20Electricity%20access%20theme%201.pdf>> [17June2005].

<sup>455</sup> ZESA bills and the woes of a Zimbabwean exporter.

<[http://www.sokwanele.com/articles/sokwanele/zesabillsandthewoesofazimbabwean\\_24feb2004.html](http://www.sokwanele.com/articles/sokwanele/zesabillsandthewoesofazimbabwean_24feb2004.html)> [17June2005].

<sup>456</sup> Michael Nest, op cit.

was “one of the reasons presented for Zimbabwean intervention in the DRC”.<sup>457</sup>

The involvement of SADC countries in this civil war outside the SADC mandate created a major challenge to SADC’s OPDS. While the Zimbabwe, as Chair of the OPDS, claimed that it was conducting a peacekeeping role in the DRC, their actions did not support this claim. Firstly, there was no written agreement between the warring forces, which necessitated SADC peacekeeping forces. Secondly, the intervention was not conducted according to the OPDS’ 1996 protocol. Therefore Zimbabwe’s peacekeeping role was not even sanctioned by SADC or by the Summit itself, which is the highest decision-making body.<sup>458</sup> The unilateral action of Zimbabwe and its allies was criticised by other SADC members, including South Africa as the Chair of SADC, who advocated diplomatic solutions rather than war.<sup>459</sup>

The argument goes that it was not feasible for Zimbabwe to defy SADC, its citizens and the international community by dispatching over 11,000 army personnel out of its 30,000 strong army if it was not benefiting from the whole exercise.<sup>460</sup> Orogun argues that the real interests of Zimbabwe have been disguised as a rescue mission but the truth of the matter was that:

Zimbabwean President Robert Mugabe is reported to have his sights set on Mbuji-Mayi’s diamond wealth. In addition, Congo’s Kabila owes \$40 to \$200 million for military support. Zimbabwe would trust neither Rwanda nor Uganda, if they come to power, to repay the debt Congo owes to Zimbabwe...Without Mbuji-Mayi (Zimbabwe’s President) Mugabe has no reason to keep fighting, says a Western diplomat. His army didn’t have a reason to start with, so they will really be glad to get out.<sup>461</sup>

Several media houses such as the *Financial Times* have provided an in-depth analysis of the Zimbabwean motivation to intervene in the DRC. The scope

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<sup>457</sup> Horace Campbell op cit,237.

<sup>458</sup> Cedric de Coning, Lesotho Intervention: Implications for SADC Military Interventions, peacekeeping and the African Renaissance. <

<http://www.trainingpeace.org/pubs/accord/lesothomono.pdf>> [11April2005].

<sup>459</sup> Likoti F.J. op cit. See also Christopher Landsberg and Mwesiga Baregu, ed.From Cape to Congo: Southern Africa’s Evolving Security Challenges; A project of the International Peace Academy (London: Lynne Rienner Publishers 2003).

<sup>460</sup> Hofmeier, Rolf / Mehler, Andreas op cit., 433.

<sup>461</sup> Paul, S. Orogun, op cit., 37.

and magnitude of Zimbabwean economic interests are considerable. The intervention strongly manifests economic interests.<sup>462</sup> It was clear that Zimbabwean elites and their allies have turned the DRC civil war into a profitable business for themselves. The takeovers of Gecamines (by Zimbabwean operator Billy Rautenback) and of oil reserves by Angolans as compensation for Kabila's debts to these countries were cases in point.

Regional analysts saw these interventions as motivated by the DRC's natural resources, such as diamonds. On the other hand, the significance of this intervention was its lack of reference to international law on interventions and the use of force. The fact of the matter was that these countries consulted nobody. Their officials were inconsistent about which relevant provisions of the UN Charter were consulted.<sup>463</sup> It was this unilateralism that has defeated the smooth operation of the OPDS. They opted for direct military intervention and ignored South African calls for a diplomatic resolution to the DRC conflict.<sup>464</sup> President Mugabe ignored both rebel and SADC calls to cease hostilities and told the Zimbabwean state media that "No-one is compelled within SADC to go into a campaign of assisting a country beset by conflict".<sup>465</sup> He argued further that those who did not want to help should keep out, and not discourage those who wanted to help. The SADC Chair was forced by these circumstances to convene an emergency SADC Summit to discuss peaceful resolution of the DRC conflict.

#### **4.4.4 Sudan and Chad Governments' involvement in the DRC Conflict**

The involvement of Khartoum appears to have escalated the DRC conflict to engulf the whole Great Lakes Region. Sudan's primary motive in entering the DRC conflict was to weaken "the anti-Khartoum National Democratic Alliances (NDA) rebels based in southern Sudan".<sup>466</sup> The NDA was supported by both Eritrea and Uganda in their quest to promote further destabilisation of Sudan.

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<sup>462</sup> Likoti F.J. op cit., 29.

<sup>463</sup> Laurie Nathan, "Organ Failure": A Review of the SADC Organ on Politics, Defence and Security: In Liisa Laakso, ed. Regional Integration for Conflict Prevention and Peace Building in Africa; Europe, SADC and ECOWAS., (University of Helsinki, Department of Political Science; 2002), 62-102.

<sup>464</sup> Ali B. Ali-Dinar, DRC: Zimbabwean, Angolan troops arrive to back Kabila 1998.8.21. <<http://www.reliefweb.int/>> [29May2004].

<sup>465</sup> Ibid, 1.

<sup>466</sup> Great Lakes Country Early Warning Report, op cit.

This was the primary reason that motivated Khartoum to support Kabila against Uganda. Likewise, Sudan also supported rebel movements such as the LRA against Uganda (ADF). The country was “reported to have trained and armed 2,800 Rwandese and Ugandan rebels, and a further 2000 Sudanese troops with Libyan financial backing, to assist Kabila”.<sup>467</sup> Sudan, in this manner, became an active participant in the DRC’S domestic conflict with its tit-for-tat tactics with Uganda.

It was also reported that Chad<sup>468</sup> and Sudan deployed their troops in the eastern DRC to assist Kabila’s government. In fact, following Kabila’s visit to Chad in September 1998, “Chad pledged unconditional support to Kabila and sent 1,000 troops to DRC”.<sup>469</sup> Similarly, the interest of Chad, a country a long way from the Great Lakes Region, has not been discernible. Since its interests were not clear, a plausible explanation of its involvement is that “given its rich experience with civil wars, Chad intervened as a result of pressures from the Francophone states of Central Africa under the leadership of President Omar Bongo of Gabon”.<sup>470</sup> It can be argued that most of these countries would like to see the DRC remain within the Francophone states rather than eastern or southward English-speaking countries.

#### **4.5 Conclusions**

This chapter concludes that the right intentions of military intervention suggested by both St. Augustine and St. Thomas were absent in this intervention. Therefore all six criteria identified by the ICISS (just cause, right authority, right intention, last resort, proportional means and reasonable prospects) were equally absent in these interventions. This means that the intervention was not humanitarian, as Thusi, Thompson and others have

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<sup>467</sup> Ibid.

<sup>468</sup> France Kornegay and Simon Chesterman, “Southern Africa’s Evolving Security Architecture: Problems and Prospects”: In Program on Developing Regional and Sub-Regional Security Mechanisms in Africa; Conference held by International Peace Academy in Partnership with the African Renaissance Institute the Southern African Regional Institute for Policy Studies and the Department of International Relations, University of the Witwatersrand, in Botswana, Gaborone (December 11-13-2000), 1.

<sup>469</sup> Great Lakes Country Early Warning Report, op cit.

<sup>470</sup> Georges Nzongola-Ntalaja, op cit., 104.

argued. It went far beyond the idealist framework of the UN and is therefore realist in orientation.

It is evident that government interventions of this nature are in most cases not authorised by their legislatures and violate constitutional principles. In all the cases discussed, legislative oversight is weak, as discussed below in chapter six.

According to Chapter VI of the UN Charter, all intrastate conflicts must be settled by peaceful means, through the consent of all parties to the conflict. This chapter concludes that the DRC intervention was inconsistent with this UN principle. The intervention was unilateral and as such seemed to have violated Article 2 (7) of the UN Charter. The use of force in these interventions, which is forbidden by Article 2(4) of the UN Charter according to Simon C. Penelope, renders them illegitimate under international law.

This chapter also concludes that the intervention appears to have been inconsistent with international law by violating the sovereignty of the DRC. This violation was consistent with the Baumann and Pearson analogy that described this kind of action as forceful military action by foreign countries in other sovereign states. Therefore, it appears to be consistent with what Neil Macfarlane terms realist national interests.

The chapter concludes that the military intervention in the DRC seemed to have been motivated by what Hobbes, Thucydides and Morgenthau termed the principle of interest. This interest fits the Pearson and Baumann model, which argues that the states' interests are a powerful motivation for mounting an illegitimate intervention, such as the DRC one. This intervention also reflected the struggle for power that appears to have been the immediate aim of all intervening states. Therefore the 1998 military rebellion in the DRC reflected these developments. It can also be argued that power politics were at play during this intervention. The chapter therefore concludes that the DRC intrastate conflict revealed the realists motives of all the intervening countries.

The 1998 September, South Africa and Botswana military intervention in Lesotho can be seen as equally motivated by realist interests. This intervention forms the discussion of the next chapter



## CHAPTER FIVE

### THE SOUTH AFRICAN MILITARY INTERVENTION IN LESOTHO

#### 5.0 Introduction

The preceding chapters indicated that both the military interventions in Rwanda and the DRC were unilateral and motivated by realist national interests. These unilateral interventions are consistent with the analysis of neo-realists like Waltz and Mearsheimer, who argue that states still act unilaterally in order to secure their national security interests. These chapters also described the Great Lakes Region as consistently experiencing intra and inter-states conflicts, which threatened peace and security<sup>471</sup> in southern Africa.

It is the task of this chapter to establish whether the military intervention in Lesotho<sup>472</sup> was motivated by the realist national interests of intervening countries, as appeared to have been the case in the previous chapters. This chapter analyses the process which was followed by South Africa and Botswana<sup>473</sup> during their intervention in Lesotho. It will also ascertain the role of SADC in facilitating this intervention, together with the action or inaction of the South African parliament in authorising the intervention.

#### 5.1 The 1998 Lesotho Elections

Lesotho's May 1998 elections were hailed as peaceful by both domestic and international observers. The elections proved to be a watershed for the country. They were won by the ruling Lesotho Congress for Democracy

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<sup>471</sup> Willie Breytenbach, Failure of Security Co-operation in SADC: The Suspension of the Organ for Politics, Defence and Security: In South African Journal of International Affairs, Vol.7, No1 (Summer, 2000), 85-95.

<sup>472</sup> Makoa, Francis. The Challenges of the South African Military Intervention in Lesotho after the 1998 Elections: In Lesotho Social Science Review 5, No1 (1999):83-109. See also Matlosa, Khabele, The Lesotho Conflict: Major Causes and Management. In Lambrechts Kato, ed. Crisis in Lesotho: The Challenges of Managing Conflict in Southern Africa. Foundation for Global Dialogue. Series No2. (1999) 6-11.

<sup>473</sup> Caiphas Chimhete, Mugabe Retain's The Organ: In Southern African Political & Economic Monthly, Vol.13, No1, (October 1999), 60-61. However, the role of Botswana Defence Force (BDF) did not feature much because it was overshadowed by South Africa as a hegemonic power in Southern Africa. In the final analysis the role of Botswana was negligible.

(LCD). Although the results were disputed, the party won 79 seats in the 80-seat parliament. A few months after the election, opposition parties cried foul,<sup>474</sup> which overshadowed earlier perceptions of the election and brought its results into question.

The 1998 elections were characterised by deep tensions and animosity, which stemmed from the earlier fragmentation of a splinter party, the Basutoland Congress Party (BCP), into the LCD, which was formed barely eight months earlier. This bitterness was fuelled by the fact that the founder leader of the BCP and the then-Prime Minister, Ntsu Mokhehle, had led the break-up. The LCD won the elections as a result of his personality cult rather than on the strength of the party's policies.<sup>475</sup> There had also been earlier attempts in 1994, by the King and with the support of RCC and the BNP, to unseat the new LCD leader who was a BCP Prime Minister at the time.<sup>476</sup> What was even more worrying for most people in Lesotho was the fact that both the 1993 and 1998 elections produced one dominant party. This had a lot to do with the 'first past the post' electoral system inherited from Britain at independence.<sup>477</sup>



The opposition parties questioned the validity of the election results. The government and opposition parties sought mediation from South Africa to settle the dispute. Both parties agreed that they would be committed to the outcome of the findings. The then-Deputy President of South Africa (SA), Thabo Mbeki, assembled an auditing team from South Africa, Botswana and Zimbabwe. A South African High Court Judge, Justice Pius Langa, headed this team.<sup>478</sup> In the meantime, the supporters of the opposition parties had

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<sup>474</sup> Roger Southall and Roddy Fox, Lesotho's General Election of 1998: Rigged or de rigueur: In the Journal of Modern African Studies, 37.4 (1999): 669-696, argued that they were repudiated by opposition parties notably Basotho National Party and the Basutoland Congress party.

<sup>475</sup> Lesotho elections are normally contested on political cults of leaders not policies. However, these elections were given a clean bill of health by the international observers, but not the local observes.

<sup>476</sup> Matlosa, Khabele, Lesotho after 1998 Elections: what went wrong? In Southern African Economist Vol.11.No12. (1998): 6-10.

<sup>477</sup> The majoritarian first past the post electoral system, which Lesotho used since independence in 1966.

<sup>478</sup> Sehoai Santho, Conflict Management and Post- Conflict Peace Building in Lesotho. In Lambrechts Kato, ed. Crisis in Lesotho: The Challenges of Managing Conflict in Southern Africa. Foundation for Global Dialogue. Series No2. (1999), 11-13.

camped at the palace gates few weeks earlier, demanding that the King dissolve the LCD government. This occupation by opposition members paralysed the country's administration.

The local initiatives aimed at bringing the parties to the negotiation table were established by NGOs, especially the Lesotho Network for Conflict management (LNCM), but were ignored and dismissed by the government. While the opposition parties supported these initiatives, the government's non-participative stance shattered track-two diplomacy, which was a crucial step towards reaching the negotiated settlement. It was this government refusal to negotiate that paved the way for track-one diplomacy in the form of the Langa Commission, which started its work on 14<sup>th</sup> August 1998.<sup>479</sup>

The findings of the Langa Commission created more anxiety and confusion among stakeholders in Lesotho. Despite its credible process and transparency, the report was mishandled. At first, Mbeki went to Lesotho ostensibly to present the Langa Commission report. Unfortunately, this did not happen. Instead, it was alleged that the report must be presented before Heads of SADC Summit meeting in Mauritius. It is still not clear whether the report was finally presented at this Summit. Rumours were rife in Lesotho that the report was being 'doctored' and its findings manipulated in favour of the ruling party, before it was presented to all parties. These rumours were even more acute within the opposition alliance corridors, which "suggested that the original report indicated overwhelming evidence of election fraud, and called for the holding of a new poll".<sup>480</sup> The findings of the Langa Commission were summarised as follows:

We are unable to state that the invalidity of the elections has been conclusively established. We point out, however, that some of the apparent irregularities and discrepancies are of sufficiently serious concern. We cannot, however, postulate that the result does not reflect the will of Lesotho electorate.<sup>481</sup>

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<sup>479</sup> Matlosa Khabele, Conflict and Conflict Management: In Lesotho Social Science Review 5, No1. (1999), 163-196.

<sup>480</sup> Ibid, 126.

<sup>481</sup> Pherudi, Mokete Lawrence, 2003. 'Lesotho: Political Conflict, Peace and Reconciliation in the Mountain Kingdom': In Doxtader, Erik and Villa-Vicencio ed. Through Fire with water: The Roots of

The above paragraph created more controversy among the parties than was anticipated. Thetela argues that “this vague, and ‘contradictory’ conclusion, thus fuelled allegations that the report had been ‘rewritten’ at the Mauritius SADC Summit (September 13-14, 1998)”.<sup>482</sup> The Langa Commission’s report became susceptible to different misinterpretations.<sup>483</sup> It was extremely ambiguous, to say the least. In fact, “on one hand it stated that there had been fraud. On the other hand it did not find that the election had been rigged”.<sup>484</sup> It was these inconsistencies that motivated the South African Communist Party (SACP) to argue that:

These elections were characterised by widespread and apparently systematic irregularities. The Langa Commission, which produced (perhaps appropriately) a very legalistic document, found that it was not able to prove fraud, but it highlighted serious irregularities in at least 41 of the 80 constituencies.<sup>485</sup>

The report gave rise to speculative interpretations. One of the leading opposition alliance leaders submitted that it was regrettable “that the so-called mediators from SADC have displayed dishonest brokering - starting with the treatment of the Langa report”.<sup>486</sup> But most serious of all suspicions was the fact that the preliminary report, which Mbeki shared earlier with the parties, indicated that 95% of elections were not free and fair, due to serious discrepancies, and were highly compromised. Thetela further argues that “the above allegations portray the SADC troika as having collaborated with the LCD government in the rigging of the May 23 elections by falsifying the findings of the Langa Commission in an attempt to keep the LCD government in power”.<sup>487</sup>

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Division and the potential for Reconciliation in Africa. (Institution for Justice and Reconciliation; (2000), 364.

<sup>482</sup> Puleng Thetela, op cit, 126.

<sup>483</sup> Tefetso Mothibe, The Military and Democratization in Lesotho: In Lesotho Social Science Review, Vol. 5, No1 (July 1999), 47-63.

<sup>484</sup> South Africans botch military intervention in Lesotho.

<[http://www.infoshop.org/news\\_archives/safrica1.html](http://www.infoshop.org/news_archives/safrica1.html)> [25 April 2005], 1.

<sup>485</sup> SACP Secretariat Statement on the Lesotho Situation. <

<http://www.sacp.org.za/pr/1998/pr0930.html> > [25 April 2005], 1.

<sup>486</sup> Mopheme Newspaper, November, 17, 1998.

<sup>487</sup> Puleng Thetela, op cit, 127.

## 5.2 The Army Mutiny

Subsequent to the above confusion, “the ground was already set for a mutiny within the Lesotho Defence Force (LDF)”<sup>488</sup> and around the 10<sup>th</sup> to 16<sup>th</sup> September 1998, an army mutiny broke out at the main army barracks in Maseru.<sup>489</sup> This inflamed the fragile situation in the country. The political crisis that was simmering exploded. However, on the 16<sup>th</sup> September the ministers from the South African government, including the Defence Minister, Joe Modise and the Safety and Security Minister, Sydney Mufamadi, came to Lesotho to stop the mutiny.

The role of Mufamadi was to open negotiations between the government and opposition parties. Negotiations continued in an environment of uncertainty. Nevertheless, as political leaders were gearing themselves for more talks, it was rumoured that a SADC intervention force was on the way. A situation of hopelessness and confusion ensued.



In response to the ensuing instability, the Prime Minister wrote to the Heads of State of some prominent SADC members, namely Botswana, Mozambique, South Africa and Zimbabwe, requesting military intervention in Lesotho. He pleaded with these countries to come and restore order.<sup>490</sup> He argued that members of his Cabinet had been held hostage and threatened by demonstrators. In his letter of request he argued that members of Lesotho’s mounted police had become bystanders, at best, and that the army appeared to be failing in its constitutional duty to secure the country. He lamented that the mutiny in the LDF was taking root.<sup>491</sup> An army brigadier had to go into hiding, fearing for his life after being forced by mutineers to take command and announced a coup. These events confirmed that there was, in fact, a coup in process. While political conflict was not new in Lesotho, what was

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<sup>488</sup> Mpho G. Molomo, External Military Intervention in Lesotho’s Recent Political Crisis: In Lesotho Social Science Review, Vol. 5, No1 (July 1999), 141.

<sup>489</sup> Matlosa, Khabele, op cit.

<sup>490</sup> Ibid.

<sup>491</sup> Matlosa Khabele, Lesotho After the 1998 Political Conflict: Reconstruction and Peace Building: In Southern African Political & Economic Monthly, Vol.13, No1, (October 1999), 12-13, argues that the LDF was seen to have pinned its sympathies with the opposition alliance.

unique about this election-related conflict was that it brought about military intervention by a neighbouring state.

### 5.3 The Military Intervention

On the morning of the 22<sup>nd</sup> September 1998, the South African National Defence Force (SANDF) intervened in Lesotho.<sup>492</sup> The decision to do so was justified by the fact that Prime Minister Mosisili directly approached the SADC Chair, who at the time was the President of South Africa, requesting intervention. This request created a controversy as it later emerged that the King of Lesotho was not consulted. This action was seen as beyond the Prime Ministers powers in relation to the Constitution of Lesotho, which makes it mandatory to consult the King on such matters.<sup>493</sup> The legitimacy of the intervention was questionable from the international perspective because it was inconsistent with the UN Charter. The intervention was also not humanitarian as illustrated in chapter one above, but consistent with realist imperatives discussed in chapter two. This was because “South Africa, Botswana and SADC, failed to obtain prior authorisation from the UN Security Council as required by Chapter VIII of the Charter”.<sup>494</sup> It was alleged that the intervention was based on agreements reached at SADC summits.<sup>495</sup> The intervention was also inconsistent with Article 4(a) of the SADC Treaty, which

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<sup>492</sup> Puleng Thetela, Critique Discourse and Ideology in Newspaper reports: A Discourse Analysis of the the South African Press Reports on the 1998 SADC’s Military Intervention in Lesotho: In Discourse & Society, Vol 12, 13: 347-370. See also Francis Kopano Makoa, The Challenges of the South African Military intervention in Lesotho After the 1998 Election: In Lesotho Social Science Review Vol. 5, No1 (June 1999), 83-109.

<sup>493</sup> The Constitution of Lesotho.

<<http://www.lesotho.gov.ls/constitute/gconstitute.htm#92.%20The%20King's%20right%20to%20be%20consulted%20and%20informed%20concerning%20matters%20of%20government>> [05May2005], in section 92 argues that The King shall have the right to be consulted by the Prime Minister and the other Ministers on all matters relating to the government of Lesotho and the Prime Minister shall keep him fully informed concerning the general conduct of the government of Lesotho and shall furnish him with such information as he may request in respect of any particular matter relating to the government of Lesotho. See also Makoa op cit, 92.

<sup>494</sup> Cedric de Coning, op cit, 3. However, several countries have intervened in other countries before without UN Security Council authorisation such as the NATO bombing of Serbia over the Kosovo crisis. See also Khabele Matlosa, Conflict and Conflict Management: Lesotho Political Crisis After the 1998 Elections; In Lesotho Social Science Review, Vol.5, No1 (June 1999), 163-196.

<sup>495</sup> Statement on Lesotho by the Deputy Minister of Foreign Affairs, To the National Assembly, 3 November 1998. <[http://www.info.gov.za/speeches/1998/98b04\\_1w1219811322.htm](http://www.info.gov.za/speeches/1998/98b04_1w1219811322.htm)> [25April2005] see also the following document, SADC Launches Operation Boleas in Lesotho. <[http://www.info.gov.za/speeches/1998/98a01\\_boleas9811173.htm](http://www.info.gov.za/speeches/1998/98a01_boleas9811173.htm)> [25April2005]. Both these documents fails to cited these SADC agreements despite making the accession that the intervention was consistent with SADC principles.

underwrites the principle of sovereign equality of all member states. It intervention caused widespread criticism from many opposition parties in both Lesotho and South Africa.

This intervention appears to have been consistent with realist interests mentioned in chapter two and not motivated by humanitarian imperatives because of its militaristic character.

The South African intervention in Lesotho has been subjected to many interpretations. The fact that the South African military went to the Katse Dam before going to Maseru, where an army mutiny was unfolding and anarchy was in process, added more controversy to the conflict. The Lesotho intervention gave more credence to the claim by Swatuk and Black that the wars of the next millennium will be fought over scarce resources, such as water, among others.<sup>496</sup> In political economy of contemporary conflict, the issue of natural resources has been found too significant in motivating greedy behaviour by parties in conflict. The “greed and grievance” debate has advanced this view that countries with natural resources are more prone to conflict than those without.

In explaining the mandate of Operation Boles as the Acting South African State President, Mangosuthu Buthelezi, argued that, there were three objectives: “to secure the Dam, restore order in the security establishment and clear protestors from the Royal Palace”.<sup>497</sup> Consistent with the State President’s orders, the SANDF first went to the northern part of the country, to the Katse

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<sup>496</sup> Black D. “Security Issues in Africa After Apartheid: Implications for Canadian Policy”: In David Black, Larry Swatuk, ed. Southern Africa and Africa After Apartheid: Security Issues (Dalhousie University; Centre for Foreign Policy Studies, December 1996).

<sup>497</sup> Lambrechts Kato, ed. Foundation for Global Dialogue. Series, No2. (1999): 27. See also Larry A Swatuk, Peter Vale, Op cit. who argued that the Katse Dam represent the major South African interest. This Dam forms a joint Lesotho South African Highlands Water project (HWP). The Dam transfers water to South African industrial heartland. The HWP is a US\$7.5 Billion project that transfers 2.2 billion M3 of water per annum from Lesotho to South Africa. Van Nieuwkerk A. Implications For South Africa’s Foreign Policy Beyond the Lesotho Crisis, Presentation to a Discussion Forum organized by the Cease-Fire Campaign and the Southern African Human Rights NGO Network, October 2, 1998. he argues that Buthelezi on the other hand maintained that the coup would have prevented the majority party, the opposition and the Monarchy from performing their respective constitutional roles and would have been an equal threat to them all, quoted from Mpho Molomo op cit, 148.

dam, where they shelled members of the LDF guarding this strategic dam, which stores water en route to the South African industrial heartland.

The South African newspaper, *The Sunday Independent*, of February 1999 offers a vivid description of the intervention. It describes how two South African helicopters flew to the Katse Dam, which was guarded by the unsuspecting members of LDF. It stated that, "From the air, they opened fire on the sleeping soldiers. South African special troops were then landed and massacred any LDF man they found alive".<sup>498</sup> It was further argued that, "after killing 16 LDF members guarding the...Katse Dam, the SANDF reportedly bayoneted their corpses and blasted their heads with bullets".<sup>499</sup> The local Lesotho press submitted that a "trail of misery and suffering...began with merciless butchering of our unsuspecting and sleeping soldiers at the Katse Dam".<sup>500</sup> The SA force then moved down to Maseru to handle the ongoing anarchy that was taking place. Their action at Katse Dam angered and triggered multitudes in Maseru who responded by looting and burning South African businesses throughout the whole country.



Rhoda Kadalie argues that this intervention triggered bickering and severe stress among Lesotho political parties and created, especially among "the three major and nine minor political parties, widespread disillusionment with the entire political process and considerable anger and resentment about the events of recent months".<sup>501</sup>

It seemed that the underlying motive for the South African intervention was to secure water resources. This was because even the embattled Prime Minister of Lesotho did not say anything about the water project being in danger when he invited South Africa to come and quell the alleged coup. In justifying the intervention, South Africa claimed that it intervened in Lesotho on behalf of SADC after being invited by a legitimate government. In this manner South

<sup>498</sup> Rhoda Kadalie, "ANC can Learn Something from John Voster", in *The Sunday Independent*, November 7<sup>th</sup> 1999, 9.

<sup>499</sup> Kopano F. Makoa, op cit and MoAfrica Newspaper, 23<sup>rd</sup> October 1998.

<sup>500</sup> The Public Eye Newspaper, 7<sup>th</sup> to 21<sup>st</sup> February 1999.

<sup>501</sup> Rhoda Kadalie, op cit 9.

Africa's intervention was justified under the principle of collective security.<sup>502</sup> The term 'collective security' "is now being generally applied to arrangements of joint military action in crisis by two or more states".<sup>503</sup> This means that all SADC countries will stand together in a period of crisis. They recognise that their salvation depends on working together.

The crucial question is whether the intervention was consistent with SADC's 1996 security protocol, which also established the OPDS. In chapter four, it was shown that Zimbabwe, Namibia and Angola claimed to have intervened in the DRC in 1998 on behalf of the OPDS to assist the president of that country. Similarly, South Africa and Botswana<sup>504</sup> also justified their intervention in Lesotho on the basis of SADC, barely a month after declining to intervene in the DRC. But the same intervention was not extended to the protracted civil war in Angola, which only came to an end after the death of long-time guerrilla leader, Jonas Savimbi, in 2002.<sup>505</sup>

#### **5.4 The Role of SADC's OPDS in Intrastate Conflicts**

Two years before the intervention into Lesotho, on the 28<sup>th</sup> June 1996, the Heads of States and Governments of the SADC launched the Protocol, which established the OPDS,<sup>506</sup> following discussions at several SADC Summits and Council meetings. By launching the OPDS, these leaders made a strong statement to the world about their commitment to the principle of regionalism and democratisation. In the Protocol, their commitment to peaceful resolution of both intrastate and inter-state conflicts was clear. They vowed to settle their

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<sup>502</sup> Claude, L. JR., Inis,. Collective Security as an Approach to Peace. In Wlliams, Phil., Goldstein, Donald M., and Shafritz, Jay, M. ed. Classic Reading of International Relations (Wadsworth Publishing Company: Belmont, CA; 1994). Makoa op cit, argues that, South Africa claimed that it intervened to restore democracy in Lesotho.

<sup>503</sup> Ibid, 211.

<sup>504</sup> Francis Kopano Makoa, Electoral Reform and Political Stability in Lesotho: In African Journal on Conflict Resolution, Vol.4, (2) (2004), 79-95.

<sup>505</sup> France Kornegay and Simon Chesterman, "Southern Africa's Evolving Security Architecture: Problems and Prospects "in Program on Developing Regional and Sub-Regional Security Mechanisms in Africa; Conference held by International Peace Academy in Partnership with the African Renaissance Institute the Southern African Regional Institute for Policy Studies and the Department of International Relations, University of the Witwatersrand, in Botswana, Gaborone (December11-13-2000), 1.

<sup>506</sup> SADC Organ on Politics, Defence and Security.<

[http://www.iss.co.za/AF/RegOrg/unity\\_to\\_union/pdfs/sadc/1Protocol\\_on\\_Defence\\_Organ.pdf](http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/sadc/1Protocol_on_Defence_Organ.pdf)>.

[13July2004]. See also Jakkie Cilliers, Building Security in Southern <<http://www.iss.co.za/PUBS?monographs?No43/Contents.html>, 14>. [12July2003].

internal problems through negotiations and consensus. In doing so, they committed themselves to the promotion of peace through working together and assisting each other to create political stability in their countries. They envisaged that all things being equal, the OPDS would, to all intents and purposes, address most of their democratic transition challenges. They were reaffirming their commitment to regional arrangements in terms of how to manage their politics, security and defence problems.

The aim of member states in designing the structure of the OPDS was to make it flexible and responsive to regional problems that might arise. Similarly, this security architecture was designed in such a way that it operated within the framework, and in some cases the direction, of the Summit. Article 3 of the OPDS clearly reflects this line of thinking. For instance, section 1 says that the OPDS would be an institution of SADC and would report to the Summit. This means that it is accountable to the Summit for its entire operations.



SADC created a framework encapsulating procedural aspects that govern OPDS' roles and responsibilities in conducting its relations with member states when dealing with conflicts. According to Nathan, in its preamble the OPDS emphasises strict respect for each member state's territorial integrity and sovereignty.<sup>507</sup> The preamble also advocated respect for good neighbourliness, interdependence, sovereign equality, political independence, non-aggression and non-interference in the internal affairs of the member states. The 1996 Protocol also articulated the objectives of the OPDS, which provided the framework for its operations.

The objectives of the OPDS protocol as provided by Article 2 of the Organ succinctly illustrate collective security arrangements. These are geared towards protection of human rights and serve as guiding principles for the OPDS, as they seek to:

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<sup>507</sup> Laurie Nathan, op cit.

- a) protect the people and safeguard the development of the region against instability arising from the breakdown of law and order, intra-state conflict, interstate conflict and aggression;
- b) promote political co-operation among the member states and the evolving common political value system and institutions;
- c) develop a common foreign policy in areas of mutual concern and interest and lobbying as a region on issues of common interest in international fora;
- d) promote regional co-ordination and co-operation on matters related to security and defence and establish appropriate mechanism of conflict prevention, management, and resolution to this end;
- e) prevent, contain and resolve inter and intra-state conflict by peaceful means and through mediating inter-and intrastate disputes;
- f) use preventative diplomacy to pre-empt conflict in the region, both within and between states, through an early warning systems and consider enforcement action in accordance with international law and as a matter of last resort where peaceful means have failed;
- g) promoting and enhancing the development of democratic institution and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the charters and conventions of the UN and OAU;
- h) developing a collective security capacity and concluding a mutual defence pact for responding to external military threats, and building up regional peacekeeping capacity within national armies that could be called on to act within the region and elsewhere;
- i) develop close co-operation between the police and state security services of the States Parties in order to address cross-border crime as well as promoting a community based approach to domestic security;
- j) observe, and encourage the State Parties to implement, United Nations and African Union and other international conventions and treaties on arms control, disarmament and peaceful relations between states;
- k) develop the peace-keeping capacity of national defence forces and co-ordinate the participation of the State Parties in peace-keeping operations; and

- I) enhance regional capacity in respect of disaster management and co-ordination of international humanitarian assistance and also address conflicts outside the region that affect peace and security in Southern Africa.<sup>508</sup>

The OPDS in its quest to execute its mandate of conflict management and prevention must follow procedures contained in Article 11 section 4. In respect of both inter-and intra-state conflicts, the OPDS shall seek to obtain the consent of the disputant parties to its peacemaking efforts. The Chair, in consultation with the other members of the troika, may table any significant conflict for discussion in the OPDS. According to this subsection, therefore, any state party may request the Chair to expeditiously table any significant conflict for discussion in the OPDS and in consultation with the other members of the troika. Similarly, the OPDS shall respond to a request by a state party to mediate in a conflict within the territory of that state and shall endeavour by diplomatic means to obtain such a request where it is not forthcoming. Finally, and in accordance with Article 11 section 4(e), the exercise of the right of individual or collective self-defence shall be immediately reported to the Security Council and to the Central Organ of the African Unity Mechanism for Conflict Prevention, Management and Resolution.

### **5.5 Wrestling with the SADC Organ**

In all these cases the SADC OPDS was largely ineffectual. What shocked most analysts was that it was not in operation but on suspension, owing to protracted disagreements between its Chair, Zimbabwe, and the SADC Chair, South Africa, at the time of the DRC and Lesotho conflicts. The OPDS during this period was functioning independently under the chairmanship of Zimbabwe's President Mugabe. He had chaired the OPDS since its inception in 1996 in Botswana. This was "to fill the void left after the Frontline States

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<sup>508</sup> SADC Organ on Politics, Defence and Security, op cit.

dissolved in 1994”<sup>509</sup> and the longest-serving statesman was elected by the Summit to fill this position.

The 1996 protocol emphatically emphasised that the OPDS should operate at the Summit level, independent of other structures. This presupposed that SADC had two chairpersons, one for SADC as a regional body and the other for the OPDS. South Africa was vocal in indicating that SADC was not meant to have two chairpersons. To suggest so was to bring unnecessary competition and undue organisational rivalries with bifurcation of goals between the two organs.<sup>510</sup> It was also argued that the Chairperson of the OPDS should report directly to the SADC Summit and the SADC Chairperson. This simmering tension came into the public domain in the heated 1997 Summit, where the South Africa’s President Mandela threatened to resign as SADC Chair. He was vehemently opposed to Mugabe’s monopoly of the OPDS, which he wanted to chair indefinitely.

The dispute revolved around the implementation of Gaborone Protocol which reads that “the Organ shall ‘function independently’ from other SADC structures”.<sup>511</sup> It also argued that the OPDS should report to the Summit. It was this section of the communiqué, which confused Zimbabwe completely. For instance, “Zimbabwe, the chair of SADC Organ since it was established, interpreted this to mean that the SADC Organ should function totally independently of SADC proper”.<sup>512</sup> Therefore, Zimbabwe argued that it should be an independent institution capable of holding its own Summits separate from those of SADC. President Mugabe argued that the two organs should operate as separate but parallel bodies in accordance with the 1996 Summit, which established the OPDS. Mugabe argued that SADC was a donor-funded

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<sup>509</sup> SADC to ‘Wrest Security Organ from Mugabe’ the Zimbabwe Independence 10, 2001.  
<<http://www.mdczimbabwe.com/archivemat/other/regional/zimind010810sadctxt.htm>> [06August 2003].

<sup>510</sup> Cendric de Coning, “A new Lease of Life for the SADC Organ”, in Conflict Trends-No.4/1999.  
<<http://www.accord.org.za/web.nsf/0/89cf608dc3288fc542256a14002f810?OpenDocument>> [06August 2003].

<sup>511</sup> Cendric de Coning, op cit.

<sup>512</sup> Ibid.

body, which made it susceptible to foreign influence.<sup>513</sup> Security was a very sensitive issue, which could not be subordinated to donor influence.

The impasse between presidents Mandela and Mugabe reflected that OPDS/SADC relations were very complicated. According to Mugabe the OPDS operates independently of SADC, while Mandela took a different view as the Chair of SADC. In actual fact, "Pretoria argued that issues of politics, defence and security were too sensitive and important to be effectively left to one member state".<sup>514</sup> Therefore, "any fears about the separate SADC Organ Summit being abused by the SADC Organ Chairman are unfounded",<sup>515</sup> because decision chains as envisaged by the SADC Gaborone Communiqué mostly relating to interstate issues, cannot be unilaterally taken without consultation with all member states of SADC. In terms of the SADC OPDS, the Chairman of SADC must first consult the Troika whose decision must be endorsed by the Summit.

These differing views have important policy implications. Under these circumstances, who makes policy regarding interventions? Can policy be formulated where both Chairs hold diametrically different positions? These tensions also trickled down to the operational level. To the operational commanders it was not clear whom they should report to: the SADC Chair or the OPDS's Chair? These are difficult questions for mounting any peacekeeping operations. With the impasse around the OPDS and SADC it would be very difficult to mount any operation under these circumstances. In fact, it was not easy to appoint or determine who should lead any SADC operation.

The impasse crippled the OPDS completely during this period. It can therefore be argued that it has not been able to mount an operation on its own or under

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<sup>513</sup> Breytenbach Willie, "Democracy in the SADC Region: A Comparative Overview" in African Security Review Vol.11, No4. (2002) 86.

<sup>514</sup> SADC to 'Wrest Security Organ from Mugabe' the Zimbabwe Independence 10, 2001.<<http://www.mdczimbabwe.com/archivemat/other/regional/zimind010810sadctx.htm>>[06August 2003].

<sup>515</sup> Lieutenant Colonel Asher Walter Tapfumeyi, "The SADC Organ on Politics, Defence and Security: Interpreting the Decision of the Maputo 1997 SADC Summit", in Accord Occasional Paper; No9/99. 5.

SADC support. The two interventions in the DRC and Lesotho were alleged to have been conducted under the auspices of SADC. This raised a lot of legitimacy questions. These questions lead us to conclude that the OPDS was not operational during these interventions.

### **5.6 Lack of Transparency and Ownership of the Mission**

At the time of the intervention, SADC had no official document regulating interventions, apart from SADC Communiqué of the Summit of Heads of States or Governments, issued on the 28<sup>th</sup> June 1996 in Gaborone, Botswana, in regard to the protocol on the OPDS, which was to be tasked to deal with these issues. It had only received approval at the ministerial level at the time of this conflict and was yet to be approved by the Summit. This meant that the document was not official and could not be cited as a justification for intervention. This added another controversial twist to the mission. Nathan argues further that:

The SADC decision to not allow coups in the region had in fact been a proposal from the ISDSC to the SADC Summit; the proposal had included the proviso that UN, OAU and SADC approval be obtained prior to any military intervention; the Summit had neither endorsed the ISDSC's proposal nor authorised military action.<sup>516</sup>

In the absence of the Summit approval, the decision by the two neighbouring SADC countries to launch the operation seemed to have been inconsistent with SADC's decision-making rules and the UN Charter and was hence illegal under international law. This operation highlighted the absence of agreed rules and also the complexity in decision-making within the OPDS when it comes to legal, military and political matters for undertaking collective enforcement action by the institution. This intervention challenged the OPDS directly, because this organ did not facilitate it. What was clear was that it was driven by realist interests. It was further argued that when the intervention occurred on September 22<sup>nd</sup> 1998, member states had neither agreed on how the OPDS should relate to SADC nor on who had to control it.<sup>517</sup>

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<sup>516</sup> Laurie Nathan, op cit, 79.

<sup>517</sup> Mark Malan, 'SADC and Sub-regional Security; Under Venis Quo Vadis' Monograph Series No19, (February 1998).

A lack of transparency regarding the decision to intervene created the impression that it was a South African rather than a SADC intervention. It was also unclear whether it was conducted on behalf of the LCD government or by a neutral third-party force. Given that it seemed not to be conducted in a transparent manner, it could be argued that it lacked the SADC mandate. This was because all UN interventions enjoy this mandate and are conducted through multilateral mechanisms. In fact, as indicated in chapter one, the intervening forces must come from disinterested states, unlike in this case where South Africa had clear interests in Lesotho. The identity and the face of the intervening force were predominately South African. It was the SANDF which intervened, not the Botswanan Defence Force. Therefore, it was the SANDF which was engaged in the fiercest war.

The lack of transparency surrounding the level of authorisation of the intervention left several questions unanswered. For instance, when the intervention took place, Cedric de Coning writes:

...it was unclear who took the decision?, when the decision was taken?, where it was taken?, and what that decision was?. It is unclear if there was any formal SADC decision that authorised the Lesotho intervention. If such decision was taken by SADC, it is unclear if it was authorised at the SADC Summit in Mauritius, at a Ministerial meeting, or at a meeting of Chiefs of Staff. Assuming for a moment that SADC did approve the intervention, what was the mandate approved by SADC for the mission?<sup>518</sup>

It was not clear therefore as to where the decision to intervene was taken. These questions gave rise to speculative assertions about what the real motives were for the intervention. Several theories were formulated by political commentators, which sought to justify or repudiate the intervention. But the fact of the matter was, “there was no record of such a decision in the minutes. It would appear as if the actual decision to intervene was taken at a meeting of Defence Ministers in Gaborone on 15 September 1998. Only South Africa and Botswana were present at the meeting”.<sup>519</sup> This raises even

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<sup>518</sup> Cedric de Coning, op cit, 2.

<sup>519</sup> Ibid, 3.

more serious questions, such as: Why was the decision to intervene taken at the Ministerial meeting rather than at the Summit? Why was it taken in the presence of the interveners, who did not even constitute a SADC quorum?

While the speed of the intervention appeared to have been paramount, it looks like the planners “did not understand that the multinational identity of the mission was as crucial as speed to the way in which the SADC Task Force was perceived, and thus ultimately to the overall success of the mission”.<sup>520</sup> They also did not realise that the mission, to be credible, must have a SADC logo and flag like other UN missions. These are some of the crucial symbols that would indicate that the intervention was indeed authorised by SADC. In their absence, it is difficult to associate this mission with SADC.

Another predicament surrounding the intervention was the codename given to it: Operation Boleas. Unlike in other countries where UN peacekeeping forces had clear, explanatory names (the OAU Observer Mission in Burundi, for example, or the United Nations Mission in Cambodia), the Lesotho mission did not appear to have an explicit SADC name. It is also worth noting that the BDF arrived late on the second day of the operation. It is also interesting to note that, South Africa and Botswana appears to have different understanding of the supposed SADC mission. Makoa argues that:

The two countries had differing interpretations of their mission and its source of legitimacy. For example, on entering Lesotho the Botswana Defence Force (BDF) flew a white flag, indicating that it saw itself as peacekeeping force. The BDF’s behaviour contrasted sharply with that of the SANDF which entered Lesotho at dawn as an invasion force, pounding the Royal Palace, the two main army barracks in Maseru and the small LDF garrison at Ha Katse.<sup>521</sup>

SANDF personnel and not SADC officers handled the media relations around the intervention. This made it difficult to associate the mission with SADC rather than South Africa. In fact:

The SADC intervention force was visited by the South African Minister of Defence and the Chief of the South African Defence Force, General Siphiwe Nyanda, both of

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<sup>520</sup> Ibid, 7, see also Maxi Schoeman, op cit.

<sup>521</sup> Kopano F. Makoa op cit, 91.

whom held press conferences with the commander of the intervention force, Colonel Robbie Harstlief. The images on television and the perception created in the written press was that the Commander of the Combined Task Force reported back to the South African Chief of Staff and Minister thereby further emphasising the South African nature of the mission as opposed to the SADC identity of the mission.<sup>522</sup>

The whole face of the mission bore a heavily South African identity. The leadership of the mission was placed on the South African army, not on civilian leadership. The visit referred to in the quote above signified not a SADC intervention but a South African one. It seemed that the South African government, not SADC, managed and controlled the reporting relationships of the intervention.

The anomaly of the SANDF acting seemingly without authorisation caused concern within the heart of the South African administration itself. For instance, there was communication breakdown in the South Africa's Department of Department which paralysed not only communication, but also the planning of the intervention. This led to "South African Foreign Affairs officials criticising the intervention and claiming that they did not participate in the decision-making process and only learned about the decision after the fact and through the media".<sup>523</sup>

The legitimacy of the intervention raised more questions because even some prominent civil servants, like the South African Defence Secretary, Pierre Steyn, became disgruntled over the decision-making process. They were critical about their exclusion from this decision. Among those who were excluded were NGOs and the South African Council of Churches, who argued that:

The act denied the basic premise upon which our own democratic nation was founded: the principle of negotiated settlement and peaceful resolution of differences by the parties concerned without any dominating intrusion by outside forces. The act denies the independent statehood of

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<sup>522</sup> Ibid,7.

<sup>523</sup> Rhoda Kadalie, op cit,9.

Lesotho and constitutes an invasion of that nation on the part of South Africa.<sup>524</sup>

The decision to intervene in Lesotho appears seemed to have been taken in haste, which did not allow other interested parties to have an input into the decision-making process. While it was alleged that the Lesotho Prime Minister consulted other SADC members before the intervention, this has remained shrouded in controversy. The SADC Summit was never convened to confirm and ratify the intervention. Nevertheless, South Africa maintained that it was justified in intervening in Lesotho's intrastate conflict. The intervention also raised questions regarding South Africa's competence and readiness in participating in international peacekeeping, since it could not even handle this small case involving Lesotho. This operation indicated that South Africa could not even serve as the sub-regional 'policeman' because "the Lesotho operation suggested that the SANDF was not adequately trained and equipped for a peacekeeping operation which rapidly changed to a peace-enforcement mission".<sup>525</sup>



It was clear that South African intervention in Lesotho was totally lopsided in terms of its preparedness and its concomitant failure to subscribe to Article 2(4) of the UN Charter and other Articles. Equally clear was that it "ignored the seven rules of successful peacekeeping: clarity and consensus among decision-makers, adequate resources, political resolve, effective command and control, adequate financial backing, a clear intelligence picture and an accurate estimate of casualty tolerance".<sup>526</sup> Similarly, the intervention did not get the consent of all parties to the conflict. It was also not impartial in its conduct because it was meant to bolster a government in power. The intervention did not involve minimum use of force, a pre-requisite for peacekeeping forces operating under the UN mandate. Judging by the scale of war that ensued and casualty levels among both soldiers and civilians at Makoanyane barracks, the Royal Palace gate and elsewhere, the force used was severe.

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<sup>524</sup> Rhoda Kadalie, op cit., 9.

<sup>525</sup> Nathan, Laurie op cit, 40

<sup>526</sup> Nathan, Laurie op cit, 40

The invoking of Article 5(c) of the SADC Treaty created another controversy. If this was a SADC intervention consistent with this Article, why did the Botswana government have to settle its operational costs and why did Lesotho have to “pay for all expenses of the SANDF operations”?<sup>527</sup> More controversial still was that SADC did not foot the bill; rather the SADC Secretariat argued that “SADC had not yet ratified the protocol establishing the SADC Organ on Politics Defence and Security”,<sup>528</sup> therefore making it difficult to qualify this intervention as a SADC operation. Furthermore, if it was a SADC operation, why did the SANDF take part, having already signed an agreement defining the Status of Forces Agreement,<sup>529</sup> while Botswana had not signed such an agreement? Why did the BDF arrive late, rather than at the same time as the SANDF if indeed this was a SADC operation? The discussions below attempt to provide more clarity to these questions.

### **5.7 The Motives for Intervention**

From the preceding discussion, it is has become abundantly clear that the 1998 military intervention provided a great challenge to SADC as an organisation. What still has to be explained is why South Africa felt so eager to intervene in Lesotho’s intrastate conflict barely a month after refusing to intervene in the DRC.

Hobbes argues that by nature, there are three principal motives in men, which propel them to engage in quarrels. He contends that “men invade for gain; the second, for safety, and third for reputation”.<sup>530</sup> In examining the South African intervention in Lesotho, it was consistent with all of these principles.<sup>531</sup> By first securing the Katse Dam, South Africa wanted to ensure that it gained control of this precious resource. Gaining control of its interests would boost its reputation in the region, ensuring that where its national interests were

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<sup>527</sup> Molomo, op cit, 145.

<sup>528</sup> Ibid, 149.

<sup>529</sup> Agreement Between The Government of The Republic of South Africa and The Kingdom of Lesotho; Concerning the Status of Armed Forces in The Kingdom of Lesotho Providing Military Assistance, 16 September 1998.

<sup>530</sup> Hobbes, Thomas, Relations Among States: In Williams, Phil., Goldstein, Donald M. and Shafritz, Jay, M., ed. Classic Reading of International Relations. (Wadsworth Publishing Company: Belmont, CA; 1994), 29.

<sup>531</sup> David Sanders, Losing an Empire, Finding a Role: British Foreign Policy Since 1945 (London: Macmillan Education LTD, 1990).

threatened it had shown itself capable of providing the necessary security. South Africa's primary interest was in securing the Katse Dam, as indicated by the Acting State President of South Africa. This South African predatory economic activity serves as a reliable guide to its central predisposition. In fact "such activities may indeed be evidence of pure 'loot-seeking', but they may also be undertaken as a means of financing wars being fought for other reasons"<sup>532</sup>. It seemed that political and economic agendas of South Africa appear to be mutually reinforcing rather than mutually exclusive.

The Katse Dam is part of the massive Lesotho Highlands Water Project (LHWP) through which Lesotho will divert water from its mountains to slake the industrial thirst of Gauteng in exchange for substantial revenue, which could underwrite the financial base of its government.<sup>533</sup> The South African government has a major stake in this project, just as the Lesotho government does. Both South Africa and Lesotho stand to benefit from the proceeds of the project, with South Africa being the major beneficiary.



In explaining the South African interest in this operation, it is important to focus our attention on the LHWP. The LHWP formed the main South African national interest in Lesotho. The components of state interest start with security, that is, "the safety of the state, including its independence, its territory and the lives of its people".<sup>534</sup> The anticipated destruction of the Katse Dam would affect the lives of the people of South Africa and the country's security, especially in the areas where water from the Dam is being used. It was a rational step for South Africa to first secure the Dam before quelling the anarchy in Maseru.

The fact of the matter was that South Africa was afraid about the safety of the Dam as instability ensued in Lesotho.<sup>535</sup> Therefore South Africa's decision-

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<sup>532</sup> Karen Ballentine, Heiko Nitzschke, op cit, 13.

<sup>533</sup> Southall, Roger. Is Lesotho South African's Tenth Province? In Crisis in Lesotho: The Challenges of Managing Conflict in Southern Africa: Lambrechts Kato, ed. Foundation for Global Dialogue. Series No2. (1999),19-26.

<sup>534</sup> Bell, P.M.H. The World Since 1945: An International History. (Oxford University Press; London: 2001), 532.

<sup>535</sup> Kopano Makoa, op cit.

makers were preoccupied with fear as instability in Lesotho unfolded. It was this fear that formed the underlying basis of South African military intervention in Lesotho. The growing instability in Lesotho, especially the army mutiny, sent major fears to South African decision-makers about the future of the Dam. South African had to violate the UN Charter rather than risk the demise of this water project. It was further argued that “South Africa may have feared to be inundated with political refugees from Lesotho if that country fell to military rule”.<sup>536</sup>

Secondly, South Africa was still competing with Zimbabwe at the time of this intervention to influence the region. The failure of South Africa to intervene in Lesotho would have tainted its reputation adversely within the region, especially with its competitor at the time, Zimbabwe. It can also be argued that South Africa perceived that other countries in the region might take over the regional leadership if it failed to deal quickly and effectively with the case of Lesotho. It was not only fearful of losing its hegemonic status in the region, but control of Lesotho’s precious resource, water. The water project was South African primary concern, which it wanted to secure by all means.



Thirdly, South Africa would not allow a democratically elected government within its borders to be toppled by unconstitutional means. David Coplan argues that whether Lesotho’s opposition parties like it or not, “it was inconceivable that South Africa itself would ignore serious political instability in a state located in the midst of its own territory”.<sup>537</sup> It was perceived that the warring factions in Lesotho were threatening the security of South Africa. It was also argued that the intervention pre-empted the spillover of political unrest in Lesotho into South African territory.<sup>538</sup> A major cause for concern was that members of the Lesotho army had mutinied and arrested their commanders. These actions sent fear to the South African government. The situation in Lesotho was quickly transforming into anarchy where there was no government authority that could maintain law and order. What was needed

<sup>536</sup> Mpho Molomo, op cit, 144.

<sup>537</sup> David B. Coplan, A River Runs Through it: The Meaning of the Lesotho-Free State Border: In the Journal of the Royal African Society, African Affairs; Vol. 100, No398, (January 2001), 81-116.

<sup>538</sup> Mpho Molomo, op cit, 144.

was “some coercive power to compel men equally to the performance of their covenants, by terror of some punishment, greater than the benefit they expect by the breach of their covenants”.<sup>539</sup> South Africa had such coercive power to force the warring parties to negotiate. From official pronouncements, the intervention in Lesotho was justified in order to stop the military coup in process.

It was further alleged by South African officials that negotiations between parties had stalled, thus necessitating the intervention. South Africa had to use its military to persuade the belligerent parties to negotiate. Kissinger argues that “historically, negotiations were aided by the military capabilities a nation could bring to bear if diplomacy failed”.<sup>540</sup> The failure of the negotiations had motivated the Prime Minister of Lesotho to seek intervention from South Africa/SADC. According to Kissinger’s view, it meant that the Lesotho conflict had grown out of proportion to the objectives to be achieved. Under the anarchic conditions that prevailed in Lesotho at the time of the intervention, no issue could be resolved. It was necessary for another strong nation to emerge and restrain the warring factions so that those coalition groups could be used to exert pressure for negotiations to continue. South Africa emerged as a strong nation that was capable of playing this important role.

Waltz<sup>541</sup> argues that states do not concern themselves with power alone, but what is important is their security. The anarchic conditions in Lesotho that were created by this intrastate conflict threatened South African security interests, making South Africa determined to take decisive action. It can also be argued that South Africa did not consult the SADC Summit and the OAU before intervening in the Lesotho domestic conflict because it considered itself as the highest authority as far as Lesotho was concerned. It had to act unilaterally without even consulting the UNSC in order to secure its

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<sup>539</sup> Viotti, Paul, R, and Kauppi, Mark v., op cit., 40-41.

<sup>540</sup> Dougherty, James. and Pfaltzgreff,Jr. Robert, L., 3<sup>rd</sup> ed. Contending Theories of International Relations: A Comprehensive Survey: (Harper &Row, Publishers: New York; 1990), 109.

<sup>541</sup> Waltz, Kenneth, N. The origin of War in Neo-realism Theory: In Williams, Phil., Goldstein, Donald M., and Shafritz, Jay, M. ed. Classic Reading of International Relations. (Wadsworth Publishing Company: Belmont, CA; 1994).

interests.<sup>542</sup> Therefore, as an independent sovereign state, it intervened not on humanitarian terms but to safeguard its interests and bolster a captive Lesotho state. In other words it intervened on the side of one party of its own choosing.

Most realists agree that survival is a principal motive in international politics. It is a precondition for attaining other objectives, whether these involve conquest or merely independence, because states, like people, are insecure. It was on this basis that Machiavelli argued that “Princes or Sovereigns must be prepared to break their promises if it is in their interests and conquer neighbouring states”.<sup>543</sup> South Africa’s intervention in Lesotho was congruent to this statement. The country violated the UN Charter in order to secure its water interests in Lesotho.

Holsti argues that “While alliances may increase security, ultimately one has to have sufficient armed forces to act alone if necessary”.<sup>544</sup> South Africa and Botswana were allies in this intervention. Nevertheless, it was South Africa, which had the military might to protect its interests in securing the LHWP on its own volition, without BDF assistance. The SANDF force comprised more than 3,000 troops while Botswana was limited to a motorised infantry company (130 personnel) and a battalion command element.<sup>545</sup>

Paul Cole<sup>546</sup> argues that among countries, which have defied the UN and pursued their interests were Tanzania in Uganda in 1979 and South Africa in 1998 in Lesotho. Hans Morgenthau<sup>547</sup> argues that the ability to pursue national interests is a function of military might. Therefore, the success of any

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<sup>542</sup> Viotti, Paul, R, and Kauppi, Mark v. 2<sup>nd</sup>. ed. International Relation Theory: Realism, Pluralism, Globalism. (Macmillan Publishing Company, New York; 1987). See also Michael E. Brown, Sean M. Lynn-Jones, Steven E. Miller, The Perils of Anarchy Contemporary Realism and International Security. (Cambridge: The MIT Press: 1995).

<sup>543</sup> Time Dunne, Brian C. Schmidt, op cit, 152.

<sup>544</sup> Holsti, K.J. op cit., 68.

<sup>545</sup> Garth Shelton. The South African National Defence Force (SANDF) and President Mbeki’s Peace and Security Agenda: New roles and Missions; In Institute for Global Dialogue Paper No.42, (March 2004), 1-49.

<sup>546</sup> Cape Times 28 March 2003. He listed several countries, which defied the UN in pursued of their interests.

<sup>547</sup> Hans, J. Morgenthau, 4<sup>th</sup> ed., Politics Among Nations: the Struggle for Power and Peace.(New York; Alfred A. Knopf; 1967).

state in protecting its national interests depends on its military capability as the cases of Germany in the 1930s, South Africa in 1998 and Britain and the US in 2003 have demonstrated.

According to Dr. Pallo Jordan, Lesotho was a special case because it hosted South African interests, which must be protected at all costs. This was consisted with Morgenthau's analogy that where state interests are concerned, issues of morality are not considered: what is important is security and state interests among the hierarchy of interests. People, like states, are motivated by their own interests. They will always disregard international law and go after these interests. The study of international relations reflects several examples of states acting unilaterally outside the confines of international law in pursuit of their interests.

Conversely, South Africa's intervention in both Burundi and Ivory Coast has contrasted remarkably with its intervention in Lesotho. At the time, South Africa had proximity interests in this region rather than economic ones. It intervened diplomatically to assist these countries to reach a peaceful settlement through negotiations rather than militarily. South Africa wants to be seen as a regional power-broker in the continent rather than a bully,<sup>548</sup> especially in those countries that are far from its borders. Its main interest is to influence the foreign policies of these countries rather than to intervene militarily.

Similarly, South Africa could not intervene in the DRC militarily, unlike Zimbabwe, Angola and Namibia. South Africa had minimal interests in the DRC whereas they had significant interests there. Taylor and Williams argued that South Africa was blamed by Zimbabwe, Angola and Namibia for the subsequent rift in SADC and double standards with regard to the use of military force in Lesotho while refusing to intervene in the DRC. Lambrechts<sup>549</sup> points out that South Africa had very little strategic interests in the DRC at the

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<sup>548</sup> Maxi Schoeman, "South Africa in Africa: Behemoth, Hegemon, Partner or Just Another Kid on the Block?. <<http://general.rau.ac.za/sociology/Schoeman.pdf>> [15September2005].

<sup>549</sup> Lambrechts Kato ed. Foundation for Global Dialogue. Series No2. (1999), 27.

time. This was coupled with the fact that becoming involved in a complicated and ongoing conflict could have resulted in enormous costs to the South African government, which might also not be able to extricate itself easily from the conflict. Nevertheless, from 1998 onwards, South African interests in the DRC have changed.

The situation of Lesotho is therefore different from those of other countries. The Lesotho army cannot be compared with those of any of the above countries. It is simply too small, composed of a few thousand men and women. Furthermore, the Lesotho army was already split across both sides in the local conflict.

It was for this reason that South African Foreign Affairs officials claimed that “South Africa sent troops to Lesotho amongst others to defend the Katse Dam”.<sup>550</sup> According to South African officials the intervention was motivated by indications that some Lesotho troops attempted to bombard the Katse Dam after battling South African troops. Nevertheless, there was no evidence to this claim. It would seem that Lambrechts was correct in stating that “South Africa’s intervention into Lesotho was thus driven more by material interests than political and humanitarian imperatives”.<sup>551</sup> It can also be argued that the burning and looting of South African shops in Lesotho was also a major concern for South African policy-makers. In anticipation of this carnage, South Africa was motivated to intervene to protect its citizens who had businesses in Lesotho. In fact, in this area South Africa suffered more damage than Basotho businessmen.

Waltz argues that, in a self-help system, states worry much more about their survival. What self-help actually implies is a situation commonly referred to by British statesmen who argue that “Great Britain has no permanent enemies or permanent friends, she has only permanent interests”.<sup>552</sup> Realists argue that while domestically there are several institutions that can help the state to

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<sup>550</sup> Ibid. 27.

<sup>551</sup> Ibid. 27.

<sup>552</sup> Robert J. Art, Robert Jervis. 3<sup>rd</sup> ed. International Politics: Enduring Concepts and Contemporary Issues. (USA; Haeper Collins Publishers:1992),1.

survive, in the international system these institutions are either weak or non-existent. In the case of the South African intervention in Lesotho, the UN, OAU and SADC were similarly helpless in holding South Africa to account for this intervention.<sup>553</sup>

It was this survival worries that shaped and conditioned South Africa's behaviour in this intervention. This was because water remains a very critical resource not only in South Africa but also to all counties in the world. The political situation that prevailed in Lesotho before the South African intervention characterised the self-help system, where cooperation was hard to get, to maintain and this depends on the power of the state. A self-help system is one in which those who cannot help themselves or do so less effectively are destined to failure. It can be argued that it was these fears and the perceived failure about which South Africa was so fearful. This conjecture explains clearly why South Africa decided to intervene alone without soliciting support from regional and continental bodies. It can be argued that South Africa anticipated difficult bargaining ahead and concluded that co-operation was going to be difficult to secure from members of these bodies.



According to the realist perspective it is not prudent for the state to entrust its interests to another state. It can be argued that South Africa did not convene a SADC Summit before the intervention because it did not trust other SADC members to support it where its interests were affected. This was the reason why it decided to intervene on its own, because the international system is uncertain, untrustworthy and unreliable.<sup>554</sup> The international system is perceived as a brutal one in which each state must ensure its security at the expense of its neighbours. Therefore, interstate relations are seen as a struggle for power as states consistently ensure that they take advantage over their neighbours.

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<sup>553</sup> Lieber, Rober J. 3<sup>rd</sup> ed. *No Common Power: Understanding International Relations*. (New York: Harper Collins; 1995). He argued that, during the First World War, the League of Nations also could not come to the rescue of Ethiopia when it was invaded by Italy. This organisation proved ineffectual when China was invaded by Japan.

<sup>554</sup> Helen Milner, "The Assumption of Anarchy in International Relations Theory : A Critique": In David A. Baldwin, ed. *Neorealism and Neoliberalism: The Contemporary Debate* (Columbia University Press, New York; 1993).

Security has always been predominantly defined in military terms, as already discussed in chapter two above. Despite Buzan's enlargement of this definition to embrace new developments, the traditional realist definition of security continues to dominate international relations. Thompson states: "the reality of security as military security is pervasive in policy action (and in the size of defence budgets)..."<sup>555</sup> It has been easy for policymakers to use security in this manner as a policy goal. From the above analysis, it is clear that South African intervention was motivated by its realist interests. When states' interests are at stake, they must do everything in their power and capacity to protect them by whatever means necessary. States must act unilaterally as a unit in order to secure these interests in order to survive in an anarchic political world.

South Africa refused to send troops to the DRC because its interests in this country were not at stake as they were in Lesotho. In fact there was no need for South Africa to intervene where it had minimum interests. South Africa's position against intervention where its interests were minimal was clarified by an official pronouncement, which declared that the South African government "would not send military reinforcement to the Kabilia government along with Zimbabwe, Angola and Namibia...based on principle".<sup>556</sup> The principle was based on the realist perspective that South Africa would only intervene to salvage its own interests. The country did not have interests in the DRC during that period.

The external military intervention in the Lesotho internal conflict was fraught with controversy. Firstly, contrary to conventional wisdom, the military operation in Lesotho did not by any stretch of imagination, amount to a peacekeeping operation. Nor can it be characterised as a peace enforcement operation. It was simply a military intervention which did not have any place within the UN Charter, especially Chapters VI, VII and VIII. The primary prerequisites for either peace keeping or peace-enforcement operations within

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<sup>555</sup> Lisa Thompson, op cit.,3.

<sup>556</sup> Southall, Roger, op cit, 27.

the UN framework are consent, impartiality and minimum use of force.<sup>557</sup> Furthermore, regional and continental bodies were not consulted. For instance, the SADC Summit was never involved in sanctioning this intervention. Meanwhile the intervening countries claimed that they were authorised by SADC. But as some commentators have said, “the decision to respond militarily was made without explicit SADC authorisation”,<sup>558</sup> even though SANDF at the outset claimed that it was authorised by SADC. This operation did not seem to have a formal mandate from SADC itself by a way of a resolution from SADC Summit. This intervention appears not have had any formal sanction from the OAU as well as the UNSC.

## 5.8 Conclusions

The chapter concludes that the military intervention in Lesotho, like that in the DRC, divided SADC as a regional institution. SADC was consequently forced to legitimise these interventions for the sake of salvaging the unity of the institution. The capitulation by this body nevertheless did not mean that the decision to legitimise these interventions was correct. SADC’s position from the start was divided about the legality of the Lesotho intervention. Therefore this intervention undermined its role in managing intrastate conflicts in the region.

Unlike other legitimate UN interventions, the 1998 intervention fell outside the idealist framework of the UN, but within the realist framework. This is because Article 53 of the UN Charter compels regional organs to seek UNSC authorisation before any intervention could be operationalised. Article 4 of the Constitutive Acts of the AU also supports this UN Charter. The chapter also points out that at the time of the intervention, SADC did not have any protocol governing or authorising a member state to intervene in another state’s intrastate conflict. It is clear from the discussion that, while South Africa was

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<sup>557</sup> Makoa, Francis, The Challenges of the South African Military Intervention in Lesotho after the 1998 Elections. In Lesotho Social Science Review 5, No1 1999, 83-109. See also, Matlosa Khabele, the Lesotho Conflict: Major Causes and Management. In Lambrechts Kato, ed. Crisis in Lesotho: The Challenges of Managing Conflict in Southern Africa. Foundation for Global Dialogue. Series No2. (1999). 11-13. For further elaboration on SADC protocol on Security see also, Nathan, Laurie. Op cit.

<sup>558</sup> Garth Shelton. The South African National Defence Force (SANDF) and President Mbeki’s Peace and Security Agenda: New roles and Missions; In Institute for Global Dialogue Paper No.42, (March 2004), 39.

at pains to argue that it represented SADC, this was not the case because the whole mission was portrayed as a South African and not SADC intervention.

This chapter concludes that the intervention was motivated by South Africa's strategic interest, namely water. Pearson and Bauman argued that interests of this nature trigger military intervention. Morgenthau reinforced this point by arguing that territorial issues such as water, diamonds and other natural resources are also vital variables which propel states to intervene unilaterally in other countries in order to secure them. This was the case in Lesotho. As Lambrechts argues, South Africa's main interest was to secure water from the LHWP. This point came out clearly from the orders given to Commander of Operation Boleas by the Acting State President of South Africa, Buthelezi.

The chapter concludes that realist interests, centering on water, were the major imperative rather than humanitarian impulses. While South Africa brought Botswana in to legitimise the intervention, this appears not have been successful. In fact, the Parliamentary Committee in South Africa accused the government of not informing the parliament prior to this intervention. The face of the mission, conduct, reporting systems and command structure all bore the stamp of South Africa, not SADC, OAU or even the UN. It is clear that these regional and international bodies did not authorise it, at least initially. Consequently, it can be concluded that the underlying motive of this intervention was realist national interests. Had South Africa consulted these regional bodies, this intervention could have been managed differently. Regional political and economic dynamics can play a major role in the onset and transformation of violent conflict. The conflict in the DRC, Rwanda and Lesotho had spill-over effects which altered though to varying degrees the political economy of the crisis from one of peaceful resistance in Lesotho to that of violent conflict as it were the cases in both Rwanda and the DRC.

What was most challenging about these three military interventions in intrastate conflicts (Rwanda, the DRC and Lesotho) was the obscured role of the intervening countries' parliaments in approving these interventions. The next chapter evaluates constitutional processes which intervening states followed before mounting these operations.

## CHAPTER SIX

### Evaluating the Constitutionality of Military Interventions

*The first and fundamental positive law of all Commonwealth is the establishing of the legislative power; as the first and fundamental natural law, which is to govern even the legislative itself, is the preservation of the society, and of every person in it.<sup>559</sup>*

*Yet defence and security is such a vital area of public policy **both in terms of its subject matter (war) and in terms of the proportion of public expenditure that it cannot and should not be left to the Executive alone.** It is also a vital area of concern in terms of regulating civil-military relations and in finding a balance between the military security of the territory/state and the socio-economic security of the citizens. The challenge to Parliament is how to balance this equation not only as the elected watch dog over public policy but also as the ultimate authority over the public purse.<sup>560</sup>*

#### 6.0 Introduction

From the foregoing chapters, it has become clear that the military played a crucial role in the Rwandan, DRC and Lesotho interventions. Chapter two showed that realists like Morgenthau, Kenneth Waltz and Robert Strausz-Hupe argue that states which subscribe to realism abide by international law only when it is not inconsistent with their quest for power and national security interests. If these laws are seen to be in conflict with their power interests, they violate them. This violation is also extended to their internal constitutions when they are regarded as being limiting or threatening to the augmentation and preservation of their power interests. This chapter analyses the extent to which the intervening countries subscribed to or violated their own constitutions before and during their interventions in intrastate conflicts.

The constitutionality of the interventions and the effectiveness of the parliaments of intervening states in facilitating them will also be evaluated. This is crucial because the military, as the coercive institution of the state, cannot be left to generals and presidents alone. The former French Prime Minister, Georges Clemenceau, put this point succinctly: “War is a much too

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<sup>559</sup> John Locke, Two Treatises of Government: In Peter Laslett, ed. Cambridge texts in the History of Political Thought, (Cambridge University Press; Cambridge:1991),355-6

<sup>560</sup> Mwesiga Baregu, “Parliamentary Oversight of Defence and Security in Tanzania’s Multiparty Parliament”: In Len Le Roux, Martin Rupiya and Naison Ngoma ed. Guarding The Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC (South Africa, Pretoria: Institute for Security Studies; 2004), 36.

serious matter to be trusted to the military”<sup>561</sup> on their own. This statement presupposes that while other state institutions are equally important, the security of the state is even more critical and like other state institutions it should not escape public scrutiny. It is imperative that the civilian leadership, and most importantly parliament, must be closely involved in security matters. The parliamentary oversight and scrutiny of the military is therefore critical in any state.

It is also important to note that Uganda during its 1990 intervention in Rwanda did not have a constitution in place, while the Burundian and Rwandan constitutions were also in suspension or going through a process of redrafting, pending adoption by referendum.

The concept of constitutionalism limits the arbitrariness of political power. While the concept recognises the necessity of government, it also insists upon limitations placed upon its powers. In essence, constitutionalism is an antithesis of arbitrary rule. Its opposite is dictatorial government, the government of will instead of law or rather undemocratic government which is not accountable to its constituents. Constitution therefore, is “a formal document having the force of law, by which a society organises a government for itself, defines and limits its powers, and prescribes the relations of its various organs inter se, and with the citizens”<sup>562</sup>. Conversely, the Constitution can also be used for other purposes rather than as a restraint to governmental powers. It is also in this perspective that the chapter will evaluate the constitutionality of these interventions.

## **6.1 The Constitution as a Rule-Binding Instrument**

For parliaments to function effectively and efficiently, they must operate within a constitutional framework because “constitutions are especially important in determining the territorial distribution of powers within the state”.<sup>563</sup> The

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<sup>561</sup> Clarence Tshitereke, “Accountability and Oversight: The Role of Parliament in Arms Transfers”: In Len Le Roux, Martin Rupiya and Naison Ngoma ed. *Guarding The Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC*, (South Africa, Pretoria: Institute for Security Studies; 2004), 72.

<sup>562</sup> Nwabueze, B.O., *Constitutionalism in the Emerging States*. (London: C.Hust & Company;1973), 2.

<sup>563</sup> Rod Hague, Martin Harrop and Shaun Breslin, 3<sup>rd</sup> ed. *Comparative Government and Politics: An Introduction*. (London: Macmillan Press LTD,1993), 261.

importance of constitutions in this regard cannot be overemphasised because even “authoritarian and repressive regimes rarely dispense with constitutional appearances completely; constitutions are part of this tribute that vice plays to virtue”.<sup>564</sup> This is because constitutions set the rules and powers of the governors and the rules of the political game.<sup>565</sup>

David Beetham opines that for power to be legitimate it should not only be based on the three Weberian principles of traditional, legal rational and charismatic authority, but “it must conform to established rules”.<sup>566</sup> Therefore, constitution forms the crucial aspect in this case as a rule-binding instrument. This implies that all the intervening countries were rule bound to subscribe to their constitutions, whether they liked it or not. In exercising their power, states have to respect constitutional rules and therefore not act in an arbitrary manner.

Holmes argues that constitution, as a higher law, “is a device for limiting the power of government...it disempowers short-sighted majorities in the name of binding norms”.<sup>567</sup> Hague sees it as a “a state code in which the powers of, and relationships between, institutions are specified in considerable detail”.<sup>568</sup> Most of the intervening countries had constitutions, which regulate the behaviour between public authorities and their citizens.<sup>569</sup>

## 6.2 The Role of Legislatures

Legislatures are the most important organ of the state. Locke argues that “the legislative power is that which has a right to direct how the force of the Commonwealth shall be implored for preserving the community and the

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<sup>564</sup> Ibid, 262.

<sup>565</sup> Watson, L. and R Smith, ed. ‘The Constitution’ In Politics in Australia ( North Sydney: Allen & Unwin, 1989 ) 51-64. See also Arend Lijphart, Democracies; patterns of Majoritarian and Consensus Government in Twenty-One Countries (New Haven:Yale University Press, 1984).

<sup>566</sup> David Beetham, The Legitimation of Power (London: Macmillan, 1991), 16. See also John Schwarzmantel, The state in Contemporary Society: An Introduction (London: Harvester Wheatsheaf, 1994), 16.

<sup>567</sup> Stephen Holmes, Passions and Constraint: On the Theory of Liberal Democracy. (Chicago: The University of Chicago Press, 1995), 135.

<sup>568</sup> Hague et al, op cit,262.

<sup>569</sup> David Plotke, Democracy and Rights: American Problems in Comparative Context: In American Studies in Scandinavia, Vol. 32, No.2 (2000): 1-17.

members of it".<sup>570</sup> The legislature is the law making body where government policies are discussed and assessed.<sup>571</sup> The political history of legislatures informs us that "the roots of the name of the first modern legislature, the British Parliament, suggest this crucial function, the French word 'parlez' means 'to talk'".<sup>572</sup> Apart from discussing and assessing policies, legislatures enact legislation, oversee the national/political Executive,<sup>573</sup> and represent the citizenry. Therefore, "the roots of the word legislature itself are the Latin words *legis*, meaning 'law', and *latio*, 'bringing or proposing'".<sup>574</sup> In contemporary society this role has been taken over by the Executive in most political systems. However, this does not mean that the central role of enacting legislation has been removed from this body. Legislatures still make laws in most political systems. In many of these polities, laws are similarly initiated and drafted by this body.

The legislature is a representative body of the citizenry.<sup>575</sup> The concept of representation is not a straightforward one, since it has four conceptual meanings of interests that a parliamentarian must strive to represent, namely:

- a) the group that forms his constituency, which may be a social class or religious group;
- b) the country as a whole, "whose broad interests might transcend those of any group or party; or the legislator's own conscience which provides moral and intellectual judgement about appropriate political behaviour";<sup>576</sup>
- c) the political party to which a parliamentarian owes loyalty; and
- d) the most important function of a legislator is to represent the interests of the governed.




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<sup>570</sup> John Locke, op cit, 364.

<sup>571</sup> Melvyn Read, 'The Place of Parliament': In Ian Budge and David Mckay 3<sup>rd</sup> ed. The developing British Political System: the 1990s. (London: Longman Group UK Limited, 1993).

<sup>572</sup> Danzinger James N. 4<sup>th</sup> ed. Understanding the Political World: A Comparative Introduction to Political Science. (NewYork: Longman, 1998) 132.

<sup>573</sup> The National/Political Executive or simply Executive refers to the National Leadership of the Country (Presidency and Cabinet) or what is normally known as the administrative arm of government.

<sup>574</sup> Ibid, 132.

<sup>575</sup> Anthony Birch, The Concepts and Theories of Modern Democracies. (London: Routledge, 1993), see also, Hague et al, op cit, 292, Arend Lijphart, Electoral Systems and Party Systems: A Study of Twenty Seven Democracies, 1945-1990. (Oxford: Oxford University Press, 2000).

<sup>576</sup> Danzinger James, op cit, 133. See also Hague et al, op cit, 292

In most states it is possible for a legislator to represent these four conceptions without a deeper conflict in dealing with the problem of representation. However, in some cases legislatures seemed to lack choices, mostly in undemocratic states and democratic one-party dominant states, like Uganda, Namibia and Zimbabwe. The common characteristics of these states is their diminished independence of the legislators' role. The legislators under these conditions, "where their actions are dictated by the political leadership, act as little more than 'rubber stamps'. This position would probably characterise the behaviour of a legislator in Cuba or Zimbabwe".<sup>577</sup>

The role of legislators in the countries that were involved in intrastate conflicts in Rwanda, the DRC and Lesotho were characteristic of the above description. In democratic states like South Africa, Namibia, Zimbabwe and Botswana, legislators are required to follow the party line. They have to conduct themselves in this manner or else they risk being de-selected come the next election. The legislator who desires to survive politically is confronted with this difficult choice. This constraint has incapacitated the oversight role of legislatures where the Executive is too strong and dominates the whole parliament.<sup>578</sup>



### **6.2.1 Oversight of the Executive**

The other important function of the legislator is to oversee the actions of the political Executive. While political systems vary in different respects, in some cases, legislators may exert considerable influence on the actions of the Executive. This may be in relation to Executive actions, confirming members of the Cabinet, electing the Executive, authorising major policy discourse of the Executive or approve the Executive choices of individual members of Cabinet and other key appointments. Similarly, the legislative oversight, "involves the right of the Legislature to scrutinise Executive performance. In many political systems there are regular procedures by which the legislative

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<sup>577</sup> Danzinger James, op cit, 133.

<sup>578</sup> Thandi Modise "Parliamentary Oversight of South African Department of Defence: 1994 to 2003": In Len Le Roux, Martin Rupiya and Naison Ngoma ed. Guarding The Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC (South Africa, Pretoria: Institute for Security Studies; 2004).

body can question and even investigate whether the Executive has acted properly in its implementation of public policies".<sup>579</sup>.

Parliament has the last word on both the defence and security policies of the state. It is parliament, which has the power to review these policies as it wishes and hold the Executive accountable for their implementation and for the development and deployment of the military both within and outside the state's borders. Similarly, and consistent, with the above perception, parliament performs the unique constitutional function of providing authorisation of security and defence expenditure. It scrutinises the operations of the military and also declares "states of emergency and [the] state of war. The state is the only organisation in society with [a] legitimate monopoly of force. This is delegated to the military and the military must therefore be accountable to the democratic legitimate authority".<sup>580</sup> As an instrument of foreign policy, the military should conduct its activities within the confines of the nation state, hence the reason that the parliament must sanction its activities.



The end of the Cold War has brought into currency the conscious aspect of the protection of human rights. The issue of human rights has become an essential requirement for democratisation and good government. This conditionality has equally elevated the role of parliament more than ever to ensure their protection. Inevitably, this has made parliamentary oversight over the security apparatus of the state even more important to ensure that the military desist from acts, which violate human rights. The fact of the matter is that, there must be sufficient controls over the military, otherwise the institution will degenerate. It is important that parliaments ensure the existence of these controls, which will be strong enough to legitimise the operations of the military and prevent the degeneration of the service.

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<sup>579</sup> Danzinger James op cit, 134.

<sup>580</sup> Willibrod Peter Slaa, 'Challenges for the SADC Parliamentary Forum: Experience and Contribution': In Len Le Roux, Martin Rupiya and Naison Ngoma ed. *Guarding The Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC* (Pretoria South Africa: Institute for Security Studies; 2004), 26.

It is necessary for parliament to oversee the operations of the military and the Executive. This stems from the fact that parliament has a constitutional duty to enact legislation that governs the defence and security services of the state. It is within these laws that mechanisms for budgetary control of the military, accountability and transparency are built. Parliaments in their oversight function also have a legislative role regarding activities of the state security sector and other sectors. The legislative review of the Executive abuse or misuse of power in areas such as the deployment of the military without legislative sanction, is important in two ways, as Bentham wrote:

Firstly, legislators can halt Executive abuses and or poor decisions, the country is likely to be better off, since resources, both human and material, consequently will not be squandered on inappropriate missions. Secondly, even when the legislature is not sufficiently powerful to reverse decisions of the Commander-in-chief, legislative review can be beneficial. By publicizing instances of Executive abuses and/or poor judgment, the legislature effectively limits the power of the Executive.<sup>581</sup>

Ensuring that the military does not overstep its mandates and violate civil rights has become a public as well as a parliamentary issue. The concept of oversight presupposes the existence of a democratic government with a democratic constitution. It also entails the concept of separation of powers between the Executive, judiciary and legislature. This would mean that all institutions of the state must be policed, most importantly by parliament, which is composed of democratically elected members of society serving as gatekeepers for national interests.

The activities of the military must be monitored and parliament, as the supreme body, must stamp its authority onto defence policy. Structural relationships between the government and armed forces are important in any country in building a political culture that determines the parliamentary control over the military. In order to perform this task, parliament must ensure the existence of structural relations between government and the military. Baregu writes:

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<sup>581</sup> Jeremy Bentham, “Publicity,” From an essay on Political Tactics in the collective works, Vol.II. 310-315, reproduced in Amy Gummam ed., “Course packet-wws301/Pol308. Ethics and Public Policy, “Princeton University Spring 2000. See also The Constitution of the Republic of South Africa, 1996.

It is imperative to note that the extent and effectiveness of Parliamentary oversight over defence and security matters in any country will depend mainly on the structural relationship that exists between the armed or defence forces and the government. All governments have such relations with their militaries.<sup>582</sup>

These structural relationships are formal in the sense that they have been spelled out in national constitutions, and are informal in the sense that they are embedded in the political culture of the country concerned.

### 6.2.2 Executive Accountability

Schedler argues that political accountability primarily denotes “two basic connotations: answerability, the obligation of public officials to inform about and to explain what they are doing; and enforcement, the capacity of accounting agencies to impose sanctions on power holders who have violated their public duties”.<sup>583</sup> He argues further that this definition embraces monitoring, checks, control, oversight, restraint, public exposure and punishment that may be imposed on the public official for violation of these rules. In essence, to account means to justify your actions or policies.<sup>584</sup> In fact, “the word ‘executive’ comes from the latin *ex sequi*, meaning ‘to follow out’ or ‘to carry out’”.<sup>585</sup> The Executive is expected to explain before parliament how it arrives at certain budgetary figures. It has to account for how it intends to implement its financial policy or for how it has overspent the budget allocated by parliament.<sup>586</sup> Parliament makes defence policy and approves the budget. This means that it can also concur with the Executive, alter, cancel or refuse to approve the budget. The budget is one of the most effective implements of civil control over the military,<sup>587</sup> if not the most insightful method that parliament can use to hold the Executive to account.

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<sup>582</sup> Mwesiga Baregu, op cit, 37.

<sup>583</sup> Andreas Schedler, “Conceptualising Accountability”: In Andreas, Schedler, Larry Diamond and Marc F. Platter, ed. The Self-Restraining State: Power and Accountability in New Democracies (London Boulder: Lynne Rienner Publishers, 1999),14.

<sup>584</sup> Melvyn Read, op cit, 70.

<sup>585</sup> Danzinger James op cit, 140.

<sup>586</sup> Graham Wilson, ‘Changing Networks: The Bureaucratic Setting for Government Action: In Ian Budge and David Mckay, 3<sup>rd</sup> ed. The developing British Political System: The 1990s (London: Longman group Uk Limited, 1993).

<sup>587</sup> Naison Ngoma, “Caging The Lions”: In Len Le Roux, Martin Rupiya and Naison Ngoma ed. Guarding The Guardians: Parliamentary Oversight and Civil-Military Relations: The Challenges for SADC (South Africa, Pretoria: Institute for Security Studies; 2004).

Apart from its major role of supervising the state administration, the primary role of the Executive is “to carry out the state’s policies, laws or directives”.<sup>588</sup> For that reason, the Executive manages the external relations of the state. In managing foreign affairs, the Executive also manages the military. Therefore, “given the state’s monopoly of the legitimate use of force, the military (including internal security forces) is an area over which the top political Executive usually has direct control”.<sup>589</sup> The Chief Executive is always regarded as the Commander-in-Chief of the entire military establishment. Therefore, he or she sets policies, supervises the military organisation and utilises military capabilities. This task carries the most severe consequences for the security establishment and the well-being of the state at large. It is the legitimate duty of the legislature to scrutinise the Executive and hold it accountable. It is therefore important to examine the extent to which the parliaments of the intervening states held their Executives accountable for these interventions.

### **6.3 The Role of the Parliaments of Intervening Countries**

In any democracy the Executive is held accountable by the body politic/legislature. It is the legislature that scrutinises the Executive’s actions/ and decisions regarding military interventions. The principle of accountability stems from the citizens represented in the legislature. Without Executive accountability, citizens’ rights are in truth merely promises.<sup>590</sup> Unlike other intervening countries, which had constitutions, at the time of their intervention in the DRC, Burundi and Rwanda did not. The other countries’ constitutions embraced these rights that are safeguarded by the legislature through the principle of Executive accountability.

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<sup>588</sup> Danzinger N. James, op cit, 140.

<sup>589</sup> Ibid, op cit,143. See also Read Melvyn, “The Place of Parliament”: In Budge Ian and McKay David 3<sup>rd</sup> ed. The Developing British Political System: The 1990s. (Longman; New York; 993).

<sup>590</sup> Alexis De Tocqueville, Democracy in America. (New York; Harper Perennial1988), Volume 11esp.645-669 and 734; Alexander Hamilton, James Madison and John Jay, The Federalist papers (New York: The American Library of World Literature, Inc.1961), No.38, 48, 67-77: John Locke, second Treaties on Government) Indianapolis: Hackett Publishing Company 1980, chapters 2-3, 5,7-12 and 19.

### 6.3.1 The Ugandan Government

The government of Uganda was made up of a guerrilla movement, which came into being in the early 1980s under the leadership of Yoweri Kaguta Museveni's<sup>591</sup> National Resistance Movement (NRM), which deposed "the military government of General Tito Okello Lutwa on 26<sup>th</sup> January 1986".<sup>592</sup> The movement system of government, as the NRM is usually referred to, forbade political parties from mobilising for office and performing other legitimate party activities. The movement system of government is a one-party system that serves as "a vehicle for the nation's leader or a device for distributing patronage".<sup>593</sup> This unorthodox system was adopted in an effort to remedy intense factional fighting which had bedevilled Uganda since independence, and its concomitant abuse of power.<sup>594</sup>

The proponents of the Ugandan movement system observe that it has ensured that the government remains accountable to the Ugandan polity rather than to narrow sectional interests of various Ugandan ethnic groups.<sup>595</sup> Uganda has a unicameral government with numerous methods of electing representative to the legislature.<sup>596</sup>



The 1995 Constitution of Uganda requires at least two-thirds of a parliamentary vote in order to declare war. The Ugandan decision to intervene in the DRC was made by "the President himself, after consultation with only a few close military advisers. Apparently, neither important civilian advisers nor the parliament were consulted before the decision was taken, as is required by the Ugandan Constitution".<sup>597</sup> In fact, there is little evidence to suggest that

<sup>591</sup> Bruce Baker, "The Class of 1990: How Have the Autocratic Leaders of sub-Saharan Africa Fared under democracy?" In Third World Quarterly, Vol 19, No1, (1998),115-127, argues that Museveni is one of the 39 leaders who could be classified as autocrats in sub-Saharan Africa in the 1990s, these leaders allowed no opposition voice to be expressed and thus were able to violate their constitutions at will. See also Guillermo O'Donnell, Horizontal Accountability in New Democracies: In Andreas, Schedler, Larry Diamond and Marc F. Plattner, ed. The Self-Restraining State: Power and Accountability in New Democracies (Lynne Rienner Publishers, Boulder London: 1999).

<sup>592</sup> Reilly Daniel, op cit, 38.

<sup>593</sup> Hague et al, op cit,250. See also Nnoli O. Introduction to Politics. (Nigeria: Longman Nigeria Limited; Nigeria: 1986).

<sup>594</sup> Reilly Daniel, op cit.

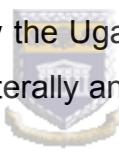
<sup>595</sup> The Ugandan Monitor, 11<sup>th</sup> January 1999.

<sup>596</sup> The Constitution of the Republic of Uganda, 1995. <<http://www.uganda.co.ug/content.htm>> [13 December 1999].

<sup>597</sup> John F. Clark, op, cit., 262-3.

even the Presidential Cabinet and other interest groups were involved. According to Daniel Reilly, Museveni's government did not follow its constitution's requirements when Uganda intervened in the DRC in both 1996-7 and 1998. Museveni appeared to have violated the both the letter and spirit of the Ugandan Constitution. He was not given a mandate by the legislature to deploy troops outside Uganda. His decision to intervene in both Rwanda and the DRC seems to have been unconstitutional because "the deployment of UPDF outside Uganda without parliamentary approval was unconstitutional, and parliamentarians for the most part failed to adequately respond to public criticism of Ugandan role in the DRC".<sup>598</sup>

The Ugandan Parliament, in the same light, is empowered to make laws regulating the activities of the UPDF, especially providing for "the deployment of troops outside Uganda".<sup>599</sup> Therefore, the Executive decision to deploy troops in the DRC could be viewed as not only a violation of the UN Charter but also of the Ugandan Constitution. Since the deployment of troops was neither approved of nor forbidden by the Ugandan Parliament, it seemed that the Commander-in-Chief acted unilaterally and unconstitutionally by deploying these troops in the DRC.



President Museveni also appears not have appraised the Ugandan Parliament about the UPDF's operations in the DRC or outside the Ugandan territory, as required by the Ugandan Constitution. His violation of the Ugandan Constitution was even more pronounced in August 1998:

...when the Forces Arme'es Congalaises (FAC) began their insurrection against Kabila's rule, Museveni was similarly circumspect with Parliament about Ugandan involvement. After Ugandan spokesmen were first silent about any UPDF role in the DRC. Second Deputy Prime Minister Eriya Kategaya announced in late August that the UPDF was indeed operating just over the border within the DRC, ostensibly to pre-empt Allied democratic Forces (ADF) attacks into western Uganda.<sup>600</sup>

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<sup>598</sup> Ibid, 49.

<sup>599</sup> Jim Mugunga, "MP says he's Ready to Move on Museveni". The Monitor, 11 January 1999. In <<http://www.africanews.com/monitor/freeissues/11jan99/front.html>>

<sup>600</sup> Charles Onyango-Obbo. 'Special Report: Tough Choices for Uganda in the Congo,' The East African. 31 August-6 September 1998. <<http://www.africanews.com/obbo>>[18March2004].

Immediately after the above admission by the Deputy Prime Minister, it was also reported that the UPDF was operating deep inside the DRC in places like Kisangani. Ordering the deployment of Ugandan Forces outside Ugandan territory without appraising Parliament in this way was another clear violation of the Ugandan Constitution by the President.

When Museveni eventually appeared before the Ugandan Parliament in mid-September 1998, he was unrepentant. When making his carefully planned appearance Museveni did not seek approval for his decision from Parliament: instead, he “launched into a tirade which included calling MPs who demanded dialogue ‘collaborators’, and the Hutus who comprised much of the DRC’s eastern forces ‘barbarians’”.<sup>601</sup> From this time on, Museveni avoided MPs in debating Ugandan involvement in the DRC intervention.

Museveni’s apparent disrespect of the Ugandan Constitution appears to be a carryover from his guerrilla background. He believed in unilateralism rather than bilateral or multilateral negotiations. Lark argues that, most importantly:

One observes a casual attitude towards the rule of law, as in Museveni’s despatch of the UPDF to Congo without an enabling law from the Parliament, as specified in the Constitution. In Uganda today, it is actually the military High Command that takes real decisions related to security, and not the Cabinet of President Museveni.<sup>602</sup>

It would seem that Museveni bypassed the Ugandan Parliament because it was not going to help his cause: solving African conflicts by military means. This practice is a direct violation of Article 210 of the 1995 Ugandan Constitution, which argues that “Parliament shall make laws regulating the Uganda People’s Defence Force, in particular for...(d) the deployment of troops outside Uganda”.<sup>603</sup> Nevertheless, no such law existed at the time of the UPDF deployment in Rwanda in 1990. However, Article 210 was never put to operation during the Ugandan intervention in the DRC.

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<sup>601</sup> Charles Onyango-Obbo, “How the General Lost his Cool in Battle,” The East African, 21-27 September 1998.<<http://www.Africanews.com/obbo>>[18Mach2004].

<sup>602</sup> John F. Clark, op cit, 274.

<sup>603</sup> The Constitution of the Republic of Uganda, op cit.

Similarly, Ugandan “Parliamentarians have generally failed in their duty to check Executive abuses. The list of MPs who regularly denounce Uganda’s involvement in the DRC was very short”.<sup>604</sup> Most MPs seemed to display a lack of bravery in holding the Executive to account. The striking exception in this regard was a motion tabled by the MP from Samia Bogwe North, Aggrey Awori, in relation to UPDF deployment in the DRC. It called for, inter alia:

...a judicial inquiry into ‘current UPDF operations in DRC’, including a look at the ‘justification, legality and cost’ of UPDF involvement, as well as a requirement that the UPDF leave the DRC within 90 days. While Awori claimed to have 28 signatures in total, only six MPs allowed their names to go on the copy presented to the Speaker, Francis Ayume. Upon receiving the motion, Ayume requested that Awori delay moving it; Awori alleged that Ayume needed the time in order to seek guidance from Museveni.<sup>605</sup>

Despite Awori’s allegations, this was an apparent demonstration of the Ugandan Parliament’s inactiveness in holding the Executive to account. It can therefore be argued that the Ugandan Parliament proved very reluctant to conduct its parliamentary duty. For instance, the deficient legislative review appears to have been exacerbated by the dominance of the ruling party in Uganda. The Executive Parliamentary dominance on legislative affairs has made accountability extremely difficult. These events have weakened the principle of legislative oversight of the Executive and Executive accountability in Uganda. Museveni appears to have succeeded in illegally bypassing Parliament when deploying the UPDF in the DRC. In addition, the Ugandan Parliament proved inadequate in employing serious efforts of holding Museveni accountable for the UPDF deployment in DRC and Rwanda.

### **6.3.2 The Namibian Government.**

In Namibia, the parliamentary oversight function is enshrined in the Namibian Constitution. Article 119(2) stipulates that “the President shall be the Commander-in-Chief of the Defence Force and shall have all the powers and exercise all the functions necessary for that purpose”.<sup>606</sup> In other words, the Namibian President can deploy the Namibia army as he or she determines.

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<sup>604</sup> Reilly Daniel, op cit, 51-52.

<sup>605</sup> Ibid, 52.

<sup>606</sup> The Constitution of the Republic of Namibia 2000, 60.

Article 32(f) argues further that the President has the power to “declare martial law or, if it is necessary for the defence of the nation, declare that a state of national defence exists: provided that this power shall be exercised subject to the terms of Article 26(7) hereof”.<sup>607</sup> The President can also declare war euphemistically, known as a ‘state of national defence’, if he thinks that such conditions pertain in Namibia. He or she has been given considerable latitude to decide when to declare a state of national defence and is the sole decision maker in this regard. Nevertheless, in performing these important functions, the President must adhere strictly to Article 26(7) of the Namibian Constitution which states that:

The President shall have the power to proclaim or terminate martial law. Martial law may be proclaimed only when a state of national defence involving another country exists or when civil war prevails in Namibia: provided that any proclamation of martial law shall cease to be valid if it is not approved within a reasonable time by a resolution passed by a two-thirds majority of all the members of the National Assembly.<sup>608</sup>

This constitutional directive was nevertheless not adhered to. The Namibian intervention in the DRC conflict could only be consistent with the declaration of martial law only if the DRC was at war with it, which was not the case in this DRC intervention. This violation could be apportioned to what Tapscott<sup>609</sup> claims to be a failure of substantive parliamentary democracy in Namibia. This violation of the Namibian Constitution appears to have been influenced by the friendship cultivated during the struggle days between the Laurent Kabil and Sam Nujoma. Close ties developed between them during the early 1970s when SWAPO had its military bases in Tanzania. Like Zimbabwe, Namibia has no common border with the DRC and there was thus no immediate security threat to Namibian security. It was rather on the basis of the friendship between Nujoma and Kabil that the Namibian leader ordered the deployment of his troops in the DRC, in order to assist his friend. This deployment was done without consultation with the Namibian Parliament.

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<sup>607</sup> Ibid, 23.

<sup>608</sup> Ibid, 18-19

<sup>609</sup> Chris Tapscott, The Autocratic Temptation: Politics in Namibia Now, in Southern Africa Report SAR, Vol 12 No 3, June 1997 Page 3 "Namibia".<<http://www.africafiles.org/article.asp?ID=3837>> [22January2005].

Despite noises made by the opposition parties in Namibia, the above constitutional resolution was never passed in parliament. Nonetheless, the Namibian Constitution remains vague regarding the proclamation of a state of national defence. The fact of the matter was that the Namibia intervention in the DRC did not necessitate the above declaration since the DRC was not at war with Namibia.

In defending his actions, President Nujoma argued that, as Commander-in-Chief of the Namibian forces, he took a conscious decision, being fully aware of its consequences, which had “inherent dangers and problems including the death of Namibian troops. It was an honourable act of enlightened self-interests. The very worst was in store for us”.<sup>610</sup> What was more perplexing for most people was that the Namibian people were not initially told about the intervention in the DRC. Most were shocked by the DRC intervention and were completely unaware of the circumstances that led to it. Namibia’s legislators and the people at large were angry about the lack of consultation prior to intervention.<sup>611</sup>



The constitutional requirement for the President’s proclamation of a state of national defence was not carried out. The question of why the country was at war in the DRC was not answered by the Executive but rather by the Zimbabwean government, which said that both Namibian and Zimbabwean forces were in the DRC to assist Kabilia’s regime. Furthermore, on the “Focus on Africa: BBC World Programme”, President Kabilia agreed that he was being assisted by Namibian troops. It was only after several denials that Nujoma “finally admitted on Heroes Day that Namibian troops were indeed fighting in the DRC on the side of President Kabilia”.<sup>612</sup>

The presidential announcement was not constitutional. For example, it was not accompanied by any parliamentary resolution. Similarly, it was not made in accordance with Article 26(7) of the Namibian Constitution. It was clear that

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<sup>610</sup> Ibid.

<sup>611</sup> Foreign military intervention criticised back home.<<http://www.africa.upenn.edu/Hornet/irin508.html>> [15May2004].

<sup>612</sup> Namibia, A National Scandal.<<http://www.namibian.com.na/Netstories/Cols8-98/edit082898.html>> [3September2004].

the intervention by Namibian troops violated the constitution. The President did not declare a state of national defence, since this state of affairs pertains only when the country is involved at war with another country.<sup>613</sup> As such, he could not even declare martial law.

Namibian opposition parties were furious that their President and Commander-in-Chief of the armed forces unilaterally deployed troops in the DRC without consulting either his Prime Minister or his Cabinet.<sup>614</sup> What infuriated them was the utter silence from the President in relation to the Namibian involvement in the DRC. They argued further that the government could have at least convened a special session of Parliament so that this matter was subjected to democratic debate “and scrutiny, instead of what appears to have been a personal decision on the part of President Nujoma”.<sup>615</sup>

The Namibian President, instead of addressing Parliament on this matter, decided to address his party’s Central Committee, thus, denying the legislature its legitimate right to hold him accountable for this constitutional breach. Furthermore, as in most one-party dominant democracies, Members of Parliament from the ruling party seemed to have neglected their responsibility of holding the Executive to account before parliament. They did not push for debates relating to this issue and elected to discuss other matters not associated with the intervention, while the Executive continued to violate the Namibian Constitution. The failure of the Namibian Parliament to use its tools for checking the Executive was more apparent when the House could not even pass a motion or resolution regarding the intervention in the DRC.

### **6.3.3 The Government of Angola**

Unlike most undemocratic states, Angola has its own constitution and parliament. The Angolan Constitution, like most constitutions of the intervening countries, recognises the President in Article 56(1) as the Commander-in-Chief of the country’s forces. It puts the President at the helm

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<sup>613</sup> The Constitution of the Republic of Namibia 2000.

<sup>614</sup> Namibia, A National Scandal, op cit.

<sup>615</sup> Ibid.

of power as its head of state, which in position he “symbolizes national unity, represents the nation domestically and internationally, ensures compliance with the Constitutional Law, and shall be Commander-in-Chief of the Angolan Armed Forces”.<sup>616</sup> The President is also empowered to declare war and a state of emergency among some of his or her elaborate powers. In explaining the presidential powers, Article 66 with its various sub-sections, argues that:

The President of the Republic shall have the following powers; (p) To declare war and make peace, after hearing the Government and following authorization by the National Assembly; (r) To declare a state of siege or state of emergency, in accordance with the law.<sup>617</sup>

This means that constitutionally, the President may declare war after being authorised to do so by the National Assembly. In addition, he can declare a state of siege following the same procedures in Article 66(p) and (r). The President's capacity to make a unilateral declaration of war is therefore severely curtailed by the Angolan Parliament in this regard. This position is further strengthened by Article 67(1), which stipulates that:

The President of the Republic, after consultation with the Prime Minister and the President of the National Assembly shall take appropriate measures whenever the institutions of the Republic, the independence of the nation, territorial integrity or the fulfilment of international commitments are seriously and immediately threatened and the regular activity of Constitutional public office interrupted.<sup>618</sup>

The Angolan Constitution therefore forces the President to consult and not act unilaterally concerning military deployment outside the country. The Council of the Republic is mandated by Article 75(1), (c) to “...state its views on the declaration of war and making of peace”.<sup>619</sup> The President must thus also allow the Council to air its views before any declaration of war is made. Only after this process has been undertaken would a declaration of war be legitimate. The Angolan Parliament and the Council have the right to hold the Executive to account before any declaration of war or state of emergency is declared.

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<sup>616</sup> Constitutional Law of the Republic of Angola August 1992.  
<<http://www.angola.org/referenc/constitution/constit.htm>> (02September2004).

<sup>617</sup> Ibid.

<sup>618</sup> Ibid.

<sup>619</sup> Ibid.

The government of Angola nonetheless intervened in both the Congo-Brazzaville and the DRC without soliciting the views of the above bodies. This was despite several calls from parliamentarians, mostly the leader of the opposition. After intense lobbying, the government of Angola was forced by parliamentarians to agree to participate in parliamentary debates relating to Angola's military interventions in the two neighbouring Congos (the DRC and Congo-Brazzaville). During the debate the Angolan government's Minister of the Interior, Fernando da Piedade Dias dos Santos "Nando", told the members of parliament that:

...military intervention by the Angolan Armed Forces (FAA) in those countries was prompted by state reasons and imperatives of national security. Nando explained that such an action occurred in response to continued destabilization of Angola through direct and indirect aggressions carried out by the two countries.<sup>620</sup>

This military intervention was against the spirit of the Angolan Constitution. It was also apparent that the Executive did not inform Parliament when it took the drastic decision of intervening in both the DRC and Congo-Brazzaville. The Angolan Constitution was therefore violated by the Executive. The leader of the opposition *Partido Renovador Social* (PRS), Lindo Bernardo Tito, initially argued that "the military intervention of Angola in the Congos was illegitimate and unconstitutional".<sup>621</sup> The debates, which were driven by the PRS, were a result of an overt Executive intention not to account before the Angolan Parliament about these interventions. The Angolan legislature made great strides in holding the Executive to account for its interventions, unlike other intervening countries. Nevertheless, the dominance of the ruling party in the Angolan Parliament allowed the Executive to escape thorough scrutiny despite having intervened in both Congos unconstitutionally.

#### **6.3.4 The Government of Zimbabwe**

The intervention of Zimbabwe in the DRC was also not sanctioned by the country's legislature or its constitution. According to the Zimbabwean Constitution, Chapter IV section 27(1): "There shall be a President who shall

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<sup>620</sup> Angola Parliament pursues debates on troops in DRC.<<http://www.reliefweb.int/w/rwb.nsf/0/2d2a3dc3e16f118ac1256a3b0051a5fe?OpenDocument>> [03September2004].

<sup>621</sup> Ibid.

be head of State and Head of Government and Commander-in-Chief of the Defence Forces".<sup>622</sup> This Constitution was published as a Schedule to the Zimbabwe Order 1979. In Chapter X, which deals with the defence forces in Section 96(2), the Zimbabwean Constitution argues that the Commander-in-Chief shall make determinations for the defence of Zimbabwe. "The supreme command of the Defence Forces shall vest in the President as Commander-in-Chief and, in the exercise of his functions as such, the President shall have power to determine the operational use of the Defence Forces".<sup>623</sup>

The Zimbabwean Constitution has thus given the President leeway to use the military as he pleases. In exercising his powers, he still has to consult the Cabinet and parliament. Nothing prevents Parliament from being involved or demanding the tabling of motions regarding decisions to intervene in other countries. The Zimbabwean Constitution argues that the President shall have such powers as are conferred upon him by it. Furthermore, an Act of Parliament or other law or convention in the same spirit shall confer power on him/her, which shall be made subject to any provision made by Parliament. In addition to this power the President has such prerogative powers as were exercisable before the appointed day. Furthermore, section (4) without prejudice to the generality of subsection (3), stipulates that:

The President shall have power, subject to the provisions of this Constitution – (c) to proclaim and to terminate martial law; and (d) to declare war and to make peace; and (5) In the exercise of his functions the President shall act on the advice of the Cabinet, except in cases where he is required by this Constitution or any other law to act on the advice of any other person or authority... (6) Nothing in this section shall prevent Parliament from conferring or imposing functions on persons or authorities other than the President.<sup>624</sup>

This means that even though the President has been conceded considerable discretion in carrying out his functions, he is still accountable to parliament. The decision to send 2,000 more troops into the DRC in October 1998 was

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<sup>622</sup> The Constitution of Zimbabwe, Revised Edition 1996, Printed by the Government Printer, Harare. <<http://confinder.richmond.edu/Zimbabwe.htm#31H>> [03September2004].

<sup>623</sup> Ibid.

<sup>624</sup> Ibid.

believed to have been taken outside both the Cabinet and parliament.<sup>625</sup> According to Hartnack (*Business Day*, 30th October 1998): "This major decision was taken by President Mugabe alone, without consultation with either parliament or his cabinet. More than half the members of the 54-strong cabinet were believed soon after to have voiced their opposition to the war".<sup>626</sup> It was inconceivable how the war would be funded. For some years before 1998, Zimbabwean finances were alleged to have been run from State House. This practice have made it difficult for the parliament to hold the Executive to account for funds destined for the military incursion and also for the intervention itself, which was conducted in complete violation of the Zimbabwean Constitution.

Kenneth Good argues that the DRC operation was conducted with so much secrecy that dead and wounded soldiers were even flown back at night. Parliament was completely in the dark about the cost of war because of this secrecy. The President's decision to intervene in the DRC without prior consultation with parliament, the Cabinet or his party's Central Committee, shocked most Zimbabweans. Horace Campbell argues that:



There was no debate in the Zimbabwean Parliament. Under section 98 of the Constitution, ZNA forces were to be used only for the defence of Zimbabwe. There were no public discussions on the costs to the Zimbabwean society or whether Zimbabwe could sustain an army in a country as large as Western Europe.<sup>627</sup>

This unparliamentary action by the President motivated civil society, including the churches, trade unions and human rights groups, to mobilise against it. These groups were led by Morgan Tsvangirai, who chaired the task force of the Zimbabwean Congress of Trade Unions. According to local opinion polls, over 70% Zimbabweans were against the war. The Zimbabwean legislators were furious with the Executive for deploying troops in the DRC without consultation with parliament. The failure for the Executive to convene a special session of parliament to discuss the DRC intervention was seen as

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<sup>625</sup> Kenneth Good, "Dealing with Despotism: The People and the Presidents": In Henning Melber ed. Zimbabwe's Presidential Elections 2002: Evidence, Lessons and Implications; Discussion Paper 14, (Nordiska Afrikainstitutet: Uppsala; 2002), 19.

<sup>626</sup> *Ibid*, 19.

<sup>627</sup> Horace Campbell, op cit,206.

the greatest violation of the Zimbabwean Constitution. Parliamentarians were worried about the increasing costs of the intervention, for which the government continued to use a budget that was not passed by Parliament.

The opposition voices demanding an Executive explanation to parliament were ignored. The ruling party, which dominated Parliament, was not in concurrence with the opposition to hold the Executive to account. Parliament's apparent inability to hold Mugabe to account was pervasive. Only two Zanu-PF members to play this role; one member was a woman while the other was a retired army general, Solomon Mujuru.<sup>628</sup> It can also be argued that the retired member of the governing party had nothing to lose by criticising the Executive. He feared no de-selection at the next elections because he was already retired. As for the other Member of Parliament, she was not taken seriously by a Zanu-PF politburo since she was a minority of the minorities in this male-dominated party. Nonetheless, their criticism was supported by business people, the NGOs and Zimbabwean people in general.



Global Witness, a British-based NGO, in its quest to make the voices of ordinary Zimbabweans heard, argued that the Zimbabwean government should unilaterally withdraw from the SOCEBO logging deal because this action was inconsistent with peace efforts. This NGO went further to demand that the Zimbabwean Parliament should condemn the corporate ambitions of the ruling party because some of them militated against peace initiatives in the DRC and were detrimental to regional peace efforts.<sup>629</sup>

The Zanu-PF-dominated parliament could not hold the Executive to account for the intervention. Among the opposition parties in the Zimbabwean

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<sup>628</sup>Lewis Machipisa, ZIMBABWE: People Question The Wisdom Of A Far Away War. <[http://www.oneworld.org/ips2/aug98/16\\_41\\_060.html](http://www.oneworld.org/ips2/aug98/16_41_060.html)>[28May2004].The retired army chief, General, openly challenged Mugabe about the wisdom of sending Zimbabwean soldiers to the DRC during a recent politburo meeting of the ruling party. Other party members also were unhappy about the move. "We are very bitter about the decision to send our soldiers to Congo," said Mavis Chidzonga, a ruling party member of parliament. "We can't go to war to support a country that never lifted a finger when we were fighting for our liberation." "In Zimbabwe, people are suffering, dying from hunger, there are no roads, no clean water, but we can afford to fund a war in Congo. We are very bitter about it," added Chidzonga. "Where is the money coming from?," she asked.

<sup>629</sup> Branching out: Zimbabwe's resource colonialism in Democratic Republic of Congo. <<http://www.eldis.org/static/DOC5568.htm>> [13May2004].

Parliament, the Movement for Democratic Change (MDC) had only three seats while Reverent Ndabanigi Sithole of ZANU had only two seats, out of total of 120 elected members of the legislature. The lone voices of the opposition were not heard by their counterparts on government benches. While opposition parties did not agree on several issues at the time of the intervention in the DRC, they were united on Mugabe's military intervention in the DRC.<sup>630</sup>

Despite the glaring constitutional breaches by the Zimbabwean Executive and the lone oppositional voices of Zanu-PF members and members of the opposition, the Zimbabwean Parliament was unsuccessful in holding the Executive accountable for this intervention. The governing party disabled the ability of parliament to hold its Executive to account for its deeds. Therefore, important constitutional questions could not be asked. Once again, parliament could not uphold the principle of Executive accountability though it had sufficient tools to do so.



### 6.3.5 The South African Government

In South Africa, the dawn of constitutionalism and democratisation in 1994 ushered in a period of high expectations for accountable governance, not only within the SADC but also throughout Africa as a whole. Conversely, instability in the SADC region and Africa militated against this goal. This was characterised by the South African intervention in Lesotho.

After the release of Nelson Mandela and the first democratic elections in April 1994, South Africa joined the list of democratic countries in the world. The country adopted a new constitution on the 8<sup>th</sup> May 1996, which provided for election of the nation's Chief Executive, the President, to the National Assembly. The Constitution names the President as the Commander-in-Chief of SANDF and obliges him to be accountable to the South African Parliament for any action he takes in this capacity.<sup>631</sup>

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<sup>630</sup> Gamal Nkrumah, A silver lining. <<http://weekly.ahram.org.eg/2000/488/in4.htm>> [03April2004].

<sup>631</sup> The Constitution of the Republic of South Africa, 1996,114, see section 202 (2).

The South African Constitution gives the President more flexibility when it comes to the declaration of war, or what is known as the ‘state of national defence’. According to the Constitution, only the State President can declare war or a state of national defence. He is the sole official who can deploy the SANDF for this purpose. Chapter 11 of the Constitution, which deals with defence, is more idealistic in content. Section 200(2) evokes the UN Charter’s Article 2(4) which prohibits the threat or use of force. It argues that the SANDF should protect the Constitution of South Africa and its territorial integrity in accordance with the principles of international law. This means that the functions of the defence force are circumscribed by the principle of just war theory as discussed in chapter one, as well as international law. These instruments therefore fall within the UN Charter, which regulates the unilateral use of force. This shows that the South African intervention in Lesotho, like that of Uganda in Rwanda and those of the three SADC countries in the DRC, was inconsistent with the South African Constitution and therefore fell outside this international framework.



According to Section 201(2), the South African Constitution empowers the President to deploy the SANDF in co-operation with the police in fulfilment of defending the country or carrying out its international obligations. The Constitution nevertheless mandates the President in accordance with section 201(3) to inform parliament promptly, when carrying out the above functions, of:

- a) The reasons for the employment of the defence force;
- b) Any place where the force is being employed;
- c) The number of people involved; and
- d) The period for which the force is expected to be.

(4) If Parliament does not sit during the first seven days after the defence force is employed as envisaged in subsection (2), the President must provide the information required in subsection (3) to the appropriate oversight committee.<sup>632</sup>

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<sup>632</sup> Ibid, see also section 201 (2) and (3).

Therefore, the President may declare a state of national defence as long as parliament approves his declarations within seven days. Put differently, the Parliament needs only be informed of the deployment “promptly” or no later than seven days after the SANDF is committed. In relation to the military intervention in Lesotho, the South African Parliament held debates on this matter. However, there were serious limitations regarding the review of the legislative process of the decision to deploy the SANDF outside the Republic. “In particular the president’s office violated the spirit of an accountable Executive branch when it made the decision to intervene, and parliamentarians failed to adequately react to their constituents concerns with operation Boleas.”<sup>633</sup> The whole process encountered major problems from the beginning to the end. South African Parliamentarians seem not to have been consulted prior to the intervention. While the omission may be proper due to the urgency of what South African decision makers perceived as the explosive situation which was unfolding in Lesotho, it was inconsistent with the principles of parliamentary review of the Executive.



Like the Ugandan Parliament, which was dominated by one party, the overwhelming majority of South African parliamentarians come from the ruling African National Congress (ANC). It can be argued that these parliamentarians failed to publicly criticise the Executive action in the coalition, the prosecution of the operation itself or the manner in which it was managed. This trend stems from the fact that the South African government appears to be developing authoritarian tendencies, especially against outspoken ANC parliamentarians, who have on occasion been demoted, disciplined and chastised not only by parliament but by the party as well.<sup>634</sup> The cases of Bantu Holomisa and Patrick Lekota have shown<sup>635</sup> the government’s determination to centralise power within the upper echelons.

According to the SACP, what was more telling was that “Parliamentarians largely neglected their democratic obligation to subject the decision to mount

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<sup>633</sup> Reilly Daniel, op cit, 46.

<sup>634</sup> Tracy Kuperus, ‘Building Democracy: An Examination of Religious Association in South Africa and Zimbabwe’: In the Journal of Modern African Studies, 37.4, (1999),643-668.

<sup>635</sup> Ibid, 662.

operation Bolesas to close scrutiny and public debate".<sup>636</sup> Political allegiances within the dominant ruling party seemed to make most parliamentarians unwilling to seriously challenge the SANDF intervention in Lesotho. There were sufficient parliamentary mechanisms available to legislators for an effective review of the Commander-in-Chief's orders. Nevertheless, the majority of legislators agreed with the Executive.

### **6.3.8 The Government of Botswana**

The President of Botswana is the Commander-in-Chief of the BDF, according to Chapter IV section 31 of the Botswana Constitution. He is empowered by section 48(2)(a) of the Constitution to determine the operational use of the armed forces. Nevertheless the BDF is also accountable to parliament for what Naison Ngoma terms military and budgetary policy, which must be subjected to public scrutiny. These checks and balances are important in subjecting the operations of the BDF to popular will. As far as its operations and the deployment of the BDF outside the country are concerned, the Commander-in-Chief need only inform parliament of such operations after they have taken place.



Parliament has recently been challenged to perform its oversight role over the Executive. The ruling Botswana Democratic Party (BDP) has dominated parliament since independence in October 1966. This means that the accountability and oversight of parliament is a tricky business. The one-party dominance of Parliament seems to have made the principles of checks and balances for different levels of government inefficient. The accountability of government institutions, especially the military, has become difficult, elusive and shrouded in secrecy. Equally challenging has been the BDF intervention in Lesotho's intrastate conflict. Most regional analysts were concerned that the decision to intervene in Lesotho seemed to have excluded the Botswanan polity, particularly Parliament. Mpho Molomo writes:

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<sup>636</sup> SA Soldiers Die in Lesotho, "Africa News Service, 22 September 1998": In Dow Jones. Interactive, Publication Library, 19<sup>th</sup> January 2000. See also, Cedric de Coning, Conditions for intervention: DRC & Lesotho: Conflict Trends - No. 1/1998.

<<http://www.accord.org.za/web.nsf/7767ed3d88ac3ae442256a65002de6eb/d00361087c3ad07b42256a140039b9a5!OpenDocument.>> [4 December2003].

The decision that the BDF should intervene in Lesotho in September 1998 was a civilian decision taken by the Executive without the involvement of Parliament. After Botswana and South Africa intervened in Lesotho, there was a popular perception that the president and his cabinet ought to have consulted Parliament before it made the decision to intervene.<sup>637</sup>

While the Botswanan Parliament was not informed prior to this intervention, it would appear that the President was not constitutionally mandated to do so. His role, as discussed above, was to inform parliament after the fact. Nevertheless, parliamentarians appeared to have been reluctant to hold the President to account for the intervention. This led to the Member of Parliament for the Palapye constituency, Mr Sebetelato, angrily writing to Botswana's Vice-President Khama:

...protesting against the cabinet decision to send Botswana Defense Force soldiers to Lesotho without the knowledge of the members of Parliament. He warned that when the Executive became so powerful that it even took the legislature for granted, then there was cause for concern for the future of direct and participatory democracy. That power, he lamented, ran against the nation's efforts to build a consultative, transparent and accountable society.<sup>638</sup>



The actions of this sole individual effort serve to demonstrate what Thandi Modise describes as the serious limitations that one-party dominance in parliament creates in terms of parliament's capacity to play an effective oversight role and hold the Executive to account for its policies. Only one Member of Parliament attempted to hold the Executive accountable, while the rest appear to have been less willing to play such a role. This supports Molomo's argument that, in a situation where the Executive holds too much power, as it does in Botswana, it overwhelms the legislature and impacts negatively on its effectiveness. In Botswana, checks and balances are "non-existent as Parliament is totally controlled by the BDP",<sup>639</sup> which not only made it difficult for the Legislature to operate effectively, but seemingly

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<sup>637</sup> Mpho G. Molomo, Civil-Military Relations in Botswana's Developmental State; African Studies Quarterly, The Online Journal for African Studies. <<http://web.africa.ufl.edu/asq/v5/v5i2a3.htm>> [08October2005].

<sup>638</sup> Ibid. See also "Sebetela Takes Khama to Task," in *Mmegi*, 09-15 October 1998, p. 1.

<sup>639</sup> Mpho G. Molomo, op cit.

disenables the principle of checks and balances as far as the Lesotho intervention was concerned.

#### **6.4 Conclusion**

This chapter concludes that all states that intervened in Rwanda, the DRC and Lesotho (namely, Angola, Botswana, Namibia, South Africa, Uganda and Zimbabwe) appear to have acted contrary to their constitutions when mounting these interventions. Their actions contradict Holmes' and Beetham's submission that national constitutions serve as a high law that bind governments to follow established roles and Hague's assertion that states have to respect their constitutions.

Secondly, this chapter concludes that the legislative oversight of intervening states was also weak because of what James Danzinger, Melvyn Read and Thandi Modise called the influential role of one-party dominance in parliament, creating a situation wherein the majority of parliamentarians overtly back the Executive and follow the party line. For instance, the strong political allegiance to the ANC by MPs in South Africa made them reluctant to challenge the Executive decision to intervene in Lesotho. This was the case in Botswana, Namibia, Zimbabwe and Angola as well. In most cases, the leadership of Namibia, Angola and Zimbabwe displayed a recalcitrant attitude towards informing their people about their real intentions or the reasons behind their armies' involvement in the DRC.

The chapter concludes that the supremacy of parliament over the Executive, emphasised by Hague, Anthony Birch and Melvyn Read, seems not to have worked before or during these interventions. The consequence of is parliaments that could not hold their Executives accountable for the unilateral deployment of troops outside their national boundaries. This practice appears to have weakened the oversight role of these legislatures. The role of the legislature, as conceived by Bentham, seems to have also been ignored by all parliamentarians in the intervening states, who were reluctant to hold their Executives accountable even when they had sufficient tools to do so.

The chapter concludes that the important principle of accountability, answerability and obligation of public officials to explain their actions, which Schedler highlights, was violated by intervening states. Therefore, in all these countries, especially those which had functioning legislatures, not much effort was made to hold the Executive accountable for the extra-territorial deployment of troops. Their legislatures did not adequately and sufficiently review the Executive's decisions before interventions were conducted. It is clear that the parliamentary function of oversight is at its weakest in those countries where the Executive is strong and the parliament is weak. In all these countries, the interventions undermined the mechanism of Executive accountability because the leadership of these countries did not inform or account to their legislatures before intervening in other sovereign states.

The weakness of these institutions has made it easier for intervening countries to carry out their realists' interests in other countries without being held to account by their legislatures. What this chapter has shown is that when state interests are at stake, parliamentary processes are not followed by the Executive. The existence of a parliament dominated by one party enables the Executive to execute their realist interests more easily than in one with relatively equal Members of Parliament. This means that in a parliament that is not dominated by one party, the level of oversight is higher and the Executive is more accountable. In such a parliament, the Executive influence is minimal.

It can be argued, therefore, that since these countries were not eager to adhere to their parliaments to test the constitutionality of their interventions, they were also not keen to seek authorisation from the UN and its subordinate bodies. It would appear that the leaders in question knew that they were not intervening on humanitarian grounds but to secure their national interests.

## CHAPTER SEVEN

### CONCLUSION

#### 7.1 Introduction

This chapter discusses the major conclusions of the study and the underlying reasons for the three interventions. The study set out to analyse the motives and/or causes of military interventions in Rwanda in 1990, the DRC in 1996-97 and the DRC military rebellion and the Lesotho intervention in 1998. In analysing these interventions, the study borrowed extensively from the work of dominant security theorists in international relations, predominantly realists who conceptualise international relations as a struggle for power and survival in an anarchic world. The purpose of this analysis was fourfold: firstly, to determine the extent to which these interventions were conducted on humanitarian grounds; secondly, to investigate the degree to which intervening countries were spurred by their national interests; thirdly, to assess the roles of regional and international organisations like SADC, the OAU and the UN, in facilitating these interventions; and finally, to evaluate the effectiveness of the parliaments of the intervening countries in holding their Executives accountable. In this context, the analysis aimed to establish why Angola, Botswana, Burundi, Chad, Namibia, Rwanda, Sudan, South Africa, Uganda and Zimbabwe appeared to have used intervention as a foreign policy tool in the absence of authorisation from the UN and its subordinate bodies.

In order to contextualise the analysis historically, the study set out to examine the concept of military intervention as defined by various authors such as Vertzberger, Art, Pearson and Holsti.<sup>640</sup> These authors argued that military intervention involved direct (covert or overt) intervention by state(s) in the territory of a member state with a view to removing or changing the political structure of the targeted state.

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<sup>640</sup>Vertzberger, Y.Y.I., Risk Taking and Decision-making: Foreign Military Intervention Decisions, (Stanford: Stanford University Press, 1998), Art, R.J. ‘To What Ends Military Power?’ International Security Studies, Vol.4 (Spring1980), 3-35., Pearson, F.S. “Foreign Military Intervention and Domestic Disputes”: In International Studies Quarterly, Vol.18:3 (September 1974), 259-289, Holsti. K.J. International Politics244-266: A Framework for Analysis (Englewood Cliffs Prentice hall, 1998).

## **7.2 Towards a Theoretical Explanation of Military Interventions**

Chapter one, in section one, examined the evolution of the concept of military intervention. Several cases of military interventions were analysed, including the efforts of the UN and other bodies like the ICISS, with a view to finding common ground and acceptable criteria for defining both legitimate and illegitimate military intervention. The chapter also analysed the circumstances under which intervention is regarded as humanitarian and aimed at assisting people during crisis or in acute deprivation. It discussed the international norm that humanitarian intervention must be multilateral and consistent with the UN Charter to be accepted by the international community.

The discussion in chapter two analysed the major theories of international relations, especially the dominant theory of realism which appears to be the most influential in the security studies approach. It identifies power, state survival and national interests as crucial in analysing inter-state relations. In this approach, it is argued by Hobbes, Machiavelli, Morgenthau and Waltz that where state interests are concerned, nation states prioritise certain realist principles rather than idealist principles, such as those embodied in the UN Charter. According to realism, some states reject these idealist principles in order to achieve their national interests. Nevertheless, in practice the tension between idealism and realism remains, as most states use elements of both these approaches. The theoretical discussions presented in chapter two provide an understanding of the extent to which international relations theories can be used to explain the three military interventions in Rwanda, the DRC and Lesotho.

The analysis then dealt with the case studies under discussion (chapters, three, four, five and six). In all these cases, the dominance of realist theory cannot be overemphasised and the realist intentions of the intervening states were evident. These interests, according to Hobbes, Machiavelli, Morgenthau, Waltz and Weaver, reflect, power, security and territorial concerns relating to natural resources like diamonds and water.

Several justificatory arguments were put forward by the intervening states. The most predominant reasons were for humanitarian and security reasons. It

was argued that the states could not stand by while people suffered in the targeted states. The study suggests that the above reasoning is highly contestable. The dissertation concludes that these interventions appear not to have been humanitarian and were therefore inconsistent with international law.

### **7.3 Humanitarian Intervention**

The Secretary-General of the UN stressed that a military intervention can be legitimate only if there is an acute human rights crisis and if all diplomatic efforts have failed. Judging from the scale of destruction and deaths in the three-targeted states, this clearly reflects that these interventions were not humanitarian in character, as discussed by Thuzi, Suarez, Bodin and Cornelissen above. This conjecture is supported by the ICISS, which argues that military intervention for human protection is warranted only if there are abuses of human rights that result in large-scale loss of life with or without genocidal intent, or large-scale ethnic cleansing. These issues were not relevant in the targeted states at the time of these interventions.



There is an apposite criterion, which determines when a humanitarian intervention is legitimate or illegitimate. The ICISS Commission provided six crucial elements, set out in chapter two above, which appear to have not been satisfied by interveners to make their actions justified. Firstly, their actions were not conducted for a just cause because they were not humanitarian. Secondly, the UN, which has the right authority did not authorise them because they violated the UN Charter. Thirdly, these countries did not intervene for the right intentions but for their realist interests in all the targeted states. Fourthly, these interventions were not based on the principle of last resort because at no time did the interveners explore the feasibility of implementing conflict management strategies to defuse domestic conflicts in these countries. Fifthly, judging from the scale of destruction caused by the interventions, the principle of proportionality appears not to have been satisfied. Finally, the last principle of reasonable prospects of military success was not met. This was because majority of the people were not protected by

the interveners and there was gross human rights violation by all sides, with interventions being biased towards one side.

It can safely be argued that these interventions were not humanitarian, because for military intervention to be humanitarian, it must be geared toward alleviating people's suffering. Furthermore, they interventions lacked the three primary pre-requisites of consent, impartiality and minimum use of force for either peace-keeping or peace operations to be consistent with their humanitarian claim.

#### **7.4 National Interests of Intervening States**

The study has argued that the three military interventions were not only unilateral, and hence illegal, but also conducted beyond the idealist framework of the UNSC. It was as the result of the above that the study concludes that they were motivated by national interests. Such military interventions therefore are regarded as having been motivated by realists' interests.



In justifying their intervention, Uganda, Burundi and Rwanda cited security threats from the activities of insurgents operating from the DRC territory.<sup>641</sup> It looks like they were all engaged in a campaign to destabilise a sovereign state, hoping that their military operation was going to yield positive results. They argued that they were in the DRC for security reasons and that they had the right to defend themselves against insurgents, which were mounting their campaigns from the DRC territory.

This intervention by foreign forces in the DRC had serious consequences among different ethnic groups and motivated the birth of several rebel movements. A Hobbesian state of a war of all against all was created, exacerbating the fragile security of the DRC with dire consequences.

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<sup>641</sup> War for Profit. <<http://www.amnesty.org.uk/action/drc/profit.shtml>> (12September2001). See also Kibasomba Roger, "A Failing State: The Republic of Congo": In Cawthra Gavin, Robin Luckham, ed. Governing in Security democratic control of military and Security establishment in Transitional democracies. (London, Zed Books; 2003), Margaret P. Karns, Karen A. Mingst, International Organisations: The Politics and processes of Global Governance. (Lynne Rienner Publishers; Boulder London; 2004 ).

In analysing the causes of the DRC conflict, Baregu argues that, apart from several factors, it was definitely a war with serious implications for regional peace, security and stability. It was about high international politics as opposed to local politics, geared towards redrawing a strategic map within both the Great Lakes region, SADC and Africa as a whole. It also challenged the decisions of the Berlin conference, hence creating a new scramble for Africa. “It is, in that sense, a war to impose a post-Berlin Conference order on Africa: an order which must bear the American stamp”.<sup>642</sup> There were several players in these wars, especially in the Rwandan and DRC interventions. These players were both international and domestic as indicated above, representing different strategic interests.

## **7.5 The Role of International Organisations**

Duffield argues that global governance lies in networks that bring together states, international governmental organisations, non-governmental organisations and private companies to accomplish specific regulatory tasks. These tasks relate to security management. Since the end of Cold War, much emphasis has been placed on the role of international bodies in governing international peace by establishing network arrangements that are geared towards managing regional conflicts and promoting good governance. These networks establish durable structures of global security governance. They are however, fluid and non-territorial adapting to changing security perceptions and risk assessment.

In assessing the contribution of regional, continental and international bodies in facilitating these interventions, the study concludes that they appear to have played a minimal role in disciplining the interventions. For instance, at the UNSC meeting, the Chairperson and US Secretary of State at the time, Madeline Albright, stated that “The international community can and does condemn the violation of the Congo’s territorial integrity by foreign troops”.<sup>643</sup> This UNSC condemnation was very important because it stated in no

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<sup>642</sup> Kibasomba Roger, op cit, 37.

<sup>643</sup> Wurst Jim, Conflict-Africa: African Leaders Urge UN Intervention in DRC.  
<[http://www.oneworld.org/ips2/jan00/17\\_41-078.html](http://www.oneworld.org/ips2/jan00/17_41-078.html)> [18March2004].

uncertain terms that the intervention was not authorised by the UN, and hence was illegal under international law.

While the interventions by Angola, Namibia, Zimbabwe and South Africa received a retroactive endorsement from SADC, this affirmation was nothing but face-saving because, as Soderbaum states, “There is little doubt about the fact that the intervention in the DRC serves the economic and strategic interests of the interveners and backs a regime whose legitimacy was highly questionable”.<sup>644</sup> What complicated this intervention was that SADC did not at the time even have a protocol supporting any interventions by its members. The document which was being drafted did not mention an outright intervention by each member state, but argued primarily for peaceful resolution of conflict and recommended military solutions as a last resort, and even then with authorisation in accordance with UN principles.

The South African intervention in Lesotho was also claimed to have been conducted under the auspices of SADC. However, the regional mandate for this intervention was given ex-post facto by the SADC Summit. South Africa’s intervention in Lesotho therefore appears not to have been facilitated or authorised by SADC, the OAU or the United Nations.<sup>645</sup> Nonetheless, the approval of both the DRC and Lesotho interventions by SADC did not mean that these interventions were right. Their legitimisation by SADC appears to have been intended to smooth over divisions with SADC member states. The results of this move, however, were an undermining of the role of SADC in upholding the UN Charter in this region.

The UN Secretary-General, Kofi Annan, speaking before a recent UN General Assembly, warned world leaders that international law is being shamelessly violated. He argues that “No-one is above the law whether in Sudan, Iraq, Uganda, Russia or the Middle East...again and again, we see laws

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<sup>644</sup> Fredrik Soderbaum, *The Dynamics of Security and Development Regionalism in Southern Africa: In Nana Poku ed. Security and Development in Southern Africa* (London; Praeger, 2001), 108.

<sup>645</sup> Sandra J. MacLean, *Peace-Building and the New Regionalism: In Nana Poku ed. Security and Development in Southern Africa* (London: Praeger, 2001).

shamelessly disregarded".<sup>646</sup> This statement was congruent with the actions of the above interveners, who did not seek authorisation from the UN and its subsidiary bodies before intervening in intrastate conflicts and thus violated international law. Since these interventions went beyond the idealist framework of the UN they were seen as motivated by national interests.

Annan remonstrated further that the recent US-led war on Iraq was illegal because it had not received approval from the UNSC by a resolution, which offers the best "foundation for resolving prolonged conflicts-in the Middle East, Iraq, and around the world".<sup>647</sup> In a sense, Annan's remark confirms that these three interventions should have been authorised by a resolution of the UNSC to make them legitimate and acceptable before the international community.

Furthermore, SADC summits and protocols, which on numerous occasions called for negotiations with all parties engaged in conflict, appear not to have been adhered to. The arbitrariness of military intervention by SADC countries in the DRC and Lesotho not only violated the intervening countries Constitutions, the UN Charter and the principle of Executive accountability, as demonstrated in chapter six, section three, but also violated SADC's OPDS's Articles. As Soderbaum puts it:

The military interventions and so-called peace-keeping missions undertaken in Lesotho and the DRC in 1998 were ad hoc, retroactive, and not based on transparent, norm-based, and institutionalised decision-making. The reason for intervening was neither very clear nor agreed on, interalia, reflected in the fact that not all the SADC member states supported the intervention.<sup>648</sup>

It was evident that not only was the UN not consulted by the intervening states, but the backing of the AU and SADC was not sought. These intervening countries appear to have also violated the 1997 OAU Harare Resolution, which forbids all military forms of conflict resolution.

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<sup>646</sup> Annan Says World Leaders not above Law: In This Day Wednesday September 22<sup>nd</sup> 2004 South Africa.

<sup>647</sup> Ibid.

<sup>648</sup> Fredrik Soderbaum, The Dynamics of Security and Development Regionalism in Southern Africa: In Nana Poku ed. Security and Development in Southern Africa (London; Praeger, 2001), 128.

## **7.6 The Effectiveness of National Parliaments of Intervening States**

In evaluating the effectiveness of the legislatures of the intervening countries, the study concludes that in all cases parliament's role in facilitating or sanctioning these interventions was absent. The respective Parliaments lacked sufficient legal mechanisms to hold their governments legally accountable. Judging from the interventions in the DRC and Lesotho, the Executives of the intervening states were more powerful than their legislators. These countries' legislatures were in no position to adequately hold their respective Executives to account for their interventions. Legislators often found themselves without adequate legal tools to properly hold the Executives accountable due to weaknesses in their Constitutions. Similarly, the legislators who could hold the Executives accountable were not sufficiently independent from their leadership to perform this task.

The major weakness of parliamentary oversight of the Executives in these countries was entrenched in their Constitutions. These Constitutions required a collective parliamentary concurrence for any military deployment outside their territories. This proved very difficult to achieve in reality, because the parliaments of intervening countries were dominated by the supporters of the political Executives. It also appears that these countries violated their own Constitutions by mounting unilateral interventions without securing their legislative mandates. Therefore, it can be argued that while these Parliaments had the necessary tools to conduct their Constitutional duties, they appeared reluctant to use them as a result of the dominance of the Executive in the legislature and were thus unable to hold them accountable for intervening in intrastate conflicts. Therefore the Constitutional mandate, which requires consultation with the legislature whenever deployment of troops is made beyond their national borders, was not adhered to by these intervening states.

## **7.7 Conclusion**

The study concludes that the viability of unilateral military intervention in intra-states conflicts as *the* security option remains questionable. Similarly, most sceptics see unilateralism as a danger to international peace and security,

especially when it is conducted outside the confines of the UN Charter. The vast majority of academics and political scientists hold to the view that multilateralism under the UN authorisation is preferable. The focus should be shifted to circumscribed intervention that is consistent with the UN Charter VI.

What these interventions have shown is a manifestation of the tension between the idealist outlook towards a global system and the realist conception of international politics. All countries involved in these interventions remain members of the UN and signatories to the UN Charter, which forbids the use of or threat to use force without a UN mandate. In theory, they support international law. Judging from these interventions it could be argued that they all abandoned the moral principles espoused by the UN Charter and opted instead to pursue their national interests by adopting a realist framework.

At the institutional level, in southern Africa, the interventions of SADC members in the DRC and Lesotho were claimed to have been done under the auspices of SADC, even though this was demonstrably not the case. While SADC belatedly approved the interventions after the fact, this served only to undermine the institution further because it was not done in terms of international law or the UN Charter.

The UN appears to have created a fungible legal system that has always been violated by its members, including the members of the UNSC. This legal system has allowed them to abide by it when it is expedient to do so and to violate it at will when their interests are threatened. Members of the UNSC, in most cases, have assisted other countries to violate the UN Charter. For instance, France, the US and Britain supported different factions during the Ugandan intervention in Rwanda. This trend appears to have been followed by some African countries, as these interventions have demonstrated.

Judging from the existing tension that exists between idealism and realism, it is clear that international anarchy in the international system cannot be totally eradicated. This would mean that states will still follow their national interests as illustrated by the interventions studied here. It could be argued, however,

that while existing anarchy cannot be eradicated from the international system, it can be partially regulated. The role of international institutions like the UN, AU and SADC remains critical in the management of international peace and other non-state actors can also be important in managing intrastate conflicts. In order to manage these interventions, therefore, an integrated approach is necessary, which may include – but not be limited to – military stabilisation, political negotiation, humanitarian support, civilian peacekeeping, relief efforts, reconstruction and development.



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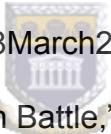
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## APPENDIX A

### **Constitutive Act of the African Union**

1. Sovereign equality and interdependence among member states of the Union.
2. Respect of borders existing on achievement of independence.
3. Participation of the African peoples in the activities of the Union.
4. Establishment of a common defence policy for the African continent.
5. Peaceful resolution of conflicts among member states of the Union through such appropriate means as may be decided upon by the assembly.
6. Prohibition of the use of force or threat to use among member states of the Union.
7. Non-interference by any member state in the internal affairs of another.
8. 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.  

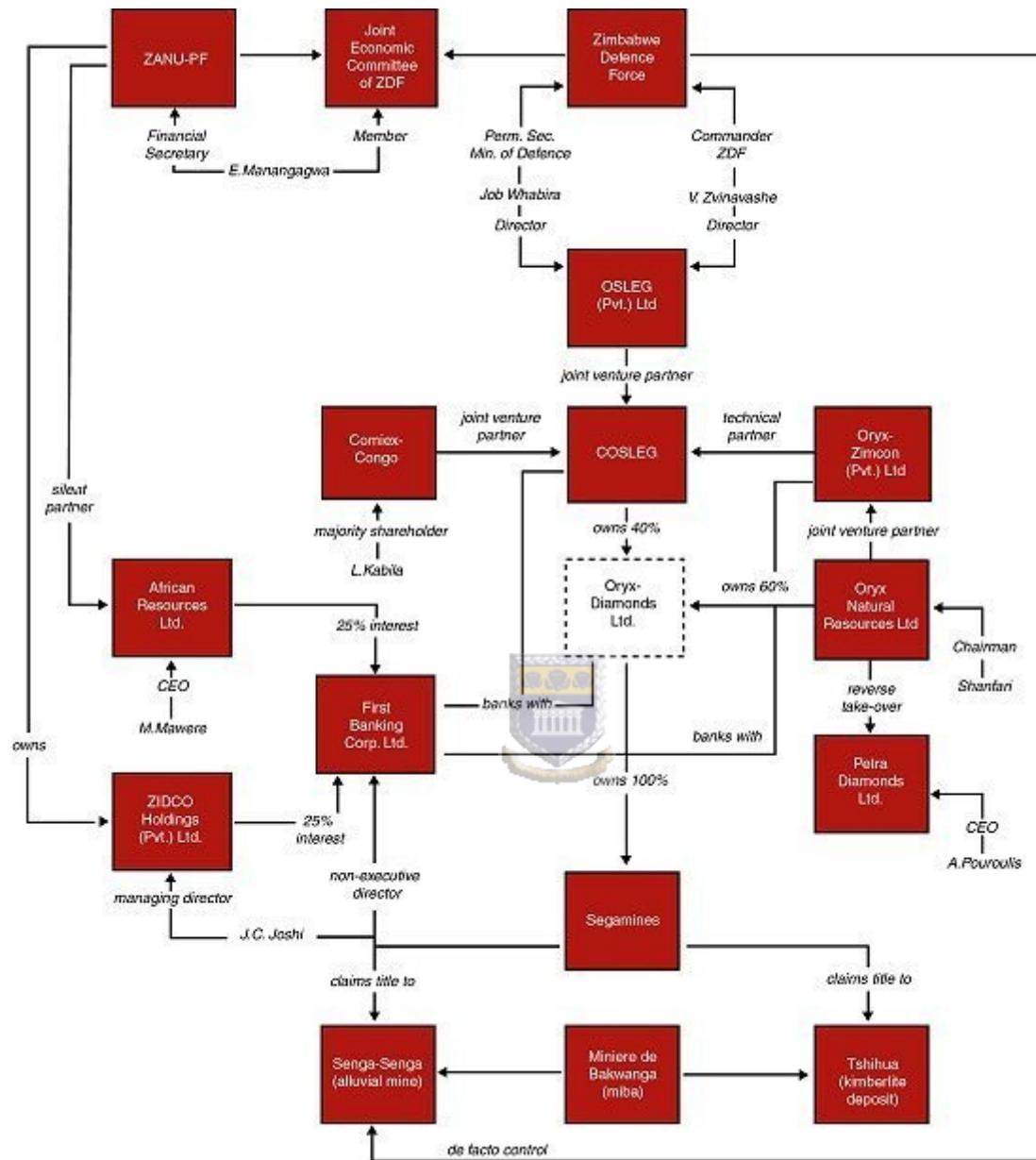
9. Peaceful co-existence of member states and their right to live in peace and security.
10. The right of member states to request intervention from the Union in order to restore peace and security.
11. Promotion of gender equality.
12. Respect for democratic principles, human rights, the rule of law and good governance. Promotion of social Justice to ensure balanced economic development.
13. Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities.
14. Condemnation and rejection of unconstitutional changes of governments<sup>649</sup>.

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<sup>649</sup> Africa's Development Thinking Since Independence, "Constitutive Act of The African Union", (African Institute of South Africa, 2002).

## APPENDIX B

### ***The structure of Zimbabwe military interests in the Congo<sup>650</sup>***



Source: <http://www.hsf.org.za/focus19/focus19fig2.html>

<sup>650</sup> Pierre Englebert, Why Congo Persists: Sovereignty, Globalization and the Violent Reproduction of a Weak State. <<http://www2.qeh.ox.ac.uk/pdf/qehwp/qehwps95.pdf>> [27May2005].