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**WEU's contribution to reinforcing peace
in central Africa**

REPORT

submitted on behalf of the Defence Committee
by Mr Masseret, Rapporteur

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¹ Adopted in Committee by 18 votes to 0 with 2 abstentions.

² *Members of the Committee:* Mr De Decker (Chairman); MM Schloten, Marten (Vice-Chairmen); MM Alloncle (Alternate: *Masseret*), MM Baumel, *Beaufays*, Mrs Beer, MM Briane, *Cioni*, Cox (Alternate: *Thompson*), MM Dees, *Diaz de Mera*, *Giannattasio*, Horn, Jacquat, Legendre, Mrs Lentz-Cornette, MM Magginas, Mardones Sevilla, Marshall (Alternate: *Hardy*), MM *Medeiros Ferreira*, Micheloyiannis, Mota Amaral, Lord *Newall*, MM Onaindia, Pereira Coelho, *Polenta*, Robles Fraga (Alternate: *López Henares*), Mr Selva (Alternate: *Ragno*), Sir *Dudley Smith*, Mrs Soutendijk van Appeldoorn, Sir *Keith Speed*, MM Speroni, Valk, Valkeniers, *Verivakis*, Zierer.

Associate Members. MM *Kulahlı*, *Sungur*, *Yürür*.

N.B. *The names of those taking part in the vote are printed in italics.*

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Draft Recommendation

on WEU's contribution to reinforcing peace in central Africa

The Assembly,

- (i) Horrified by the many violent conflicts, accompanied by humanitarian disaster and numerous serious violations of human rights which have ravaged many African states in recent years;
- (ii) Supporting the view that the perpetrators of the 1994 genocide and other serious violations of humanitarian international law in Rwanda should be prosecuted and sentenced in due form by the International Tribunal on crimes against humanities in Rwanda;
- (iii) Concerned that political instability in a number of African countries appears to be an almost permanent feature and is often the result of the autocratic behaviour of regimes refusing to share any power with important sections of society and obstructing badly-needed economic reform;
- (iv) Aware that foreign military intervention in the internal affairs of a sovereign state with an existing legitimate government without the consent of that government in principle constitutes an infringement of international law;
- (v) Taking the view nonetheless that there is a moral obligation to try to define a right of intervention in the event of a serious violation of human rights, genocide or expulsion, or the annihilation of minorities;
- (vi) Convinced, however, that the United Nations, regional or sub-regional organisations or even individual states can play an important role as mediators and peace brokers in internal conflicts;
- (vii) Aware that as a consequence of recent experiences, both the United States and Europe have become more reluctant to participate in multinational forces in Africa for humanitarian, peacekeeping or peace-enforcing operations;
- (viii) Noting that the establishment and maintenance of peace and stability in Africa is not helped by debates and differences over spheres of influence between the United States and Europe;
- (ix) Considering, however, that there are regions in Africa where Europe, as a consequence of its long-standing close relations and its profound knowledge of the situation, may have to take the lead in peace initiatives and related multinational military operations with humanitarian or peacekeeping objectives,
- (x) Regretting that the competent European bodies have not taken any decisive action to protect and provide assistance to Rwandan refugees, and in particular refuting the argument that protecting refugees would have been tantamount to protecting Mobutu and obstructing Kabila's advance, now that increasing evidence of refugee massacres by Kabila's rebel forces is coming to the fore,
- (xi) Emphasising that in the light of the disastrous consequences of non-action, both the European Union and WEU will have to be better prepared to take rapid initiatives and action in Africa in the future;
- (xii) Stressing that here again the availability of timely, reliable and comprehensive intelligence is vital for effective initiatives in the field of conflict prevention and management;
- (xiii) Acknowledging that for a number of reasons, not least that of precluding any suspicion of neo-colonialism, the prevention and management of crises and conflicts in Africa should preferably be left to African regional or sub-regional organisations;
- (xiv) Aware, however, that African regional and sub-regional cooperation in the prevention and management of crises and conflicts is only in its infancy, despite a number of earlier initiatives;

(xv) Considering that in view of what would appear to be increasing western reluctance to participate in multinational military operations in Africa, efforts to help establish a multinational African rapid action force for humanitarian and peacekeeping operations should be intensified;

(xvi) Welcoming the constructive efforts of the South African President, Nelson Mandela, to find a peaceful solution to the conflict in the Great Lakes region,

(xvii) Welcoming WEU's initiatives to establish relations with the Organisation of African Unity (OAU) in the context of African peacekeeping operations;

(xviii) Convinced that all efforts in the field of conflict prevention and management will have only a limited effect unless African governments make a serious effort to bring about economic reforms and socio-economic development in their countries,

RECOMMENDS THAT THE COUNCIL

1. Continue its efforts to establish a closer relationship between the Organisation of African Unity and WEU, in particular with a view to helping improve the OAU's conflict-prevention and management capabilities, including the creation of African military multinational humanitarian and peacekeeping forces;
2. Instruct the Planning Cell and its Intelligence Section to continuously monitor and assess developments in those regions in Africa where Europe, through its special relationship and interests, is likely to get involved in conflict prevention and management;
3. Strengthen relations with the EU in order to be able to react rapidly and in a coordinated manner to crises on the African continent where Europe has a role to play.

Explanatory Memorandum

(submitted by Mr Masseret, Rapporteur)

I. Introduction

1. The Great Lakes region is in turmoil and in spite of countless diplomatic initiatives, conferences and summits, nobody seems to have the recipe for establishing peace and security in the region.

2. In Zaire, President Mobutu's régime has crumbled and there is uncertainty over what direction the new leader will follow. Negotiations between the government of Zaire and the rebels have started but there is no guarantee that an agreement will satisfy all the existing political factions in the country and create a stable situation.

3. In Burundi, three years of insurgency have claimed over 150 000 lives with ethnic strife and killings still rampant.

4. Rwanda is licking its wounds after having lived through one of the most repulsive genocides in recent history. The situation has not stabilised yet and ethnic killings continue to be reported.

5. Uganda, which has enjoyed unprecedented economic and political stability since President Museveni came to power in 1986, is now contending with a rebel movement that has terrorised its northern region for three years.

6. Unrest in Africa is by no means limited to the Great Lakes region and one need only think of countries such as Liberia, Nigeria, Sudan and Somalia to realise that more violence and humanitarian crises are in the making.

7. Does Europe have vital interests in Africa and is it responsible for peace, security and stability on that continent? If so, to what extent? Should its role be confined solely to humanitarian relief operations and operations to rescue European citizens in danger? Should operations of any kind be implemented exclusively by former colonial powers or should all European states share this responsibility? Can Europe act on its own or should it cooperate with other states or regional organisations and what is the role of the United Nations?

8. There are no easy answers to these and many other questions related to Europe's role in

Africa. The present report, which focuses on the situation in the four countries most involved in the present crisis in the Great Lakes region, does not claim to provide all the answers. It can only make a contribution to the ongoing discussion in which WEU has already taken some initiatives.

II. A short post-colonial history of Zaire, Burundi, Rwanda and Uganda

9. The Great Lakes region of Africa, as it is known, has been a focus of international interest since the genocide in Rwanda in 1994. The region basically comprises four countries with many similarities. At the end of the 19th century, King Léopold II of Belgium built an empire larger than Europe covering Rwanda, Zaire and Burundi. Belgium's presence was less significant in Burundi and Rwanda than in Zaire for although the first two countries had a degree of strategic and demographic interest (as bases for evacuation or a reserve pool of labour) they had very little economic influence. Alongside the three countries under Belgian domination, Uganda, during the colonial period, was under British rule. All four gained independence at the start of the 1960s and all of them are today experiencing difficulty achieving stability. A study of their history can therefore help us to understand better the struggles now tearing the region apart and how western nations might be involved.

(a) Zaire

The period of Belgian colonialisation and progress towards independence

10. In 1877 Morton Stanley, after a gruelling expedition, succeeded in crossing the equatorial forest. Aware of the enormous economic potential of this part of Africa, he proposed to his own country, Britain, that it should develop it. However, the Belgian King with his fascination for Africa and its explorers, was the one to take an interest in Stanley's discovery and seek to exploit it.

11. Initially the Belgian conquest of the area was strictly a personal venture – Léopold II annexed the Congo as his own private domain through the *Association Internationale du*

Congo which was created in 1879 and, mainly through the exploitation of rubber, opened the country up to trade. At the Berlin conference in 1885, Léopold II succeeded in having the AIC's sovereignty recognised. The Congolese State began to develop its own administrative and commercial infrastructure. Protestant and Catholic missions flourished, bringing progress in education and health care

12. However, a vast public outcry was quick to denounce the abuses of the system set up by Léopold II, among them land confiscation and the use of forced labour, with the result that on 20 August 1908 the Congo was annexed by the Brussels parliament and became the Belgian Congo where a more traditional form of colonialism prevailed until 1960. For half a century the Belgian Congo experienced massive economic growth, made possible by the ultra-paternalistic policies devised by mainland Belgium, based on an effective threefold combination of large companies, (indirect) administration and religious missions (there were over 7 000 European missionaries in the Congo on the eve of independence).

13. Independence was achieved through the efforts of a relatively small élite, which although petty bourgeois in material outlook – being made up of accountants, schoolmasters, office workers and the like – nevertheless formed an intellectual aristocracy. The first royal visit to the colony by King Baudouin in 1955 initially received high acclaim from the local populace but the euphoria quickly evaporated in the face of the avowed hostility of the colonialists to the 30-year plan drawn up by the Belgian professor, Van Bilsen. The objective of this was the progressive emancipation of the Congo until it achieved independence by increasing the ranks of white collar and élite groups and the steady expansion of their role within a federal nation, in close liaison with metropolitan Belgium. The plan awoke a latent national consciousness among the African population.

14. The old Bakongo Association (Abako) led by Joseph Kasavubu, was the first to demand political rights and basic freedoms for Africans and to reject the Van Bilsen plan. The Abako was an organisation of tribal origin and was to acquire nationwide influence, thanks to its presence in the prosperous region around the capital

The other major national movement to emerge in 1958 was the National Congolese Movement, led by Patrice Lumumba. A number of other parties were formed with ethnic or regional bases, in particular the Confederation of Katangese Associations (Canakat), led by Moïse Tshombe. 1958 was a turning point for emancipation, both on account of the world exhibition in Brussels, which gave members of the Congolese élite the opportunity of discovering the white world, and General de Gaulle's address in Brazzaville on 24 August which made reference to independence for the French colonies. Lastly, the pan-African conference was held in Accra in December, from which Lumumba returned, fired by the nationalist speeches he had heard there, to advocate independence as a fundamental right of the Congolese people.

15. Following an anti-European riot which took place in Léopoldville early in 1959, leaving 42 dead, King Baudouin announced on 13 January that Belgium was ready to grant the Congo independence. 1959 was however marked by a number of disturbances, although it was possible for a round table to be organised in Brussels, from 20 January to 20 February 1960, bringing together the leaders of the two major parties and a number of tribal chiefs. The round table agreed on 30 June 1960 as the country's independence day and laid down the broad outlines for the future organisation of the country. The basic law of 19 May 1960 reflected these ideas and established a strong central authority coupled with a bicameral parliament. The MNC emerged the victor in the parliamentary elections held in May but had nonetheless to do a deal with Abako. Joseph Kasavubu became Head of State and Patrice Lumumba Prime Minister

From independence to Mobutu's accession to power – a period of turmoil (1960-65)

16. In Zaire, the ending of colonial rule coincided, over a period of several years, with the collapse of the state. Civil war and anarchy took hold of a country which, in many people's view had been one of the best administered colonies in Africa. Lumumba, the sole supporter of Congolese unity, was not sufficiently powerful within the Assembly to impose his own vision.

17. On 11 July 1960, Katanga declared independence under the leadership of Moïse Tshombe, supported by Belgium. The loss of the

region was not only a public threat and a dangerous precedent as far as Léopoldville was concerned, but worse still an economic catastrophe. Lumumba therefore appealed to the United Nations in mid-July. The UN then launched UNOC, the United Nations Operation Congo, a force of 20 000 men with a mandate to re-establish order and hold the country together. In Katanga, Belgian forces were gradually replaced by blue berets.

18 However civil war in Zaire was to last until 1965. On 5 September 1959, Lumumba and Kasavubu, the latter critical of the Prime Minister because of the methods employed by the national Congolese army in reconquering south Kasai, mutually divested one another of office. Colonel Mobutu, the army Chief-of-Staff, then seized power for three months. On 17 January 1963, Lumumba was assassinated under circumstances that remain unclear to this day, turning him into a national hero. Thus, after only six months of independence, Zaire fell prey to total chaos. The country was divided between three different leaderships: the central government in Léopoldville, supported by the UN and the West, the pro-Lumumba government in Gizenga which controlled Stanleyville and the eastern regions backed by the Soviet Union, and the government of Katanga, which was recognised officially by no-one but kept under close scrutiny by all in view of its economic importance

19. Despite attempts to achieve a settlement (the Léopoldville round in January 1961, the Tananarive round in March and the Coquihatville round in April-May), breakdown was total. President Kasavubu finally accepted that the UN should take the country in hand under the iron grip of Secretary-General, Dag Hammarskjöld. In July 1961, a government vested with legitimate authority led by Cyrille Adoula took office. Adoula was in power from August 1961 to June 1964. But there was continued resistance from the secessionist province of Katanga. Hammarskjöld died in a plane crash as he left to negotiate a ceasefire with Tshombe. The new Secretary-General, U Thant, supported by the United States, therefore decided to bring Katanga back into the Congolese Republic by force. The blue berets finally put an end to the Katangese secession on 14 January 1963.

20. Cyrille Adoula's Government also had to deal with the economic crisis that had the country

in its grip. Just as the UN was taking the decision to withdraw its troops (because of severe financial difficulties) Cyrille Adoula, before resigning, speeded up the redrafting of the Constitution which was adopted by referendum. Working hand in glove with General Mobutu, the Chief-of-Staff of the Congolese National Army, he contacted Moïse Tshombe and invited him back from Spain. The latter was more or less imposed on President Kasavubu and took power in August 1964. The very first task he had to contend with was to pacify the country and there were high hopes for the effectiveness of the ANC, which intervened in Stanleyville in November, supported by Belgian parachute commandos (Operation Red Dragon), to release hundreds of Europeans who had been taken hostage by the rebels. At the end of January 1965, the ANC controlled the entire Congolese territory.

The Mobutu régime

21 On 25 November 1965, Mobutu Sese Seko Kuku Ngbendu wa Za Banga (literally, the man who soars from victory to victory and leaves nothing behind him, or, alternatively, the farm-yard cock that covers all the hens) overturned Kasavubu and seized power in Zaire. Mobutu suspended the Constitution and dismissed the Assembly, thus gradually eliminating the old political class. Resolved to create a unitary state, in 1966 he founded the Revolutionary Volunteer Corps, which later became the Popular Revolutionary Movement and subsequently the sole political party. On 24 March 1967, he proclaimed the second Republic based on a presidential-type constitution approved by referendum. In November 1970, Mobutu was elected President of the Republic with almost 100% of the vote.

22 In 1971, Mobutu, who was consolidating his position as dictator, announced the birth of Zaire to replace the Congo. A process of "Zairinisation" was agreed at the end of 1973 which was supposed to precipitate the emergence of a true African culture, driving out any element that might in any way be construed as harking back to colonialism (hence the form of address *Citoyen* or *Citoyenne* instead of *Monsieur* or *Madame*). Along with the *Abacost* a shortened form of the slogan *à bas le costume*, a call to outlaw European masculine dress (suit and tie),

Mobutu decided to confiscate the means of production which was still in European hands and to reallocate it through the MPR. The aim of this exercise was to consolidate his power but this "renaissance" quickly turned out to be a financial disaster and Mobutu's reign was thus marked by a severe rise in poverty among town-dwellers and in the countryside. From 1976 onwards, the dictator did a partial U-turn on his policy passing retrocession measures which restored their rights and property to former colonialists. However as the latter had lost confidence in the country, the move was largely a failure.

23. In May 1978 more than 4 000 Katangese rebels disembarked at Kolwezi. They had belonged to a force created by Moïse Tshombe during the Katangese secession in 1960 and had then taken refuge in Angola where they helped the Portuguese colonial settlers in their fight against the Angolan rebels. When the colonialists left, they threw their lot in with the MPLA (Popular Movement for the Liberation of Angola) and fought for victory for Angostinho Neto. In 1968 they changed their name to the FNLC, Congolese National Liberation Front. When they launched a lightning offensive on Zaire in 1978, the Zairian armed forces were taken by surprise and almost immediately overwhelmed. President Mobutu then appealed for help from all the countries of the Organisation for African Unity as a result of which Morocco decided to intervene, supported by the French airforce. Airforce Transalls established a bridgehead between the Maghreb and Zaire and parachutists of the second REP legion were dropped on Kolwezi. Thanks to these reinforcements, the Zairian armed forces counterattacked and the crisis was brought under control by the end of May. The European soldiers belonging to the intervention force were sent home on 21 May and replaced by an inter-African force (drawn from Morocco, Gabon, Senegal, Ivory Coast and Togo).

24. Mobutu therefore ruled since 1965 over the largest country (2.3 million km²) in black Africa and one of very considerable economic potential: hydro-electric power, natural geological wealth (copper, diamonds, cobalt, gold and uranium) and so on. President Mobutu, on account of his country's over-abundance in so many areas, was invariably to lay claim to leadership within the region.

25. In geopolitical terms, the enormous size of the country undoubtedly militates against unity, so that it might truly be said that there are not one but several Zaires, entirely separate from one another on account of a lack of generic ties or communication routes. There are significant irregularities both in terms of wealth and political organisation between the country's various provinces. An example in point is the vast Shaba mining region, in the south-east corner of Zaire, which, as mentioned earlier, seceded in 1960 leading to UN intervention in 1963. The "separateness" of the Shaba is accentuated by its distance from the capital and serves to demonstrate how difficult it is to achieve unity over such a vast area. The hold of the central government over upper Zaire is also extremely tenuous to say the least, largely because of an almost total absence of road or rail links.

26. Moreover, under the driving force of Monsignor Malula, the Church very quickly became an alternative power and rallying point among the people when Mobutu was in power. To counteract its influence, the dictator encouraged the development of numerous sects. The presence of sects in Zaire is moreover a phenomenon of long standing. There has always been strong resistance among the Congolese peoples to colonial influence – an attitude often fostered by messianic religious sects that advocate a Congo for the Congolese and the maintenance of ancestral traditions. Thus, for example, Simon Kimbangu, who in the 1920s claimed to have been touched by the Lord, preached human rights and supported the idea of nationalism as the means of black peoples' salvation from colonialism.

The 1990s and the opening up of the political system

27. On 26 April 1990 the one-party state gave way to a third republic. However on the night of 11-12 May of that year, massacres of students took place on the Lubumbashi campus leaving 50 or so dead, according to Amnesty International, and causing outrage in the international community. Belgium severed its ties with Zaire. The European Union suspended aid to the country and the IMF refused to grant it further credit.

28. In 1991 there was seemingly a return to democracy and a national conference began in the summer. However rioting and looting took

place on 23 and 24 September 1991 leaving 117 dead and leading, on 25 September, to a military intervention by France and Belgium and the exodus of the majority of foreigners still living in Zaire. The French operation involved men drawn from its rapid action force while Belgium deployed 500 parachutists (Operation Blue Beam). On 1 October, Mobutu's opponent, Etienne Tshisekedi, leader of the Union for Progress and Social Democracy (UPDS), was appointed Prime Minister but was told on 21 October that his services were no longer required and replaced by Munguel Diaka, followed by Karl I Bond on 25 November. The capital and the major towns suffered looting at the hands of both civilians and the military in disturbances that could be described as "bread riots" or spontaneous uprisings of a population ground down by poverty – the logical conclusion of the deterioration in the political, economic and social climate. In October 1991 a second wave of looting was unleashed over the country from which the Equator region, where Mobutu came from, alone was spared.

29. The national conference resumed in January 1992. Suspended for a period at the end of January, following an attempted coup, it resumed and proclaimed its sovereignty on 15 April. On the 21st of that month it elected Monsignor Laurent Monsengwo President and Etienne Tshisekedi Prime Minister on 14 August, with 70% of the vote cast. The latter then decided to try and bring the country's currency under control – an issue of national concern. Mobutu had been used to printing the money he needed abroad and poor management of the currency was leading to galloping inflation. 5 December 1992 saw the formation of the High Council of the Republic, made up of 453 members, to replace Parliament and control both Government and President. However Mobutu, unwilling to reign if not permitted to rule, refused to recognise Prime Minister Tshisekedi's legitimacy. The HCR retaliated by threatening to dismiss Mobutu. The people were prepared to fight to defend the powers won by the conference. Mobutu then unleashed the army against the civilian population leading to riots, during the course of which the French Ambassador, Philippe Bernard was killed on 24 January 1993.

30. On 5 February 1993 Mobutu sacked Tshisekedi and on 17 March appointed Faustin

Birindua who was repudiated by the HCR. Hence there were two governments, as the dictator appointed a new government, while Tshisekedi's ministers, supported by the national conference went underground. The total impoverishment of the people reached its height with the new Birindua Government and the launch of a new currency, the "new Zaire". Monsignor Monsengwo, a charismatic figure within the National Conference, then brought in a third man, Kengo wa Dondo, between Tshisekedi (who was unable to govern) and Birindua (recognised only by Mobutu). A new institution emerged from the compromise Monsignor Monsengwo tried to reach between Mobutu and his opponents. This was the HCR-PT (High Council of the Republic – Parliament of Transition) and included both members of the HCR and the conclave loyal to the President.

31. Calm appeared to return, when on 14 July 1994, Kengo wa Dondo was appointed Prime Minister – to the great relief of western governments, especially Paris. However he failed to win the support of the local population. The new head of government promised to privatise the economy and restrain President Mobutu's financial appetites. He also reassured international financial organisations by making regular repayments of Zaire's debts.

32. To have an understanding of the way the Mobutu régime worked it should be made clear that the latter invariably held power through a policy of ethnic divide and rule, without flinching from bloodletting when the opportunity demanded it in order to make himself indispensable as an arbitrator. One of his favourite catch phrases was "either me or chaos". More than 200 tribal groups live side by side in Zaire, hence, when the local peoples in Katanga province which came to be known as the Shaba refused to work the mines, there was an influx of settlers from other regions. Thus the Baluba (from Kasai) arrived en masse and won the 1958 local elections. In 1960 Moïse Tshombe declared that Katanga province had seceded and instigated an initial purge of the Baluba. In 1990 secessionist ideas resurfaced in the Shaba. Mobutu then played upon the discontent of the indigenous Katangese, identifying the Baluba as those primarily responsible for Katangese misfortunes.

33. Thus when Karl I Bond was appointed Prime Minister in 1991, he formed an alliance with the new governor of the Shaba, Kyungu wa Kumanza, which led to the Baluba becoming the target of ethnic cleansing. The excuse for their expulsion was the notorious "myth of origin". The role of the "Juferi" the youth wing of the UFERI (Union of Independent Federalists and Republicans) was crucial in driving out the Kasai, commonly known as the "Jews of Zaire". Juferi militia harassed the Kasai until November 1992, causing some 50 to 100 000 deaths. The international press unwittingly underestimated the event to the extent that it had no access to Copper Valley. The initial reaction of the Catholic hierarchy came to light only in March 1993. The expulsion of the Kasai led to the economic destruction of the Shaba which was very quickly laid at the door of Kinshasa.

34. In Kivu the political intrigue of Kinshasa seemed very remote and Mobutu, on his return, took very little notice of the province. However Kivu representatives were among the most loyal delegates to the National Conference. They came out in support of Tshisekedi and set up Monsignor Monsengwo as leader. A real grass roots democracy had been established in the province and Kivu was at the time described by the President's security services as the stronghold of the radical opposition. Kinshasa then attempted to crush the region using the same ethnic manipulation strategy as in the Shaba.

Assessment of a reign

35. Present-day Zaire is one of the poorest countries in the world. Its position became still worse in the early nineties, largely because of the collapse of copper production. Thus Gecamines, (the nationalised company that was the successor to the Upper Katanga Mining Union) which was normally the main source of state income, was no longer able to fund the budget. The most extreme variants of the parallel economy therefore became essential to people's survival. Under such circumstances, any attempt to produce statistics on the Zairian economy is a mere guessing game given the extent of the distortion between the official view of Zaire and the economic realities of daily life. A World Bank study in May 1991 showed that between 25 and 50% of transport capacity was undeclared. Nor can gold production statistics be taken to be reliable since

border proximity served to facilitate invisible trade and smuggling in diamonds and coffee as well as gold was rife in border areas. Moreover bartering was widespread in the face of the collapse of the Zairian currency which was virtually valueless

36. Currency also flowed along the same clandestine routes as black market goods. It was said that Mobutu's fortune equalled Zaire's debt, making the old leader one of the richest men in the world. In the view of many analysts, Zaire's sickness was basically corruption. Those with even a modicum of power used it to obtain money or material advantage.

37. From an international point of view, Belgium's influence had continued to decline under the combined effect of action by France and the United States. The latter supported Mobutu and the Americans used the Kamina air base during the Angolan conflict in their struggle against the Popular Movement for the Liberation of Angola supported by the Soviet Union and Cuba. Mobutu's involvement in this conflict perhaps serves to explain his political survival. However although he succeeded in retaining power with American aid and the support of the army, and by using the Zairian armed forces to guarantee national unity, he seems in view of the new international situation to be in a far less strong position today

38. 1996 was marked by a total destabilisation of the régime. Mobutu, now old and sick, was unable to crush the advance of the rebels who challenged his authority. The Banyamulenge, Tutsi shepherds living in the south of Kivu province who had come from Rwanda at different periods and were victims of ethnic cleansing, took up arms at the end of August 1996 in opposition to the Zairian army backed by the Hutu militia of the former Rwandan régime. The rebels organised themselves into a movement known as the Alliance of Democratic Forces for the Liberation of Congo-Zaire, under Laurent-Désiré Kabila, a long-time opponent of the Mobutu régime who had always regarded Mobutu as an impostor. In mid-October, 230 000 refugees fled Uvira, to the south of Lake Kivu, following fighting between the Banyamulenge and the Zairian army.

39. As the situation worsened, a summit of heads of state and of government was held in

Nairobi, Kenya, on 15 December 1996, to discuss the crisis in the Great Lakes region. There was evident lack of unity between the various countries involved. Zaire effectively refused to talk to Rwanda which it accused, along with Uganda, of fomenting insurrection in the east of the country, and protested against the presence of Rwandan troops in that part of Zaire.

40. On 17 December 1996 Mobutu returned to Kinshasa after an absence of four months, following an operation for prostate cancer. The authorities in Kinshasa, anxious about the partial loss of two Kivu provinces that had been conquered by the rebel forces of Laurent-Désiré Kabila (the Goma region had fallen under rebel control on 1 November 1996), were impatient for his return. Multi-party elections were to be organised in May 1997. The "Maréchal", in power since the *coup d'état* on 24 November 1965 had, to an extent, been sidelined from power by the National Conference since 1990 and hoped to be elected President of Zaire at those elections and thus gain legitimacy. Upon his return he started reorganising the military hierarchy and, on 18 December, appointed General Mahele Bokungo Lieko as Chief-of-Staff of the Zairian armed forces.

41. On 24 December 1996, Mobutu signed a decree confirming Léon Kengo wa Dondo as head of a government that had undergone a major reshuffle and whose first and most urgent task would be to halt the advance of the rebels (Banyamulenge of Tutsi origin) controlling the east of the country. Kengo wa Dondo's continuation in office had little popular support and the latter was, moreover, to submit his resignation to the President on 24 March 1997.

42. The essence of developments in 1997 until the takeover of power in Kinshasa by Laurent Kabila will be dealt with in an annex to this report, which will be issued in due course.

(b) *Burundi*

43. Burundi, a mountainous country of over 6 million inhabitants, has a population made up of three ethnic groups: the Hutu (85%), the Tutsi (14%) and the Twa (1%). The first two groups are in turn divided into clans. The clan structure is of relatively little importance as far as the Hutu are concerned, but highly influential in Tutsi society. Unlike most other African coun-

tries, in Burundi the three ethnic groups live side by side, the Hutu being in the majority in 110 districts and the Tutsi in four. The same language, Kirundi, is spoken by all. When the Germans arrived in Burundi in 1888, they found a mainly agricultural society, with no currency, which was entirely Tutsi-dominated. The Hutu at best were regarded as the Tutsi's servants. Far from changing the existing system, colonialists merely reinforced the Tutsi's *de facto* superiority leaving the administration intact and adopting the principle of indirect government of the country (the Germans conveyed orders to the King who passed them on to his chiefs and their underlings).

44. Thus, when the Germans were conquered in 1916, and the Belgians replaced them in Burundi, the Hutu were still in a distinctly inferior position in society. It was subsequently thanks to the part played by the missions and to education that the Hutu were able to secure higher status positions for themselves although only in the colonial administration. With one or two rare exceptions, the native administration remained closed to them.

45. The Church's contribution to health and education should be emphasised. Nevertheless for the whole duration of its mandate, which lasted until 1962, Belgium never called the principle of indirect administration into question, which meant that the Tutsi alone had access to the European rulers.

Accession to independence

46. The concept of nationhood took shape, as in many other countries of the African continent, towards the end of the 1950s. A Tutsi Prince, Louis Rwagasore, founded the Union for National Progress (Uprona) together with his Hutu friend, Paul Mirerekano. Belgium was to do its utmost to stifle aspirations towards independence by proposing for example that Hutu leaders joined the People's Party so that they alone would gain power in an exclusively Hutu administration. Louis Rwagasore can be regarded as the principle architect of the country's accession to independence as his party, Uprona, won 58 of the 64 seats in Parliament in the 1961 elections. The Uprona leader then formed a government of which he became Prime Minister but died in an attack by Tutsis from the opposing party, the PDC, on 13 October 1961. Independ-

ence was granted on 1 July 1962. The Burundian people then chose for their country to continue to be ruled by a monarch in the person of King Mwambutsa IV. The King proved unable to run the country with the result that there were six successive governments between 1962 and 1966.

47. Elections were called in 1965. However the appointment in October of a Tutsi, Léopold Biha, as Prime Minister provoked anger among the Hutu. Having won the elections, the Hutu could not accept a government in which key posts were in the hands of Tutsis and attempted to overthrow it by force. The coup failed and bloody repression was then visited upon Hutu politicians irrespective of whether or not they had been involved. The King tried to prevent the slaughter, but one of his ministers, Michel Micombero, exceeded his authority and had the politicians executed. The confrontation between Hutu and Tutsi was then forced into the open. King Mwambutsa fled to Europe, having been deposed by his son, Charles Ndizeye (who acceded to the throne as King Ntare V). He in turn appointed Captain Micombero as Prime Minister.

The Micombero years, 1966-1976

48. The republic was born of a *coup d'état* engineered by Michel Micombero on 28 November 1966. Burundi became a one-party state where the only legal party was Uprona. Parliament was suppressed, there were no further elections and accession to power was by co-optation. All the key offices, including those in the army, were in Tutsi hands and an apartheid-type régime, which excluded the Hutu completely, was set up.

49. Although a number of plots were savagely repressed by Micombero it was not until 1972 that the first wave of genocide against the Hutu took place. In April, Hutu fighters, newly arrived from Tanzania, with the intention of fomenting rebellion against the government, assassinated Tutsi families. Instead of confining itself merely to re-establishing order, the army embarked on a campaign of systematic eradication of the Hutu, including children, the elderly, the clergy and women – no-one was spared. Some 100-200 thousand people died in these massacres. It should be noted that none of those responsible for the genocide has been prosecuted.

Following the genocide, over 100 000 Hutu fled to Tanzania.

50. In 1976, Michel Micombero, a violent alcoholic, could no longer command much support, even among the Tutsi, and was overthrown on 1 November. He was replaced by Jean-Baptiste Bagaza, a Tutsi who hailed from the same province as Micombero (Bururi)

Colonel Bagaza's régime, 1976-1987

51. The new régime offered no glimmer of hope to the Hutu who became increasingly marginalised. The refugees who had left during the mass killings of 1972 were offered no hope of reasonable return. Moreover not only was the Government in Tutsi hands, it was run almost exclusively by natives of Bururi province. In order to strengthen his hold over the Hutu, Jean-Baptiste Bagaza decided to expel the foreign missionaries who supported them and clapped indigenous clergy in prison. His rule was one of theft, tribalism, regionalism and massive corruption, with the result that when he was overthrown by the military in 1987, no-one was sorry to see him go.

The leadership of Major Pierre Buyoya, 1987-1993

52. Bagaza's successor came to power on 7 September 1987. He too was drawn from the ranks of the military, a Tutsi, and from the same clan, the Bahima, and province as Bagaza. However he had a reputation among the international community for honesty and fair-mindedness. Thus there was continuity in change. His government was largely Tutsi (eighteen, to four Hutus) and the reins of power (army, legal system and so on) remained firmly in Tutsi hands. Some Hutus, tired of the segregation they suffered from, had some years previously created the Palipehutu Party, based in Tanzania but with an extensive network of branches throughout all of the countries where Hutu exiles lived

53. In August 1988, Hutu from two districts in north Burundi (Ntega and Marangara) rose up against the army. The President retaliated with wholesale repression of the rioting in which 20 000 people died (the two communes between them had 100 000 inhabitants) and which led to a new exodus of refugees towards Rwanda (more than 56 000 Hutu took this course). The international community reacted against the measures

and persuaded Pierre Buyoya to enter into political dialogue with Mobutu. The Major then formed a government with equal numbers of Hutu and Tutsi (12 ministers from each ethnic group) headed by a Hutu Prime Minister, Adrien Sibomana. However, despite this apparent breakthrough, Hutu former civil servants had no say in the country's political life and merely "rubber-stamped" decisions taken by Tutsis.

54. In 1990, under pressure from the international community, notably France (at a French-African summit in La Baule François Mitterrand had called upon African heads of state to introduce multi-party systems and organise free elections in return for French and international aid), the Burundian President agreed to a return to a multi-party system, more for reasons of diplomacy than by conviction. The Front for Democracy in Burundi (Frodebu) had been set up in 1986 and its numbers rapidly swelled until it emerged triumphantly into the public eye in 1992. Meantime, Major Buyoya enacted a series of laws intended to secure the introduction of democracy. These included a Charter of National Unity (approved by referendum in February 1991), a law on political parties and the Constitution (10 March 1992).

55. The effect of the move to a multi-party system was to bring two parties with large followings, the President's party, Uprona, and Frodebu, led by Melchior Ndadaye, into confrontation with one another. The President wanted at that point to wipe out the competition but, faced with opposition from some ministers, instead opted for a strategy of demonisation: in other words, laying the blame for all the country's ills on Frodebu and accusing it of being a tribalist party to discourage people from supporting it.

56. As the elections approached, the two parties mustered their forces. Frodebu, whose propaganda chief and real strong man was an individual named Léonard Nyangoma, caused a nine-day wonder with its 46-point programme. Thus three candidates stood in the Presidential elections held on 1 June 1993. The Frodebu Party candidate, Melchior Ndadaye, won 64.75% of the vote, as against 32.39% for Pierre Buyoya and 1.44% for the PRP (Party for the Reconciliation of the People) representative, Pierre Sendegeya. The result of the elections came as both a surprise and a shock for the Tutsi élite in

power: it was the first time the country had had a Hutu leader. The investiture took place on 10 July 1993. The parliamentary elections that followed on 29 June confirmed Frodebu's landslide victory in 65 seats, against a mere 16 to Uprona. Melchior Ndadaye decided to form a multi-party, multi-ethnic reconciliation government (nine Tutsi and fourteen Hutu ministers) headed by a Tutsi member of Uprona, Mrs Sylvie Kinigi.

Coup d'état on 21 October 1993 and its consequences

57. The army refused to accept the election results and decided to plot a coup, the signal for which was President Ndadaye's assassination on 21 October 1993 in an army military camp. It was rumoured that Pierre Buyoya was behind the coup which he had stage-managed from behind the scenes. Other leading figures were assassinated on the same day in a bid to annihilate the country's leadership. They included for example the Speaker of the National Assembly, the Interior Minister and the wife of the Foreign Affairs Minister. The rest of the leadership took refuge in the French Embassy until 8 November, before taking up residence until early 1994 on the shores of Lake Tanganyika, close to the Zairian border. On the morning of 21 November, Jean-Baptiste Manwangari and Jean-Bosco Daradangwe read a military communiqué out to the people informing the nation of the coup. François Ngeze then proclaimed himself President of the Republic. However the authors of the coup held effective power in the country for only five days as they were totally discredited internationally.

58. Although the responsibility of the army has been clearly demonstrated, in particular by the United Nations Commission of Inquiry, which submitted its final report on 23 July 1996, none of the guilty parties were prosecuted. From the time the coup was announced, the Hutu leadership called for civil disobedience and the country people then took revenge on Tutsis and on Hutu who supported Uprona. In a spiral of killings the army, in an attempt to regain control over the country, fell upon the Hutu. The number of victims were in the thousands and some 600 000 people left for Rwanda. According to Red Cross estimates, the killings in autumn 1993 had left nearly 100 000 dead.

59. Following the coup, Sylvestre Ntibantunganya became President, after the signature of a

government convention on 10 September 1994, under pressure from the UN special representative, the Mauritanian, Ould Abdallah. Others, such as Léonard Nyangoma, chose exile.

60. Even today, the country is still unsettled, with confrontation between the two main ethnic groups. On one side are the Hutu rebels, or armed gangs, which form a grouping within the National Council for the Defence of Democracy (CNDD) created in March 1994. Their leader, Léonard Nyangoma, also heads an armed militia called the Forces for the Defence of Democracy (FDD) that recruits from among the Rwandan Hutu who have taken refuge in Zaire. Another Hutu movement, the National Liberation Front (Frolina) which appears to have its base camp in Tanzania, is working with the FDD, attacking essentially the civilian population. The principal opponents of the rebel Hutus are concentrated in the army, which is largely Tutsi. It is often described as mono-ethnic and is supported by the Tutsi militia; also by the local and national police forces and the justice system (where Tutsis largely predominate).

61. Violence in Burundi has continued since October 1993 when Melchior Ndadaye was assassinated. Since then, the death tolls have been devastating. In 1995, for example, at least 15 000 people lost their lives. The same year, the Tutsis attempted to clear Bujumbura of its entire Hutu population. According to *Médecins sans Frontières*, more than 150 000 people appear to have died since 1993. Hence Burundi is currently riven by *de facto* apartheid.

62. In June 1996 France put an end to its military cooperation with Burundi. The same month the International Committee of the Red Cross decided to suspend operations in Burundi after the death of three of its members.

63. By 1996 the country's capital had become a real-life experimental laboratory for preventive diplomacy, in particular through the steps taken by former Tanzanian President, Julius Nyerere. The idea of sending an African force of 25 000 soldiers to Burundi took shape at the Arusha summit which opened in June 1996. However the Burundian army opposed it. President Ntibantunganya, repudiated by the people on 22 July, took refuge in the American Embassy. There was a power vacuum at the top and Buyoya returned to fill it on 25 July 1996 at the

invitation of the army, initially bringing calm to the country as a whole.

64. Since July 1996 Bujumbura has been cut off from the rest of the world. The last communications route overland between Burundi and Rwanda, the frontier post on the RN 1, was closed in 1996. Since October 1996 differences within the international community have emerged as to the attitude to be adopted towards Burundi. The European Union, speaking through its special envoy in the Great Lakes region, Aldo Ajello, is dissociating itself from the economic embargo. The wisdom of the embargo has been widely challenged on humanitarian grounds by aid organisations like Unicef, which is asking at least to be allowed to help children. Moreover, the embargo at the Rwandan frontier is regularly violated.

(c) Rwanda

Belgian colonialism

65. After the Berlin conference in 1885, the region became part of the German empire. A German military command was established in Kigali in 1908, while power of government was vested in the Mwami, or King, born of a Tutsi dynasty. German domination lasted only until 1916 when Belgian troops invaded the country as part of allied operations against Germany's east African possessions. In 1924, Belgium accepted the supervisory mandate over Rwanda and Burundi entrusted to it by the SDN.

66. In the 1930s Hutu chiefs were almost systematically ousted from key posts in government and replaced by Tutsis. In 1931 the Belgians effectively deposed King Musinga and under his successor, Mutara Rudahigwa, the country became yet more subservient to the Catholic Church and Tutsi supremacy. Hence on the eve of independence, 43 out of 45 of the country's leaders were Tutsi.

67. In the late 1950s nationalism, both Hutu and Tutsi, emerged and with it the desire for independence. The Catholic Church at the time supported Hutu claims. Thus it came about that from 1933 onwards the newspaper *Kinyamateka*, which increasingly supported the nationalist cause, was published by the Archbishopric of Kapyai. Grégoire Kayibanda, who was to be Rwanda's first President, became the newspaper's chief editor in 1954. Belgian Catholic

circles therefore supported the nationalist cause in Rwanda, hoping to prevent the country, which found itself involved willy nilly in East-West rivalry, sliding towards communism. Additionally, Belgium wanted to maintain good relations with Rwanda because of its geographic position and notably because of its proximity to its huge neighbour, Zaire.

68. In 1957 the Bahutu Manifesto appeared; this had the approval of the Catholic Church and was published by the Parmehutu Party under the leadership of Grégoire Kayibanda. It challenged Tutsi *de facto* supremacy in all areas and put forward the idea that the Tutsi were not indigenous to Rwanda. This document is regarded as the founding document of the "Hutu revolution" calling for Hutu independence from both the Belgians and the Tutsi.

69. In 1959, when the UN took over the supervisory mandate formerly entrusted to Belgium by the SDN, King Mutara died under circumstances that left unclear whether or not he may have been the victim of assassination. He was immediately replaced by Kigeri V. The same year Unar (the Rwandese National Union) was formed, with a largely Tutsi membership, which called for the country's immediate independence and challenged the role of the Church.

Rwandan independence under the Presidency of Grégoire Kayibanda

70. In November 1959 an event took place that became known in history as Rwandan All Saints Day. Colonel Guy Logiest, a commissioned headquarters staff officer, who now represented the colonial power, came out in support of the Hutu revolution and its leader Grégoire Kayibanda; hence the Hutu could exact reprisals against the Tutsi with impunity and not be prosecuted. The Hutu eliminated a part of the Tutsi élite, leading to over 20 000 deaths.

71. On 28 January 1961, the abolition of the monarchy was approved by referendum. This was followed by the proclamation of the Republic of Rwanda on 1 July 1962. In the parliamentary elections held in September 1961 the Parmehutu Party confirmed its supremacy by winning 35 out of 44 seats. The party was held together largely by its total rejection of the Tutsi so that the new régime quickly degenerated into racism.

Tutsis were defined as foreigners whose presence was tolerated but who could be killed without any investigation of their murder. The first political parties were therefore established along ethnic lines, approved of by and large by the colonial power, which had supported the Tutsi élite from the outset only to encourage the emergence in the 1950s of a Hutu élite.

72. On 26 October 1961, Grégoire Kayibanda became President. Successive waves of violence followed, each producing a mass exodus of Tutsi. Thus by 1964, 150 000 Tutsis had already taken refuge in neighbouring countries, principally Burundi and Zaire. A number even went to Europe, then to Canada and the United States.

General Habyarimana's régime

73. On 5 July 1973, a Hutu from the north of the country, General Juvénal Habyarimana, seized power in a *coup d'état* from Grégoire Kayibanda, who was from the south. Far from seeking to allay ethnic tension, Habyarimana inflamed it by establishing a quota system (10% particularly in universities and in administrative departments, gradually ousting Tutsi from posts of responsibility and ultimately Hutu not native to his own region. The establishment of a one-party state then followed and a new constitution was adopted in 1978.

74. The Banyarwanda (made up of "native" Rwandans, both Hutu and Tutsi, born on Ugandan territory, immigrants, mainly Hutu, who had come to Rwanda in the 1920s and 1930s and refugees, almost exclusively Tutsi, who had arrived between 1959 and 1961 in flight from the massacres which accompanied the Rwandan revolution) and Tutsi exiles (in Burundi, Kenya, Uganda and Zaire) created the Rwandan Alliance for National Unity in 1979. In 1987 this became the Rwandan Patriotic Front (RPF)

1990-94: the beginnings of genocide

75. The RPF, under the leadership of Frédéric Rwigyema, the Ugandan Deputy Defence Minister, invaded northern Rwanda on 1 October 1990. The attack was repelled by the Rwandan Armed Forces with assistance from France (300 parachutists), Belgium (500 soldiers) and Zaire (500 soldiers). Thousands of Tutsi in Rwanda

were then arrested suspected of belonging to or supporting the Rwandan Patriotic Front. Rebels began a guerrilla action in the north of the country.

76 From 1990 onwards, Tutsis were massacred with increasing frequency in Rwanda. Two Hutu parties, one a branch of the National Republican Movement for Development and Democracy (NRMD the single party in power since independence) and the Republican Defence Coalition (CDR) were both professing racist ideology. With the connivance of the army they set up two structures that would provide the means of extermination: the militia and the popular press. The Interhamwe (literally "those who attack together" or solidarity movement) drawn from the younger ranks of the NRMD and the Impuzamugambi ("those driven by a single goal") belonging to the CDR, soon numbered approximately 50 000 and carried out punitive expeditions both against Tutsi civilians and any Hutus in favour of reconciliation. In 1993 and 1994 these militia were receiving active support (arms and military training) from the Rwandan Armed Forces.

77. The media, described by western analysts as a "hate press" also played a major part in the development of an anti-Tutsist ideology. In 1993 circles close to President Habyarimana set up a private radio station, the RTLM ("Free radio-television of a thousand hills") which became the essential weapon of the Hutu extremists and militia, while in December 1990 the monthly newspaper *Kangara* published the Bahutu ten commandments, of which the eighth stated that Hutus should cease to feel pity for Tutsis. The newspaper was opposed to any negotiation with the Rwandan Patriotic Front.

78. However from 1990 onwards, calls for democracy were at the same time being raised within the country, particularly following the La Baule appeal, in which President Mitterrand of France linked increased aid with progress towards democracy in African countries.

79. On 10 June 1991 a new Constitution was enacted which provided for a multiparty system and led to the recognition of nine political parties by the end of 1991. The start of negotiations led on 12 July 1992 to a ceasefire under the auspices of the Organisation for African Unity (OAU) and the implementation of an agreement on forming

an interim government. However, hopes were shortlived, as the rebels launched a new offensive on 8 February 1993. The Tutsi rebels of the Rwandan Patriotic Front continued their advance within the country killing entire Hutu families en route. This offensive led to the exodus of a million Hutu refugees. The Rwandan Armed Forces whose number rose from 5 000 in 1990 to 35 000 in 1993, no longer seemed able to put up any resistance, until Paris came to their aid, foiling the Uganda-backed invasion.

80. Moreover on 8 March 1993, following a visit by Africa Watch – International Rights Federation from 7-21 January 1993, the Commission of Inquiry on Human Rights Violations in Rwanda since 1 October 1990 published a devastating report on human rights violations in that country. Over 1 000 people appeared to have died since the October 1990 war and nearly 350 000 to have been displaced. Belgium recalled its Ambassador and other European countries threatened Rwanda with sanctions.

81. However the belligerents seemed to find an area of agreement since, at a meeting in Arusha in Tanzania, on 4 August 1993, after 12 months of negotiations, they signed a peace treaty providing for an organised return of refugees (numbering one million according to a Red Cross estimate), the setting-up of an interim government and parliament which would include the Rwandan Patriotic Front and the establishment of the UNAMIR (the UN Assistance Mission to Rwanda). The latter came into being on 5 October 1993, under UN Security Council Resolution 872, and consisted of 2 500 troops from 23 countries. However the Arusha accords were never implemented by President Habyarimana, who could not reach agreement with the Rwandan Patriotic Front on the allocation of portfolios in the interim government.

The Rwandan genocide of 1994

82. On 6 April 1994, President Habyarimana and his Burundian colleague, Cyprien Ntaryamira, were killed when their plane was brought down by ground-to-air missiles on their return flight from Tanzania where the President had been taking part in further negotiations. Even today, it is still not known for certain who was behind the assassination – the Rwandan Patriotic Front or Hutu extremists opposed to sharing power with the Tutsi. On 7 April the Rwandan

Prime Minister, Agathe Uwilingiyimana, several opposition leaders and ten Belgian blue berets were assassinated. Following the death of the President, while Rwandan Patriotic Front soldiers were advancing inexorably on Kigali, systematic extermination of Tutsis began. Churches in particular were targeted and the most horrific massacres took place there. The RTLF went on broadcasting in the following vein: "the clean-up of the Tutsis should finally be completed by 5 May" or "we must not make the same mistake as in 1959. Children must be done away with".

83. In the face of the orgy of killing which overwhelmed Rwanda, Belgium and France evacuated their nationals, while on 22 April the number of blue berets was reduced from 2 500 to 270 troops (under Security Council Resolution 921) and an arms embargo enacted on 17 May.

84. On 11 June 1994 the OAU Ministerial Council adopted a resolution calling for a cease-fire in Rwanda, and condemned the massacres, describing them as crimes against humanity. France declared itself ready to intervene along with its European partners, an initiative supported (on 17 June) by Boutros Boutros-Ghali. On 22 June the UN Security Council adopted Resolution 929, authorising France and other countries that were able to take part in the humanitarian operation in Rwanda to employ all necessary means over a two-month period to protect civilians and guarantee distribution of food aid. Less than a week later the first detachments of Operation Turquoise, consisting of 2 500 French soldiers mobilised for a period of two months, entered Rwanda via Zaire. They were to be replaced by African blue berets in August (UNAMIR II – Security Council Resolution 918 of 17 May). In July 1994, the International Committee of the Red Cross estimated the number of deaths since 6 April at around a million

85. On 4 July, RPF forces seized Kigali and on the following day France created a safe humanitarian zone in the south-west of the country within the framework of Operation Turquoise.

86. The RPF (former Tutsi rebel force) has been in power since July 1994. It declared the war over on 18 July and announced the appointment of Pastor Bizimungu, a moderate Hutu, as President and of Faustin Twagiramungu as

Prime Minister, with General Kagamé as Vice-President.

87. From July 1994, the refugee camps, and in particular the outbreak of cholera in the Goma camp in Zaire, led to massive concern worldwide and the launch of Operation Support Hope by the United States on 26 July. Two million refugees were herded into camps in Zaire and Tanzania, while some 350 000 erstwhile refugees returned to Rwanda. The entire fabric of government and society now needs to be rebuilt

88. At the end of June 1994 the special rapporteur for the UN Human Rights Committee submitted a report concluding that the term genocide was correctly applied as far as the massacres of the Tutsi were concerned and recommending that an international criminal tribunal should be set up to try those responsible. The United Nations set up the International Criminal Tribunal for Rwanda on 6 November 1994 (Resolution 955) at the initiative of Richard Goldstone, the then Prosecutor for the International Criminal Tribunal for former Yugoslavia. The Rwandan Tribunal's task is to prosecute, try and sentence those responsible for the Rwandan genocide.

89. It was not until 27 December 1996 that the first hearings on the 1994 genocide opened in Rwanda. Almost 90 000 persons, largely Hutu, suspected of taking part in this genocide, are awaiting trial in prison under extremely precarious conditions. The Government has published a list of 1 900 people eligible for the death penalty. Meanwhile, since the beginning of December, over 600 000 refugees have returned from Zaire (in flight from the fighting between the Zairian rebels and the Government), 200 000 from Burundi and more than 350 000 from Tanzania, which has set the deadline for closure of the camps at 31 December.

(d) *Uganda*

From British rule to independence

90. Uganda, with over 18 million inhabitants, is home to two major ethnic groups: the Bantus in the south, making up approximately two-thirds of the total population – the main tribe being the Buganda – and the Nilotic and Sudanese peoples in the north (Langos, Acholis, etc.). In the 16th century, the Bunyoro kingdom of the Kitaras and the Buganda kingdom achieved supremacy over

the twenty or so kingdoms into which the country was then divided. By the late 18th century the Buganda kingdom had gained sole ascendancy. It was governed by an absolute monarch, the Kabaka, who was regarded as sacred. In the 19th century the Kabaka Mtesa, considering himself threatened to the north by Egyptian expansion, extended a welcome to the English explorer, John Speke, in 1862 and later to Stanley in 1875. From 1877 onwards, missionaries of the Church Missionary Society arrived in Rubaga; they were followed in 1879 by the French White Fathers. Religious feuding started very soon after, resulting in persecution of the Christians by the new Kabaka of Buganda, Mwanga (who reigned from 1884 to 1897) from the time of his accession to power (massacre of the Ugandan Catholic martyrs, 1884-1885).

91. On 1 July 1890 an Anglo-German agreement was reached under which the German Government ceded its entitlement to the region to the British. The British East-African Company then sought to extend its influence. In December 1890 it gave command of its troops to one Captain Lugard, who imposed a British Protectorate in 1894. Mwanga rebelled in 1897 but was beaten by the English who replaced him with his son. In 1900 the English granted the Kabaka of Buganda the privileges he was to retain throughout the entire colonial period. In 1916, on the initiative of Governor H. Bell and the agricultural commissioner, Simpson, the decision was taken to close Uganda to white colonialism, thus turning the country into a nation of small peasant producers of export crops (principally cotton and coffee).

92. Thus at the time of independence, European colonials numbered no more than 10 000 or so; immigration from India was far greater. During the colonial period a system of indirect rule applied where the colonial power worked through the existing administrative structures. The missions were made responsible for health and educational infrastructure. Hence mainland Britain barely subsidised the protectorate at all.

93. Under this system nationalism was a relatively late development in Uganda. It was only in Buganda, the richest and most densely-populated province where school attendance rates were among the highest in Black Africa, that there was some degree of political life. It was not until the

late 1950s that two political parties emerged, the Uganda People's Congress (UPC) led by Dr Milton Obote, which claimed to represent the rights of all ethnic groups, and the Kabaka Yekka, which sought to maintain the absolute ascendancy of the king of Buganda. The 1961 general elections were fought between the UPC and the Democratic Party (DP). The latter emerged the victor but Milton Obote chose to ally himself with the Kabaka Yekka (KY) in order to squeeze out the Democratic Party. The Constitution was drawn up at the London Conference, attended by the three parties. It came into force on 1 March 1962.

94. A coalition government was established in spring of 1962. Great Britain granted Uganda independence on 9 October 1962. Independent Uganda was made up of four kingdoms, Buganda, Bunyoro, Toro and Ankolé (and one territory, Busoga). The first of these had important powers (having sole responsibility for certain matters). Buganda also had an independent police force and certain financial privileges. The first President of the new republic was the Kabaka of Buganda, Mutesa II, with Milton Obote as his Prime Minister. However a series of difficulties arose between the Head of State and the Prime Minister who wanted a unitary state. The affair known as the "lost accounts" (areas of the kingdom of Bunyoro, previously ceded to Buganda by Great Britain, but which Bunyoro was able to recover with support from Milton Obote), the disproportionate influence of the Buganda in the Ugandan state and the personality of the Prime Minister himself were among factors that precipitated a crisis.

Milton Obote's stranglehold on the country

95. Under Obote, the régime became progressively harsher. In February 1966 the Kabaka was deposed. Meeting with opposition from other ethnic groups, Obote put an end to constitutional rule and concentrated power in his own hands, becoming head of government on 15 April. On 8 September 1967 a new constitution – the so-called "republican constitution" – put an end to the existence of the kingdoms. At that point Uganda became a unitary state divided into 18 districts, each with an elected council and a local executive, with the central administration represented by the district commissioner. The President was also the head of government and

the head of the armed forces (Milton Obote was, in addition, the leader of his own party, the UPC – Uganda People's Congress). The régime became increasingly authoritarian (proclamation of a state of emergency in 1969, outlawing of political parties) and President Obote turned to socialism, in particular by nationalising the banks and European companies.

Dictatorship of Idi Amin Dada, 1971-1979

96. On 24 January 1971 General Idi Amin Dada, Chief-of-Staff of the armed forces and a member of the Nilotic Kakwa tribe, led a military coup and acceded to power. Constitutional guarantees were abolished and basic freedoms withdrawn. General Amin, who soon became Head of State, proclaimed himself President (by decree of 13 March 1971) and proceeded to dissolve parliament and partly suspended the constitution. Former President Obote succeeded in taking refuge in Tanzania. A reign of terror set in between 1972 and 1978 in which no opposition of any kind was tolerated. The President carried out a programme of systematic Africanisation of Uganda, firing his fellow-citizens with nationalistic fervour and expelling tens of thousands of Indians under appalling conditions. Uganda suffered economic and political decline until well into the late 1980s

97. At international level, President Amin, a fanatical muslim, broke off relations with Israel in 1972, and was actively supported by Libya, Saudi Arabia and the USSR, while Uganda's relations with Great Britain and Tanzania underwent serious deterioration. He adopted an attitude of radical opposition to Zionism, going so far as to advocate the total destruction of the State of Israel. In the same vein, he caused outrage among western powers with his apologia for Hitler. On 27 June 1976 an Air France airbus was hijacked by Palestinians and landed at Entebbe airport. On 3 July an Israeli commando pulled off a surprise attack, freeing the hostages.

98. Uganda was also laying claim to swathes of Tanzanian and Kenyan territory. In November 1978, following a border skirmish in the Kagera region, the Tanzanians, headed by Nyerere, set up a Uganda National Liberation Front with support from numerous resistance movements opposed to the military dictatorship. The Uganda National Liberation Army beat back the Ugandan army and eventually took control of

the whole of Uganda in April 1979. President Amin, notwithstanding support from some neighbouring countries (Libya, Sudan), was forced into exile.

99. But there was still no return to stability within the country. A newly-formed government was given responsibility by the National Front for the Liberation of Uganda to run the country's affairs in accordance with four principles: national unity, democracy, independence and social progress, under the control of a National Consultative Council intended to act as a parliament. However the new head of government, Yusuf Lule, a moderate muslim who had been the former Chancellor of the University of Makerere, proved incapable of dealing with the widespread anarchy and moreover was suspected of Bugandan sympathies and of being too enthusiastic a supporter of private capitalism. He was forced to resign on 20 June in favour of Godfrey Binaisa.

Return to power of Milton Obote, 1980-1985

100. Binaisa managed to hold on to power for almost a year before being forced out of office on 12 May 1980 by a "military committee". Parliamentary elections finally took place on 10 December 1980 when the Uganda People's Congress, the moderate socialist party of former President Obote, obtained an absolute majority (74 out of 126 seats) notwithstanding the fact that Obote was accused of having falsified the results, to the detriment in particular of the Uganda Patriotic Movement created by Yoweri Museveni. Whatever the truth of the matter, Obote was appointed President on 15 December 1980 and formed a government dominated by those loyal to him (including Paul Mwangi who was to become Vice President). The National Assembly met for the first time in late 1981 and a semblance of multi-party democracy was maintained (represented essentially by the Democratic Party led by Pierre Ssemogerere). Museveni opted for violent action and began a guerrilla war in the west of the country

101. The new Obote régime was faced with the difficult task of restoring an economy in total chaos. As a régime intended to be economically self-sufficient, Uganda's only export was coffee and the country had no trade outlets by sea or by rail. However financial assistance from international organisations such as the International

Development Association and the International Monetary Fund (IMF) made it possible to turn round the economy within two years of Obote's return to power.

102. Moreover, during the early 1980s, the President had to deal with opposition on several fronts, not only armed opposition from Museveni's National Resistance Army, but also from the numerous political movements which sprang up in or outside the country (such as Lule's National Resistance Movement, based in London where Lule had taken refuge). The national armed forces under the command of Oyite Ojock unleashed a spate of reprisals against raids that were becoming increasingly daring. The civilian population was the victim of a situation that was turning into anarchy: famine, forced migration, score settling between neighbouring ethnic groups, etc.

103. However, on 29 July 1985 the army, 50% of which was drawn from the Acholi ethnic minority, assumed power under the leadership of Colonel Tito Okello. Obote was forced to take refuge in Kenya then in Zambia. A provisional nine-member military council was established, succeeded shortly afterwards by a civilian government which included factions drawn from the Democratic Party including Pierre Ssemogerere, and even representatives from the Ugandan People's Congress. The major question then was whether Yoweri Museveni would support the government

Uganda under Yoweri Museveni, since 1986

104. In January 1986, the National Resistance Army, made up of southern and western tribes, put an end to the massacres and took power. Museveni became President on 29 January. New disturbances broke out in 1988 close to the border with Kenya through which most of Uganda's trade passed. The new government tried to rebuild the country and deal with sporadic guerrilla movements in the north. A strange sect, the Holy Spirit Movement (HSM) sprang up, inspired by Priestess Alice Lakwena, whose followers attacked the National Resistance Army armed only with talismans. However in November 1987 the defeat the movement suffered forced Lakwena, who was herself wounded, to take refuge in Kenya. Domestic politics were also plagued by security problems until 1989.

105. An application for IMF assistance was again made in order to revive the country's economy and two structural adjustment plans were implemented in 1987 and 1989, leading to the dismissal of thousands of civil servants. In order to head off a political crisis, President Museveni then moved to reinstate democracy. Proscription of political parties was lifted in 1992, although they were not allowed to be represented in the election of the Constituent Assembly in 1994. The results were an endorsement of the existing government which had shown signs of a willingness to compromise by sanctioning the restoration of the traditional Bugundan monarchy, on 31 July 1993, and the coronation of Mutebi II.

106. Museveni was re-elected as the country's leader on 9 May 1996, with 74.2% of the vote. On 27 June 1996 the first democratically-elected parliament returned the Presidential party, the National Resistance Movement, by an overwhelming majority as the ballot had been boycotted by the major opposition groupings. The latter felt that the President, who had been elected in May, owed his victory only to massive fraud and were extremely unhappy about the swingeing defeat inflicted on its main candidate, Pierre Ssemogerere, who had the support of followers of former President Milton Obote, as well as of the LRA (Lord's Resistance Army). However, 120 international observers and foreign diplomats felt that the ballot had been fair.

107. The government also still has to deal with the many guerrilla movements that proliferate in Uganda. Hence the Lord's Resistance Army, a Christian inspired movement supported by Islamist Sudan, seems to want to wreak vengeance against Uganda for the latter's support to the Christian rebels in southern Sudan with the United States' blessing. A guerrilla war has consequently been raging in the Gulu and Kitgum area in the north of the country for the last ten years. The inhabitants are terrorised by the LRA and its mystical leader Joseph Kony, who, it is said, goes everywhere accompanied by a lamb on a leash and whose particular speciality is kidnappings. Besides this, Uganda has to withstand attacks from two other rebel factions, the West Nile Bank Front (WNBF) headed by Juma Oris, also supported by Sudan, and the Allied Democratic Movement (ADM) led by Jamir Mukulu, supported by Zaire. Both are challenging the results of the elections held on 9 May 1996 and

demanding a return to a multi-party system. These three armed groups are the cause of Uganda's devoting over 20% of its budget to the armed forces.

108. Other rebel movements such as the Ugandan Federal Democratic Alliance also surface sporadically, giving commentators the impression that this proliferation of guerrilla movements may presage the fall of the Museveni régime, despite the popularity the latter is enjoying thanks to the country's spectacular economic recovery, and the stability it has brought to a country that has lurched from *coup d'état* to dictatorship since it achieved independence in 1962. On the economic front, Uganda is also hoping to develop its export markets through COMESA (the Common Market for Eastern and Southern African States), a regional accord to which Uganda and 16 other African countries became party in December 1994.

109. Finally, Museveni is at present suspected, essentially by France and Zaire of being the main source of support for the rebel forces of Laurent-Désiré Kabila in Zaire. France also holds against Kampala the assistance the latter appears to have given the FPR in bringing down the successors of President Habyarimana (who had Paris's support). At the same time, the United States is supplying Uganda with military aid to enable the latter to defend itself against possible aggression from Sudan. Uganda also broke off diplomatic relations with that country in April 1995. Hence, many commentators regard Uganda as the theatre where a symbolic struggle is being played out between the United States and France to acquire ascendancy over the heart of Africa. The Ugandan President denies such interference and takes the view that local conflicts should be resolved locally. He also denies that Ugandan forces are involved in supporting Kabila in any way.

III. Genocide in Africa

110. As was pointed out in Chapter II of the present report, massacres and genocide have been perpetrated on several occasions in the Great Lakes region in the recent past. Only during the last genocide in 1994, when more than 500 000 Tutsi were killed, was action taken by the international community to prosecute and sentence the perpetrators.

111. It should be noted that the United Nations General Assembly adopted a "Convention on the prevention and punishment of the crime of genocide" on 9 December 1948. In this Convention, genocide is defined as follows.

"Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group."

112. The Genocide Convention of 1948 did not establish an international criminal tribunal mainly because this proposal was rejected by most states on the grounds of national sovereignty, but Article VI of the Convention provides for "such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction".

113. On the other hand, Article VIII of the Convention stipulates that:

"Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

114. As soon as some form of public order had been re-established in Rwanda, efforts were made to examine the genocidal massacres which had taken place earlier in the year. The UN Security Council, in Resolution 935 of 1 July 1994, set up a Commission of Experts to investigate grave humanitarian violations including acts of genocide and the experts were appointed on 1 August. The Rwandan President, Pasteur Bizimungu, stressed the importance of an international tribunal on crimes against humanity in Rwanda. The tribunal's mandate was to prosecute those responsible for genocide and other serious violations of international human-

itarian law committed in Rwanda between 1 January and 31 December 1994.

115. Rwanda had voted against Resolution 955 because it wanted the tribunal to be able to impose the death sentence and the trials to be held in Rwanda. It would also have preferred to give the tribunal competence to rule on events since 1990. The report published by the Commission of Experts on 2 December 1996 included evidence which supported Rwanda's argument that war crimes investigations should cover the period from 1990.

116. On 27 November 1995, the UN tribunal based in Arusha, Tanzania, formally started its work but was criticised for its slow progress. The composition of the tribunal was confirmed in May 1995 but investigations were hampered by lack of funds, disputes between agencies and the late deployment of investigators, who were often inexperienced.

117. In February 1997, an internal UN report strongly criticised the way the tribunal operated. It mentioned "mismanagement in almost all areas of the tribunal and frequent violations of UN rules and regulations", but also "personnel in key positions [who] did not have the required qualifications"¹. At that time, eleven accused were in custody at the tribunal's headquarters and indictments had been prepared against a further ten.

IV. A right to military intervention?

118. The numerous internal conflicts in Africa, often accompanied by serious violations of human rights and humanitarian disaster, quite naturally prompt one to ask what can be done to stop such conflicts once they have erupted. In other words, do international organisations or other states have a right to intervene militarily on the territory of a sovereign state and, if so, what are the conditions that determine intervention²?

¹ *The Economist*, 22 February 1997.

² On the subject of humanitarian intervention, see also Patrick J. O'Halloran, *Humanitarian Intervention and the genocide in Rwanda*, in *Conflict Studies* 277, January 1995, Research Institute for the Study of Conflict and Terrorism, London.

119. The right of a regional grouping of states or the United Nations to "perpetrate an act of aggression or a direct military intervention against others" is not authorised under international law. This principle was established by the International Court of Justice in the Corfu Channel decision which states:

"The claimed right of intervention cannot be considered by the court as more than a manifestation of a policy of force, a policy which in the past has given rise to serious crises, and which should not be allowed, whatever its merits, to exist in international law. Intervention of whatever type ... favours stronger nations and could as such lead to miscarriage of justice and the wrong administration of international law."

120. The UN Charter clearly prohibits foreign intervention in a sovereign state and this has been confirmed by the General Assembly. Reference is made here to:

- Article 2, paragraph 4, of the UN Charter, stating that "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",
- Article 2 (7) of the Charter which states that: "Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state".
- General Assembly Resolution 2131 (21 December 1965) which "condemns" armed intervention and all other forms of interference with a state or its political, economic and social elements;
- General Assembly Resolution 2625 (25) prohibiting direct or indirect intervention.

121. During the cold war, overt military intervention was also excluded in practice because of prolific use of the veto by members of the UN Security Council.

122 Often, intervention was not considered desirable because it risked destabilising vulnerable states on the periphery and driving them into the hands of the adversary. The excuse for not intervening was cloaked in terms of national sovereignty and self-determination. On the other hand, it should be noted that this officially acknowledged policy was at the same time the ultimate hypocrisy. Both superpowers indulged in subversive action to topple unfriendly regimes, incite rebellions or prompt civil wars, all in order to stem or reverse the influence of the other superpower.

123. After the cold war, work started on alternate definitions and concepts of security. The end of the bipolar world has made regions of conflict more accessible to intervention but at the same time, there seems to be less urgency to act because the battle between the superpowers for spheres of influence is over and many regions have lost much of their strategic interest.

124. In post-colonial sub-Saharan Africa, military intervention in the internal affairs of a state has mostly taken place at the specific request of that state. Based upon its military agreements with a number of states, it was almost exclusively France which made specifically-targeted, limited, rapid and generally successful interventions its speciality. The objective of these interventions, apart from coming to the rescue of French and other foreign citizens or protecting French property, was usually to restore order, quell rebellions or squash mutinies at an early stage. Because they were based upon existing defence agreements, there was no need for UN approval.

125. In this framework, mention should be made of a less orthodox way of intervening in the internal affairs of another sovereign state which consists of providing shelter or even more active support for rebellious movements in that state with the objective of harassing or even toppling an unfriendly government or regime. This practice now appears to be more prevalent in sub-Saharan Africa.

126. Military intervention in the internal affairs of a sovereign state by foreign states or even by an international coalition under UN auspices, without the consent of the government of that state, is still considered to be an infringement of international law.

127. It is customary for interventions of this sort to take place with the agreement of the government and on the basis of a UN mandate in order to enable humanitarian aid to be distributed, to help implement an existing peace agreement through peacekeeping or peace-enforcing operations or – more rarely, but as was the case in Kuwait – to remove an aggressor and restore peace.

128. As stated earlier in the present report, the UN mandated the intervention of a multinational force in Somalia without government consent because of the total disintegration of the central authority. This was a notable exception to usual practice. In the event of a crisis or conflict, the United Nations regional or sub-regional organisations or states will primarily make every effort to broker a ceasefire, to be followed by a peace agreement.

129. The organisation of elections, with the aim of establishing a democratic government, economic reform and respect for human rights, normally forms part of such peace agreements.

130. This means that the interests of international security are defined in terms of ethnocentric Western notions which are not necessarily shared by all sections of the international community. As a consequence, the operations of multinational intervention forces in certain parts of the world can easily become prone to stagnation or failure, as was the case in Somalia, Haiti and Angola. Peace agreements which have been accepted by the parties involved are only implemented partially and only the presence of foreign troops can prevent a new outbreak of hostilities. Foreign intervention is tolerated, but the ultimate objective of establishing democracy and propagating respect for human rights remains a dead letter.

131. Admittedly, in a conceptual framework for peace and security encompassing the entire international community, there should be room for different opinions and practices as regards the most appropriate form of government.

132. Nowadays, public calls for intervention are mostly the result of suggestive media coverage of conflicts in the world which almost automatically cause human disaster. European governments are used to expressing concern about the situation, calling upon the parties to

stop fighting and trying to find a peaceful way of settling their differences. Next, they tend to turn to the United States to see what initiatives it might take.

133. On the other hand, there is empirical evidence that democratic institutions help to constrain the power of political elites, thereby decreasing the chances of genocide and war. In a large number of states, however, political elites cling to power in order to exercise unfettered control over the state and its economy. Obviously, these states emphasise their sovereignty, while opposing foreign intervention and challenging the concept of universal human rights.

134. It is hardly surprising, therefore, that there is no early settlement in sight to the debate over the right to intervene if the objectives of intervention, apart from bringing peace, are dominated by such controversial concepts as universal human rights, state sovereignty, democratic reform and free market economies.

135. It has now become clear that in the present post-cold war situation, the United States has absolved itself of all global responsibility not directly related to American security and national interests. As a consequence, there may be situations where the United States will no longer feel inclined to take the initiative and where other states will have to take the lead in initiatives or operations in which the United States will not participate.

136. If Europe wishes or has no other choice but to take a higher profile in some areas of the world where its own security and vital interests are at stake, it will have to be prepared to take initiatives which may also result in the deployment of a military intervention force.

137. Although initiatives to help solve conflicts or manage crises can only be taken on a case-by-case basis, both the EU and WEU will have to be prepared for rapid action in this field. Having the possibility to deploy military forces rapidly implies that forces should be readily available.

138. The many problems encountered in assembling a multinational intervention force, which were again apparent in the attempt that ultimately failed to send such a force to Zaire at the end of 1996, have led to several proposals

139. Some of these have concentrated on the possibility of establishing a permanent UN rapid reaction force which could play a role in conflict prevention or intervene in order to prevent an open conflict from deteriorating. This force should be able to perform both peacekeeping and peacemaking operations. An additional advantage would be that it might dissuade certain states from intervening on their own behalf.

140. No doubt such a force would have serious limitations as regards its size and capabilities. As a consequence, it could only be deployed for a limited period and would have to rely on the air and sea-lift capabilities of member states.

141. The Netherlands has proposed that a permanent UN force should be the size of a light infantry brigade and be composed of volunteers paid by the United Nations, with a status similar to its civilian staff.

142. Denmark has proposed a different arrangement, offering a headquarters to which states with existing experience in peacekeeping could assign specific units, the idea being that together they could constitute a rapid reaction brigade for peacekeeping operations. Such units could perform joint training and exercises and be available at short notice, but only for operations coming under Chapter VI of the UN Charter, which refers to the "pacific settlement of disputes".

143. According to a Canadian proposal, a small international force headquarters at the seat of the United Nations in New York, under the authority of the Secretary-General, should be charged with contingency planning and initial operational planning. All member states would have the option of committing units to this force. Logically, the deployment of such a force would be subject to a decision of the Security Council and to prior agreement of all the contributing states.

V. United Nations peacekeeping operations in Africa

144. At the end of the cold war when a multitude of crises in Africa emerged, justifying the intervention of the international community, it became the preferred operations area for the UN. The United States and the ex-Soviet Union had withdrawn from the internal conflicts which they had sometimes nurtured over a period of many years in order to prevent any extension of their

adversary's sphere of influence and left it to the United Nations to manage these conflicts.

145. Since the early years of its existence, the United Nations has carried out operations on the African continent, using the different possibilities offered by its Charter.

146. The Suez crisis in 1956 was the first occasion on which a United Nations rapid action force was deployed to maintain the ceasefire between the Israelis and the Egyptians. It was the first UN interposition force of blue berets, deployed under the possibilities offered by Chapter VI of the Charter of the United Nations.

147. This force respected the sovereignty of the states and abstained from any interference in the internal affairs of the two countries concerned. It was deployed after the conclusion of a ceasefire agreement and was only allowed to use force for the purposes of legitimate defence.

148. In 1960, in the Congo, the UN intervened in an internal conflict using military force for the first time after a secession attempt by the province of Katanga. This type of intervention was in fact based on Chapter VII of the UN Charter and its objective was to enforce a solution on the parties to a conflict.

149. A new development took place when the United Nations Transition Assistance Group (UNTAG), the peacekeeping force for Namibia, was created in 1989. This force oversaw the decolonisation of the last white colony in Africa. UNTAG was tasked with supervising the holding of free elections with a view to the election of a constituent Assembly. In fact, it supervised the enrolment of voters, the material organisation of the elections and the formation of political parties. It even participated in campaigns for civil education and information for voters.

150. In earlier operations and missions, the UN used to settle disputes between states in accordance with the rules of international law, dedicated to the principle of state sovereignty and non-interference in their internal affairs. It did not have any legal instruments at its disposal to settle internal conflicts or to prejudge the responsibility of any one party. This did not cause any real problems, as long as the basic principles of peacekeeping were not called into question.

151. In Somalia, however, the UN was facing an open civil war and it could no longer apply the

old rules. For the first time in its history, the United Nations took the initiative to deploy an intervention force without the agreement of the parties. In December 1992, the Security Council unanimously adopted a resolution authorising the deployment, on the basis of Chapter VII, of an international coalition to re-establish order in Somalia. Here, for the first time, the UN put into practice the "right of humanitarian interference", because, through an extensive interpretation of Article 39 of the UN Charter, the Security Council had authorised the deployment of the US-led multinational Unified Task Force (UNITAF) with a humanitarian objective without the agreement of the warring parties.

152. It should be said, however, that UNITAF was not a great success because the operation's precise aims were not clear and there was disagreement between the US Government and the UN Secretary-General over whether the troops' role was to include disarming hostile factions and pacifying the country or merely securing the flow of aid.

153. In May 1993, UNITAF was replaced by the UN Operation in Somalia (UNOSOM II) consisting of some 20 000 troops which were to provide assistance with enforcing the March 1993 ceasefire and the formation of a transitional national council. UNOSOM II was new in that its troops were authorised to use force in implementing their mandate, in particular when disarming fighters and preserving security conditions.

154. Very soon, UNOSOM II also ended in failure because the United Nations was unable to run an operation of this size. The dual mandate was not implemented. One part of it with regard to the disarming of fighters, the preservation of security conditions and the opening of roads needed for the transport of humanitarian aid came under Chapter VII, and the other part regarding the political and administrative reconstruction of Somalia came under Chapter VI.

155. It became clear that the conduct of peace-enforcement operations under Chapter VII required means and organisational structures far beyond the capacities of the UN. It was also noted that the use of force called into question the principles of neutrality and impartiality which had always been respected by the United Nations.

156. After the failure of UNOSOM II, the UN Secretary-General declared that a peacekeeping operation would have to be halted:

- if the protagonists – contrary to their promises – did not demonstrate political will, because peace could not be imposed,
- if the troops put at the UN's disposal did not accept the discipline of a multi-lateral operation;
- if the member states were no longer prepared to enforce the peace, which implied the deployment of heavy arms and the risk of loss of human lives.

157. There are many more lessons to be learned from this operation, as Winrich Kühne showed in a recent Chaillot Paper³. The following are some examples:

- the use of force in peacekeeping is a delicate and ambivalent matter. Sometimes it can help stabilise a peace process, but in other instances it can damage the peace process;
- in general, the use of force cannot be a substitute for patience and dialogue. It can be useful in protecting people, for delivering humanitarian aid or maintaining a stable environment, but it can only resolve societal conflicts under exceptional circumstances,
- although in their political rhetoric, most Western countries emphasise the importance of respecting human and minority rights, it appears that in practice their governments and populations are not prepared to take the risk of serious loss of life in operations to protect these rights if there are no vital national interests at stake.

158. In Chapter II (c) of this report, mention was made of the events which led to the

³ For a detailed discussion of recent peacekeeping operations in Africa, see Winrich Kühne, *Lessons from peacekeeping operations in Angola, Mozambique, Somalia, Rwanda and Liberia in "WEU's role in crisis management and conflict resolution in sub-Saharan Africa"*, Chaillot Paper 22, WEU Institute for Security Studies, Paris, 1995.

deployment of the UN Assistance Mission for Rwanda (UNAMIR) in October 1993, which was supposed to help implement the Arusha Peace Agreement between the government of Rwanda and the Rwandan Patriotic Front. UNAMIR was only deployed at full strength in late March 1994, a few days before the mass killings of Tutsis started. It was not sufficiently equipped and the specialised civilian staffs needed for a successful operation were not deployed. The Commander of UNAMIR, General Romeo Dallaire, later said that he could have stopped the genocide from spreading by deploying his existing contingent if he had received additional appropriate equipment and an enhanced mandate⁴. However, with fresh memories of the UNOSOM II failure in mind, no Western state, with the exception of France, was ready to change UNAMIR's mandate or send in additional troops

159. Later, in June 1994, France sent 2500 troops to Rwanda in Operation Turquoise under a UN Security Council resolution in order to protect civilians and ensure the distribution of food aid. At an earlier stage, Belgium, France and Italy had evacuated foreign nationals with logistic support from the United States.

160. All the abovementioned operations in Rwanda perfectly match WEU's Petersberg tasks. If operations conducted by WEU member states had taken place under WEU authority, they would certainly have appeared less partial and more acceptable.

161. At the request of Italy and France, the Permanent Council of WEU met on 17 and 21 June 1994, but it decided that WEU's support should consist solely in coordinating contributions from individual member countries for humanitarian relief in Rwanda. The WEU Planning Cell was instructed to serve as a point of contact to provide the coordination. In plain language, this decision was nonsense.

162. A Belgian parliamentary fact-finding committee, tasked with investigating the events leading to the assassination of Belgian paratroopers of the UN forces in Rwanda (Minuar) on 7 April 1994, denounced the passive attitude

⁴ Chaillot Paper 22, page 33.

of Western governments which did nothing to prevent the genocide in Rwanda in spring 1994

163. The committee found evidence that, in January 1994, the Commander of the Belgian Minuar forces had been informed of aggressions being prepared against these forces and plans to organise the massacre of Tutsis. When the governments of Belgium, France and the United States were informed about this, they instructed their diplomats to verify this information and accepted the indignant denials of President Habyarimana of Rwanda⁵. Nothing was done to prevent the predicted genocide.

164. Recent events in both Rwanda and Zaire have demonstrated how the fear of repeating the failure in Somalia has resulted in Western states showing reluctance when it comes to UN peace-keeping or humanitarian operations on African soil.

VI. African regional cooperation in the prevention and management of conflicts

165. African nations have tended to opt for less binding treaties, devoid of any serious commitment or concrete obligation toward participant states. Through this lack of collective commitment and absence of a strategic vision of the future, regional conflict resolution on the African continent has not been very successful. Organisations whose primary purpose is to foster economic and political cooperation tend to achieve more success in the development of peace and stability. Linking economic and military security facilitates the peacemaking process.

166. The OAU (Organisation of African Unity) has a bad track record of condoning regional conflict on the pretext of internal state security. The OAU does not have effective means for the prevention and resolution of conflicts. In 1981, it adopted the Banjul Charter (the African Charter on Human and Peoples' Rights) which entered into force in October 1986. Its purpose was to define human rights in terms of individual freedoms and social responsibilities, but it left the interpretation and apportioning of those rights to national governments which negated their universality. Since 1987, compliance with the Charter by signatory states has been supervised

by the African Commission on Human and Peoples' Rights, which has no means of enforcement.

167. In June 1992, the OAU put forward a new conflict resolution mandate: "Proposals for an OAU Mechanism for Conflict Prevention and Resolution". These proposals also embodied the creation of a coordinating body based upon the UN model, which would enable the OAU to take initiatives to anticipate and contain potentially dangerous situations as well as provide for political and military organs for peacemaking. The proposals were thought to have the advantage of employing indigenous peacekeepers who might have an ability to relate to the problem at hand.

168. After having sponsored a ceasefire and an agreement between the Rwandan Government and the FPR with regard to the establishment of a transitional government, the OAU deployed a Neutral Military Observer Group (NMOG), composed of 50 observers from OAU member states, which from July 1992 monitored the ceasefire. In 1993, NMOG was replaced by NMOG II, composed of 130 observers, which in November 1993 was integrated in the United Nations Assistance Mission for Rwanda (UNAMIR).

169. In Article XIX of the OAU Charter of 25 May 1963, member states pledged to settle all disputes among themselves by peaceful means and to this end they decided to establish a Commission of Mediation, Conciliation and Arbitration. The specifics of this Commission were defined in a protocol signed on 21 July 1964, but it was never put into practice, among other things because it referred to disputes among member states. Since 1963, conflicts and wars in Africa have almost without exception taken place within and not between states and the Commission of Mediation, which was regarded as a hierarchical and ineffective structure, never became operational.

170. In July 1992, the OAU agreed to Secretary-General Salim Ahmed Salim's "Proposal for resolving conflicts in Africa" and its Cairo summit meeting of June 1993 created the "African mechanism apparatus for preventing, managing and resolving African crises". At this summit meeting, the OAU reaffirmed that it accepted the borders inherited from colonialism. It considered the prevention of conflicts

⁵ *Le Monde*, 6 March 1997.

through observation and monitoring missions as its primary objective. The Bureau of the Assembly of Heads of State and Government was designated to be the decision-making central organ of the mechanism, with the Secretary-General as its operational arm.

171 In order to become more effective, the Central Organ decided to establish a strategic alert system for monitoring conflict situations, which is now the fundamental aspect of the OAU's preventive diplomacy. Its task is to anticipate geopolitically sensitive situations within and between states that might degenerate into open conflict.

172. At the operational level, the Central Organ considers that development of its decision-making powers and coordination with the United Nations and sub-regional organisations would contribute to its capability for timely and efficient intervention should the need arise.

173. A different, subregional initiative was taken when the Economic Community of West African States (ECOWAS) adopted a Protocol on Non-Aggression in April 1978, which required its member states to come to one another's assistance in the event of aggression. In order to help put an end to a devastating civil war in Liberia, the Standing Mediation Committee established a Military Observer Group (ECOMOG) and brokered a peace plan, called the Yamoussaouhro IV Accord, followed later by many more peace accords. ECOMOG, which was to supervise the implementation of the peace agreement, has been accompanied since September 1993 by a UN Observer Mission in Liberia (UNOMIL). ECOMOG's operation was certainly not an unqualified success, not least because it was dominated by the Nigerian military dictatorship which was suspected of having its own specific agenda for the operation.

174. Another initiative which would appear worth mentioning comes from the Permanent Consultative Committee of the United Nations for Security Questions in Central Africa, established in 1991, which brings together representatives from 11 French- or Portuguese-speaking countries in Central Africa (Angola, Burundi, Cameroon, Congo, Gabon, Equatorial Guinea, the Central African Republic, Rwanda, Sao Tomé and Príncipe, Chad and Zaire). In 1992

this Committee adopted a programme of work with the following objectives:

- establishment of an early warning system to monitor peace and security initiatives on a continuous basis, collect information on potential or developing crisis situations and to elaborate crisis-management strategies;
- establishment of a sub-regional conventional arms register – in accordance with the spirit and the principles of the United Nations register – in order to create a climate of confidence among states;
- drawing up a “micro-disarmament” programme through cooperation to prevent random proliferation and illegal transfers of light weapons and to encourage demobilisation of irregular forces and their reintegration into society;
- drafting a non-aggression pact (based on the ECOWAS Protocol on Non-Aggression in West Africa) which was signed in Yaoundé during the 32nd summit of the OAU in July 1996;
- immediate creation of multifunctional units in the armed forces of member states that could be employed for humanitarian operations, peacekeeping or peace-enforcement and capable of rapid or even preventive deployment.

175. Financially, over and above contributions from member states, the Permanent Consultative Committee of the United Nations is able to draw on a special fund created by the UN General Assembly in December 1995 (Resolution 50/71B) and resourced by voluntary contributions from member states and international organisations.

176 African states and African multilateral organisations have made several efforts to find a viable solution to the present conflict in the Great Lakes region. A first summit meeting, attended by many heads of state and government of sub-Saharan African states, took place on 5 November 1996 in Nairobi, without the participation of Zaire. This summit meeting concluded without any results. On 3 December 1996, a

summit meeting was held in Brazzaville, Congo, with Zaire and Burundi participating, but in the absence of Uganda and Rwanda. On 15 December 1996, a conference took place in Nairobi, Kenya, organised by Daniel Arap Moi, the President of Kenya, attended by the South African President, Nelson Mandela, and other heads of state and government. Zaire's Prime Minister, Kengo wa Dondo, did not participate.

177. The OAU devoted several meetings to the conflict in the Great Lakes region and on 26 March 1997 it held an extraordinary summit meeting in Zaire. On the fringe of this conference, talks were held between representatives of President Mobutu and the rebels. In January 1997, after initial hesitations about becoming excessively involved, President Mandela of South Africa started making serious efforts to bring both parties to the conflict in Zaire to the negotiating table and, on 5 April 1997, peace talks started in Cape Town.

VII. Initiatives to establish multinational African forces

178. In recent years, economic disaster, political unrest and instability have caused many rebellions and a number of conflicts including many internal armed conflicts and civil wars. Such rebellions and armed conflicts have provoked interventions by individual foreign states, subregional organisations and UN peacekeeping operations.

179. The increasing reluctance of non-African states to have their troops involved in military operations in Africa has led to various initiatives to examine the possibilities for establishing multinational African forces which could play a role in peacekeeping operations on the African continent. Both France and the United States have taken specific initiatives while WEU has also been active in this field since 1995.

(a) France's initiatives

180. At the Franco-African summit meeting in Biarritz in November 1994, France proposed the creation of a multinational African force with logistical support to be provided by France. The African states at the conference gave only a lukewarm response and there was no follow-up to France's initiative.

181. On the fringe of the 19th Franco-African conference, which took place in Ouagadougou, Burkina, on 4-6 December 1996, African leaders again briefly discussed plans to jointly train military units from various African countries to form a provisional force which could go into action rapidly on orders from the United Nations or the Organisation of African Unity. Until now, however, there has been no follow-up to these informal discussions.

182. In preparation for the OAU summit meeting in Lomé on 26 March 1997, the President of Togo, Gnassingbé Eyadema, proposed the creation of a pan-African force of 3000 troops, based on the concept of standby military units, with national units of a maximum of 450 troops for peacekeeping or peacemaking. The lack of political will and financial means continue to be the obstacles preventing such a force from being established⁶. Although little progress has been made within this wider institutional framework, France has made headway on a smaller scale and at a practical level.

183. France – it will be remembered – sent troops to the Central African Republic in order to help restore order after a rebellion started against President Ange-Felix Patussi in December 1996.

184. In accordance with the Bangui agreements of 25 January 1997, four African states (Chad, Gabon, Mali and Burkina Faso) have provided a peace force which will control the implementation of these agreements, participate in the disarmament of the mutineers and ensure security in Bangui. Senegal and Togo have provided additional units.

185. The multinational force, called MISAB, consists of about 450 troops, has a mandate of three months which is renewable, and receives logistic support from France. France noted that this is the first inter-African peace force – independent, francophone and logistically supported by France – to assist an African country under a diplomatic mandate from other African countries. It considers this as a basis for a multilateral peace force in Africa, organised by African general staffs⁷.

⁶ *Le Figaro*, 17 March 1997.

⁷ *Le Monde*, 15 February 1997.

(b) The United States' initiative

186. During his visit to Africa in September 1996, the then US Secretary of State, Warren Christopher, proposed the creation of a 10 000-strong military force composed of units from various African armed forces, which could be used as an intervention force. The main task of this force would be to protect civilians in civil wars in Africa, among other things by creating safe havens. It was noted that such a force could be used for missions lying half-way between peacekeeping operations – which in principle can only take place after the conclusion of a peace agreement or a ceasefire – and a foreign invasion to take full control of a country. On the other hand, it has to be recognised that such a relatively modest African force will not be the panacea to large-scale violence. Controlling conflicts such as in Somalia or Rwanda would require a bigger intervention force.

187. According to this proposal, the United States, and possibly other foreign powers, would train, equip and, if required, help this African force deploy in theatres of conflict. In particular France and South Africa reacted negatively to this US proposal.

188. On the occasion of the WEU Assembly Presidential Committee's visit to UN headquarters on 10-12 December 1996, Mr Lansana Kouyate, Deputy Secretary-General, Department of Political Affairs, declared that the African force for possible peacekeeping action in Africa, as proposed by the former US Foreign Secretary, Warren Christopher, would be contrary to UN principles.

189. Mr Kouyate said that priority should be given to development of the economy and of democratic government while curbing arms proliferation.

(c) WEU initiatives

190. In the document on "European security, a common concept of the 27 WEU countries", adopted by the WEU Council at its meeting of 14 November 1995 in Madrid, it was said that WEU was in the process of studying the possibility of supporting initiatives taken by the Africans in the field of peacekeeping, notably via regional and sub-regional institutions.

191. Meeting in Lisbon in May 1995, the Council instructed the Permanent Council "to take forward its reflections on peacekeeping and conflict prevention in Africa", in line with the EU's request to WEU to draw up and implement specific measures which could help mobilise African capabilities in UN forces.

192. In Birmingham on 7 May 1996, the Ministers endorsed the Permanent Council's decision to send a fact-finding mission to Africa.

193. In the same month, Belgium declared that, on the basis of its experience in Somalia and Rwanda during its presidency of WEU in the second half of 1996, it was planning to develop relations between WEU and the OAU in the context of peacekeeping operations which the latter carried out in Africa.

194. In August 1996, a WEU fact-finding mission including staff officers from the Planning Cell visited the seat of the Organisation of African Unity (OAU), Ethiopia, Kenya, Tanzania, and Malawi.

195. The Permanent Council later decided to invite the Secretary-General of the OAU to visit WEU in Brussels in order to inform the OAU about WEU's crisis-management procedures, draw attention to common fields of interest and specific cooperation possibilities and discuss the complementary roles of the EU and WEU in conflict prevention and peacekeeping in Africa. It was thought that the discussion could also focus on ways of improving the existing capabilities of the OAU, sub-regional African organisations and African countries that might contribute troops for peacekeeping and of establishing better contacts between WEU and the OAU. To date, no such visit has yet taken place but WEU is continuing to explore possibilities for cooperation with the OAU.

196. In that framework, the Permanent Council considered the possibility of maintaining contacts with the appropriate technical working groups of the OAU through the WEU Politico-Military Group.

197. The 28 WEU countries were invited to examine ways in which they might support the OAU, sub-regional organisations or African countries in the framework of peacekeeping using various means, such as:

- putting equipment for communications or logistical support at the OAU's disposal;
- making a contribution to the formation and training of troops in Africa or Europe

198 The Politico-Military Group recommended the Council to give WEU a clearing-house role, to be assumed by the Planning Cell. The Planning Cell should in particular be a point of contact for the training needs of the OAU, sub-regional African organisations or African countries. It should identify regional training centres and keep a record of any support needs they may have.

199. The Planning Cell could also be the point of contact for the material needs of the OAU, sub-regional African organisations or African countries. Acting upon decisions taken by the Ministerial Council at Ostend in November 1996, the Planning Cell has now established databases for offers of training from European nations to African countries.

200. As noted earlier in the present report, in November 1996 WEU was prepared to meet the EU's request that it contribute with military means and expertise to the implementation of EU initiatives in the crisis in Zaire.

201. In preparation for further possible EU/WEU activities in this connection, several initiatives were taken.

202. At the proposal of the EU "African" working group, the Belgian Presidency of WEU made a contribution to the discussion at the ministerial meeting between the EU and the South African Development Community (SADC) at Windhoek on 14 and 15 October 1996.

203 The WEU Politico-Military Group has also proposed that WEU establish contacts with the OAU organs charged with peacekeeping, and with the Intergovernmental Committee for Defence and Security (ICDS) of the SADC in order to intensify cooperation.

204 One wonders why so many initiatives and efforts did not lead to any tangible action, while the crisis in the Great Lakes region lingered on, entailing an appalling humanitarian disaster for hundreds of thousands of refugees?

205. To answer this question, it may be best to refer to what the Belgian Defence Minister, Jean-Pol Poncelet, said when, representing the Presidency of WEU, he addressed the WEU Assembly in December 1996. Mr Poncelet recalled that in Ostend, WEU had confirmed that it was prepared to respond to the requests of the European Union in the field of peacekeeping in Africa and that it was in a position to offer its availability to contribute to the UN operation. He regretted that indecision on the part of the international community had not provided WEU with the opportunity to act upon this readiness. He ventured that "the effectiveness of WEU is hostage to the political will of each of its members. The lack of common vision and solidarity threatens it with paralysis".

(d) An EU-ACP initiative?

206. At its March 1997 plenary session, the joint EU-ACP Assembly asked the European Council to examine the possibility of creating, in cooperation with WEU, a European corps including civilian and military units, charged with implementing peacekeeping and peace-enforcement operations and creating a European civilian corps, in particular to reinforce humanitarian action.

207 In view of the considerable reluctance shown by European countries to deploy their military forces in Africa, the idea of creating a mixed civilian and military corps for peacekeeping and peace-enforcement seems far too ambitious⁸.

VIII. France's military presence in sub-Saharan Africa

208. At the time of Africa's decolonisation, France, which did not share the superpowers' bipolar world view, developed its own policies for maintaining its relations with sub-Saharan Africa and its influence in the region. Its main objective was to maintain peace and stability with a view to protecting its economic and political interests. Between 1960 and 1979, France signed defence agreements with eight Central African states, which included a non-automatic French guarantee in the event of aggression. These agreements allow African

⁸ *Europe* No. 6942, 26 March 1997.

states – when attacked – to call on French forces to help re-establish their internal or external defences and are accompanied by special agreements for maintaining order. In exchange, France is entitled to station troops and equipment and the necessary infrastructure in those states.

209 Through military assistance agreements, France provides general logistical support and equipment, forces' training by providing officers for military academies and training in France, advice and assistance, maintenance and specific logistical support in crisis situations.

210. In the recent past, France has been involved in three different forms of intervention for the purpose of

- restoring the internal situation within a country (e.g. Cameroon, from 1957 to 1963),
- stopping subversive wars supported from outside (e.g. the Shaba wars in Zaire in 1977 and 1978);
- protecting a state against a foreign aggressor (e.g. the war between Chad and Libya).

211. Intervention by France has always been based on a call for help from the government under attack. In such cases, the French Government has tended to refer primarily to the need for a stronger French presence in order to protect soldiers and infrastructure, French citizens and other foreign residents and organise their evacuation if necessary, and only secondarily to the call for help from a friendly nation associated with France through defence agreements.

212. The reason why France has placed so much emphasis on the relationship with African armed forces is that specific circumstances have led it to believe that military institutions are often the sole anchor for states in which the political situation is highly volatile.

213. The early 1990s, and the new call for democratisation, fundamentally changed the nature of the threat. States not prepared to manage the new political reality were faced with sudden outbursts of violence within their territory and found that their security and defence policies provided no answer.

214. The risk of interstate clashes is very low since, at present, most African armed forces do

not have the capability to wage an organised war or conduct proper battles.

215. In its 1994 Defence White Paper, France proposed a redefinition of its policy on military intervention under bilateral defence agreements. The main purpose of such intervention would be the “re-establishment of the territorial integrity of a friendly country, interposition in order to terminate a conflict, protection of local populations and return to civilian order”

216. Theoretically, this definition no longer includes intervention in the internal affairs of a state in order to protect a particular regime.

217. Nevertheless, recent events in Central Africa have highlighted some anachronism and ambiguity in existing Franco-African defence agreements which, at the time of their conclusion, were generally based on a “parent-child” type of relationship.

218. At present, France has a total of 8 200 troops stationed in a number of French-speaking African countries. At the beginning of 1997, they were distributed as follows:

Senegal	1 310 troops
Ivory Coast	580 troops
Gabon	630 troops
Cameroon	80 troops
Chad	880 troops
Republic of Central Africa	2 050 troops
Djibouti	3 500 troops

219. The French Defence Minister, Charles Millon, recently declared that France may reconsider its military structure in Africa. He said that while maintaining the same operational efficiency, it was possible to reconsider the bases and rotation arrangements for troops from France. In future, France also intends to rely more on air transport for reinforcement of its military presence in Africa if so required and explained that Government thinking centred on two aspects: first, the increasing number of crises with the attendant risk of African states “imploding” – the most recent examples being Zaire and Central Africa – and the resulting tension that would threaten other countries and involve France had obliged the French Government to review the conditions in which Paris had signed eight

defence agreements and no less than 23 military cooperation and technical assistance protocols during the 1960s and thereafter. Secondly, the planned reduction of military forces in France, combined with the move to professional armed forces, implied more economic restraint in respect of troops that would be deployed wherever necessary in order to come to the aid of a country under attack⁹.

220. It is suggested that apart from Djibouti, which will continue to accommodate two regiments, only one regiment with operational and support units will be stationed in each of the other zones in Africa (Senegal, Ivory Coast, Gabon). In Chad and the Central African Republic, combined units detached from various garrisons in France will be rotated. Any future changes will be decided in consultation with countries with which France has defence agreements. On the other hand, this revised presence bears no relation to the activities of the Military Cooperation Mission (MMC), dependent on the Ministry for Cooperation, in the 23 African countries which have signed military cooperation and assistance agreements¹⁰.

221. In the future, France will rely more on air transport to reinforce its military presence in Africa, if so required. France may also become less eager to intervene in internal conflicts after its recent experiences in the Central African Republic and Rwanda.

IX. The rapprochement between France and the United States on Zaire

222. The crisis in the Great Lakes region has revealed differences between the United States and France in their policy towards sub-Saharan Africa. Seen in a historical perspective, these differences are quite understandable but unfortunately they may have hampered an early solution of the crisis.

(a) The United States

223. During the cold war, the United States, as one of the two superpowers in the bipolar world, was an important player on the African con-

continent. Its leitmotif was to stem its adversary's progress on that continent

224. After de-Stalinisation, the Soviet Union started to promote peaceful coexistence throughout the world. As part of this policy, it provided political and military support to national liberation movements in countries that were still colonies, at the same time supporting opposition movements in newly independent African states with close relations to the Western camp.

225. United States policy principally consisted of restricting the influence of the Soviet Union and Gaddafi's Libya. Its strategic interests in sub-Saharan Africa were mainly a consequence of its exploitation of strategic raw materials in central and southern Africa and of its concern over possible Soviet intervention in the regions where these were to be found and in areas adjacent to the sea lanes used for the transport of oil from the Middle East.

226. This firmly embedded United States policy lost its *raison d'être* with the end of the cold war and the collapse of the Soviet Union. With Africa no longer one of the battlefields for the struggle against communist influence in the world, the United States lost part of its interest in the continent. On the other hand, a section of the United States foreign policy community still takes the view that healthy economic development in Africa could prevent African countries from relying too heavily on western economies for survival in the future. It rightly considers that a continent of more than 600 million inhabitants cannot be excluded and marginalised from the world economy without disastrous consequences in a more distant future. There is an awareness that armed conflicts in Africa are against Western interests because they obstruct vital economic development and cooperation.

227. At the same time, the United States sympathises with any African state that is willing and able to provide support in the fight against expansionist Islamic fundamentalism, Uganda, Ethiopia and Eritrea being recent examples.

228. Most analysts, however, agree that the United States has no specific overall African policy and that it tends to react to events as they occur, with the prematurely aborted operation in Somalia being the most poignant example of a rather haphazard policy.

⁹ *Le Monde*, 6 March 1997.

¹⁰ *Le Monde*, 11 January 1997.

229 Following this disastrous experience, one leitmotif has certainly become that it does not wish to get involved in anything that might lead to an armed intervention in Africa.

230. The warm relations between the United States and President Mobutu cooled off considerably after the end of the cold war. When it became clear in the early 1990s that Mobutu was obstructing democratic elections, power-sharing with other political movements and economic reform, the United States tried to isolate Zaire by denying it economic and military aid and reducing contacts at all levels.

231. On the other hand, it never actively sought President Mobutu's removal from power, thinking that he was the only leader who could prevent the break-up of Zaire into different parts. Splitting the country into several states was thought to be even more disastrous for the region than the continuing dictatorship of Mobutu Sese Seko. Meanwhile, the United States supported the new leaders of Uganda and Rwanda in implementing free market reforms. These were also the leaders who actively supported a rebellious movement in Zaire led by Laurent Kabila. When the rebellion became increasingly successful in its drive to occupy the whole territory of Zaire and to remove President Mobutu, it was said by many that the rebellion was the result of the United States' secret agenda in that region. It is too early to confirm such suspicions. It cannot be denied, however, that with the increasing success of the rebellion, the United States has come to see it as the best chance to remove President Mobutu. United States policy has mostly been driven by events and it has certainly not done anything to halt the rebellion. Although Mobutu's departure is now taken for granted, the United States is not certain about what is going to happen next. It considers a more representative government is the only viable long-term formula for stability in the country, but it is aware that rebel leader Laurent Kabila is not really interested in accountable and democratically elected government

(b) France

232. France has considered its relations with sub-Saharan Africa from a different perspective. After decolonisation, it maintained a very close relationship with its former colonies, which it continued to support economically and militarily.

Through this relationship, which it also enjoyed with other French-speaking African states, it was able to continue playing an important role in the world and the United Nations. African states are an important element of the French-speaking world. France's limited but efficient military interventions in friendly sub-Saharan African states have in most cases been successful, preserving these states from chaos and disaster.

233. Throughout President Mobutu's reign, France has been among his most loyal supporters for slightly different reasons from those of the United States. France considered President Mobutu as the best possible guarantor of the unity and territorial integrity of Zaire.

234. France's trade with and investment in Zaire is modest as compared with both Belgium and the United States. It has, however, always considered Zaire essential to the French presence on the continent, not least because Zaire is the world's second-largest French-speaking country.

235 France is particularly worried about the consequences of a possible break-up of Zaire for other countries in the region.

236 Therefore, the French Government has strongly promoted the idea of an international conference on the Great Lakes region in order to try to establish some basic rules of the road for acceptable behaviour in relations between states in the region. Among other things, France takes the view that states should not support armed rebellions against other states.

237. In the early 1990s, France joined other Western countries in urging President Mobutu to give up power and when it became clear that Mobutu obstructed democratic reform, it joined them in freezing its relations with Zaire. In 1994, France resumed some civil development aid but continued to observe the general embargo on military equipment and training.

238. After the assassination of Rwandan President Habyarimana, France's long-standing ally, and the ousting of his regime by rebellious and allegedly Anglo-Saxon oriented Tutsi forces, France started to worry that other sub-Saharan African countries with ties with France might interpret this as an important sign that France's supremacy in that region was no longer unchallenged.

239. As soon as the Tutsi-inspired rebellion in Eastern Zaire under Laurent Kabila started to take shape with potentially disastrous consequences for the predominantly Hutu refugee population in that area, France started advocating the dispatch of a multinational military force on a humanitarian mission in order to protect relief workers in their humanitarian endeavours to assist refugees.

240. In the end, this humanitarian operation failed to materialise partly because many critics were afraid that a humanitarian force could develop into an interposition force, protecting the regime of President Mobutu against the advancing troops of the rebellion

241. At the beginning of March 1997, France made a last attempt to persuade its European partners to support international intervention in Zaire, in particular to establish an air corridor to ferry aid to more than 200 000 refugees who had fled their camps. Other EU states made it clear, however, that they would not approve any proposal that would involve the sending of troops. United Kingdom officials said that they could not contemplate "any kind of force being sent unless there is a ceasefire"¹¹

242. After the failure of this new attempt, France had no choice other than to give up and it then turned all its attention towards actively supporting the peace plan drawn up by the special envoy of the UN and OAU, which was to be adopted by the Security Council on 19 February 1997 and which among other things envisaged an immediate ceasefire.

(c) Cooperation

243. It is no secret that there is deep and long-standing suspicion between France and the United States over Africa but in recent weeks they have gradually modified their opposing views on the conflict in Zaire. France has played down its call for humanitarian intervention in Eastern Zaire, while the United States now seems to share the French view that a quick military victory by the rebels will not solve the problems in Zaire.

244. At the same time, France has now accepted the view that President Mobutu has no

choice other than to step down and try to cut his losses .

245. At the end of March 1997, France and the United States launched a joint diplomatic initiative to push for a ceasefire and for talks between President Mobutu and the rebels. Specific steps were taken to advocate this approach in the African countries that were to attend the OAU summit in Lomé, where the organisation's conflict-prevention body would also meet to discuss the crisis in Zaire.

246. It makes little sense to try to turn Zaire into a bone of contention for influence in the region, as has been suggested by contrasting United States and French opinions in the early phase of the crisis. Neither of these states can afford to haggle over influence, prestige and strategic differences in this part of the world. Only cooperation and coordination between the countries which can exercise influence will help the entire region to overcome the present crisis.

X. Europe's reaction to the crisis in Eastern Zaire in late 1996

247. At the end of October 1996, international attention focused on the situation in Eastern Zaire, where a serious crisis was developing. Zaire had started efforts to expel the Banyamulenge, a Tutsi community which had been living in that part of Zaire since the last century, but which were still denied citizenship. The government operation had caused a rebellion of the Banyamulenge which, in combination with rebellious activities of the Alliance of Democratic Forces for the Liberation of Zaire-Congo (ADFL) was developing into an outright war with the objective of ousting President Mobutu Sese Seko's regime.

248. The advance of the Tutsi Banyamulenge and the ADFL provoked a huge humanitarian crisis that threatened the estimated 1 000 000 Rwandan refugees in the Kivu region. These refugees, mainly Hutu, had been living in Zaire since 1994, having fled the advance of the mainly Tutsi Rwandan Patriotic Front after the genocide massacres of Tutsis and moderate Hutus earlier that year

249. The remains of the Interahamwe militia, which had mainly been responsible for the massacres, had taken refuge in Zaire and had

¹¹ *International Herald Tribune*, 14 March 1997.

mixed with other Hutu refugees. They exerted strong pressure on the refugees to remain in Zaire, suggesting that they would be killed or arrested upon their return to Rwanda. With the advance of the unfriendly Hutu rebellion, many refugees were thought to be in danger of losing their lives through massacre or starvation.

250. On 28 October, the European Union called for an immediate ceasefire. It sent its special envoy for that region, Aldo Ajello, to Africa in order to facilitate the dialogue between Zaire and Rwanda. After a discussion with Emma Bonnino, the European Commissioner for humanitarian aid, it asked the Commission to make proposals on humanitarian aid for the refugees in the Great Lakes region.

251. The EU Council also requested the Committee of Permanent Representatives to submit to it, for its meeting at the end of November or even before, a proposal for joint action in support of the process of transition to democracy in Zaire that was to include among other things the formation of an independent European electoral unit working in close cooperation with that of the United Nations, a contribution to the UN Trust Fund (both initiatives were initially to be funded under the 1996 CFSP budget output) and a conditionality clause under which the Council reserved the right to withdraw its assistance at any time if it considered that the parties and institutions in Zaire were not complying with the obligations and principles set out in the Agreement on transition or were not demonstrating a full commitment to establishing democracy in Zaire.

252. On 4 November, at a Franco-Spanish summit meeting, the French President, Mr Chirac, and the Spanish Prime Minister, Mr Aznar, declared that their countries were prepared to participate in a multinational force to provide security in the Kivu region. This force, a decision on which had to be taken by the Security Council, should soon be replaced by an African force.

253. The Belgian Minister for Foreign Affairs, Erik Derycke, after a meeting with his Rwandan counterpart, Anastase Gasane, declared that Belgium was in favour of the creation of safe humanitarian corridors in order to come to the assistance of the refugees. Military protection,

he said, should preferably be assured by African troops.

254. At the beginning of November, France and Spain, seconded by other countries, formally tabled a proposal to deploy a 5 000-strong multinational UN-sponsored force. Many countries and aid organisations were concerned that aid would be denied to the Interahamwe, who often terrorised refugees and exercised control over aid supplies in the refugee camps. The Franco-Spanish initiative was supported by a number of African countries including South Africa and by Canada, the United Kingdom and the United States.

255. On 7 November 1996, an extraordinary meeting of the Development Aid Ministers of the European Union took place with the participation of the Commissioner for humanitarian aid and representatives of the United Nations and the International Red Cross. The objective of this meeting was: "(a) to exchange information on the "serious situation" on the ground; (b) to reach a consensus in the EU and its member states on the "operational humanitarian response" to make in view of the crisis; (c) to see how to ensure that humanitarian actions were conducted effectively and in a coordinated manner"

256. Again, no decisive action was taken, notwithstanding the useful exchange of information between the different organisations involved. In their declaration, the fifteen ministers:

(i) reaffirmed the EU's determination and commitment to do all in its power to help and assist the vulnerable people in Eastern Zaire, in order to prevent an even greater human tragedy and avoid a potential catastrophic humanitarian disaster in the region;

(ii) reiterated the EU's point of view according to which these complex questions may only be resolved by dialogue and entreated all parties concerned, including Rwanda and Zaire, to begin such a process as soon as possible;

(iii) expressed their total support for the efforts of the UN and OAU and regional leaders to this end, confirming the EU's commitment to continuing supporting them;

(iv) backed the appeal made by African Heads of State in favour of an immediate cease-fire that should be strictly respected in order to allow for an intensification of diplomatic efforts;

(v) shared the views of the African leaders on the importance of Zaire's territorial integrity, the end of cross-border incursions and the inalienable rights of people;

(vi) warmly welcomed the appeal in favour of the immediate setting-up of safe corridors and temporary sanctuaries inside Zaire, in order to facilitate humanitarian aid and the repatriation of refugees. The Fifteen took note, regarding this, of the request made at the Nairobi Summit of the Council of Europe for a "neutral force" to be deployed;

(vii) whence, noted that special arrangements were urgently required and that action was being taken by the Security Council;

(viii) stipulated that the French and Spanish Ministers set out their proposals aimed at establishing a "temporary force with strictly humanitarian objectives with a view to being able to deliver aid to the populations concerned".

257. Commissioner Emma Bonino once again emphasised that there was a need for better security for both the humanitarian aid workers and the refugees. The Chairman of the meeting said that the EU was ready to help, but that this could not be done if there was no security. Ministers asked the Security Council to provide the security framework for which Africa itself was asking.

258. Mr Ajello said the African countries wanted a neutral force under UN command with a mandate to protect temporary corridors and safe havens. This did not require a huge force.

259. When the European Union Troika and Commissioner Bonino visited Rwanda and Zaire on 10 and 11 November 1996, they asked the UN Security Council to take an immediate decision to send a multinational force to the Kivu region of Eastern Zaire in order to protect humanitarian convoys.

260. According to the Commission, a consensus was reached by the European Union, the authorities in Rwanda and Zaire and the UN special envoy on the need to deploy a neutral, multinational military force in the region. They also agreed that re-establishing the *status quo* that had existed before fighting broke out was not possible in view of the fact that permanent refugee camps were considered to be too destabilising and that refugees should be encouraged to return to their country of origin.

261. Commissioner Bonino later declared that the mandate of a multinational military force should include the following tasks: deliver food; protect the refugees, material and humanitarian aid workers; facilitate voluntary return and disarm the armed refugees. On 14 November 1996, prior to the definition of a mandate, preparations started for the dispatch of a multinational 15 000-strong Canadian-led force in pursuance of Chapter VII of the UN Charter.

262. The next day, hundreds of thousands of refugees started to leave their camps and go back to Rwanda after the ADFL and other armed units attacked the Interahamwe in the Mugunga refugee camp.

263. Although there was great uncertainty over the number and whereabouts of refugees still wandering around in Eastern Zaire, the return of the majority of refugees led to hesitation over the need to send a multinational force. While France remained insistent, the United States withdrew its commitment to send ground troops and South Africa and the central African countries no longer saw the need for a military force.

264. Despite these less than encouraging developments, on 16 November the UN Security Council adopted Resolution 1080 including a mandate for the multinational force to be sent to Zaire on a humanitarian mission.

265. On 19 November 1996, the WEU Council of Ministers met in Ostend under the Belgian Presidency. The WEU Council issued a special declaration on the situation in the Great Lakes region.

266. In that declaration, it emphasised the need to find a solution to the humanitarian crisis:

"Ministers expressed their deep concern at the continuing humanitarian crisis in the Great Lakes region. They reaffirmed their

determination fully to contribute to the international efforts to alleviate the immediate sufferings of displaced persons, refugees and civilians in Zaire and Rwanda and to promote their voluntary, secure and orderly repatriation. They considered that the massive return of hundreds of thousands of refugees during the recent days may open the way to the necessary long-term solution of the deeper causes of the present crisis”.

267. Following the earlier declarations by the European Union:

“Ministers stressed the urgent need for an international conference on peace, security and stability in the Great Lakes region under the auspices of the United Nations and for the OAU to address the problems of the region in a comprehensive way”.

268. Ministers further made it clear that in their view the return of refugees to their country of origin was one of the keys to a solution of the crisis in the region. Therefore, they

“called on the Government of Rwanda fully to seize the opportunity to restore confidence and contribute to a political solution by facilitating the return of the refugees and securing their resettlement in Rwanda. They hoped that the resettlement of the refugees would take place in an harmonious atmosphere of national reconciliation. Ministers stressed the readiness of WEU nations to step up their humanitarian aid in order to cover the immediate needs of the returning refugees”.

269. According to their declaration, Ministers still agreed on the need for a multinational force because they

“welcomed the adoption of United Nations Security Council Resolutions 1078 and 1080 concerning the establishment for humanitarian reasons of a temporary multinational force to facilitate the immediate return of humanitarian organisations and the effective delivery by civilian relief organisations of humanitarian aid to alleviate the immediate suffering of displaced persons, refugees and civilians at risk in Eastern Zaire, and to facilitate the voluntary, orderly repatriation of refugees

as well as the voluntary return of displaced persons”.

270. At their Ostend meeting, Ministers further discussed the contribution WEU countries might make to implement UN Security Council Resolution 1080. In this respect,

“Ministers asked the Permanent Council to task the relevant WEU bodies – Planning Cell, Situation Centre, Satellite Centre and Politico-Military Group – to:

- study possible assistance by WEU with the delivery of EU humanitarian aid to the theatre,
- consider what assistance could be given to contingents from African nations which might in due course be deployed to the region, in particular in the field of training;
- collect and circulate, with the assistance of WEU nations, information on their national contributions to the operations;
- keep the Council informed of the situation in the Great Lakes region, on the basis *inter alia* of information provided by WEU nations;
- keep under review ways in which WEU might contribute to the provision of logistic support to the envisaged multinational operation, including demining, medical and engineering support”.

271. Apparently, the meeting had also revealed some cracks in the member countries’ determination to become involved in a military operation, even though it was solely for humanitarian purposes, because “finally, Ministers tasked the Permanent Council, in continuing to monitor the situation closely, to examine what consequences the rapidly changing situation on the ground might have on the options for possible WEU involvement”.

272. In fact, the objective of the Belgian Presidency was essentially to give WEU a coordinating role. However, some countries – in particular the United Kingdom and the Netherlands – expressed reservations in this respect, especially as the refugees had just started to

return to Rwanda in large numbers and because a military planning meeting was to take place in Stuttgart within a few days with the countries which had promised to contribute to the multinational military force. It was decided that an officer of the WEU Planning Cell would attend the Stuttgart meeting.

273. After the Ostend meeting, the Belgian Defence Minister, Jean-Pol Poncelet, regretted that the Presidency had been obliged to limit its ambitions because certain countries did not want greater involvement of WEU.

274. On 21 November 1996, the Irish Presidency, representing the European Union, declared that the Union was seriously concerned by the situation in southern Kivu (in Eastern Zaire). It asked all the parties involved to show moderation and do what was necessary to prevent an open conflict spilling over the border into Rwanda.

275. It said that it was monitoring the situation closely and that its special envoy in the Great Lakes region, Aldo Ajello, had met with the authorities of both Zaire and Rwanda. The Union supported the efforts being made by the United Nations to promote a peaceful settlement of the situation. Finally, it was strongly convinced that the problems outstanding could only be solved through dialogue.

276. That same day, the European Commission declared that the European Union needed to become more involved by providing emergency aid and should take action to relaunch the political dialogue.

277. The European Union again insisted that the crisis had to be solved by peaceful means. It promised all its support for an early dialogue between the authorities of Zaire and Rwanda and endorsed the efforts of the United Nations, the Organisation for African Unity and regional leaders to achieve a peaceful settlement of the crisis in southern Kivu.

278. The European Union thought the crisis in southern Kivu demonstrated how urgent it was to deal effectively with the huge problems posed by the presence of over a million refugees and displaced persons in the Great Lakes region. It considered a strategy for solving the refugee problem was a key element in the search for a

global and lasting solution to the problems of the region as a whole

279. The Union reaffirmed that in its view a regional conference on peace, security and stability in the Great Lakes region – held under the auspices of the United Nations and the Organisation for African Unity – had a crucial role to play in finding such a solution. It called upon all the parties to redouble their efforts so that such a conference could be held

280. Later, on 22 November 1996, the Development Council of the European Union adopted a decision in which it requested WEU to urgently examine how it might contribute to making the best use of the available operational assets that concerned it, in order to assist with the repatriation of refugees in the Great Lakes region. The Council noted that as the joint action it had already adopted for the region had defence implications and might, among other things, require the use of military means, it was appropriate to have recourse to WEU. The latter's reaction to this request is described in paragraph 295 of the present report.

281. At a meeting in Stuttgart on 22-24 November 1996, in which more than 30 Western and African states and relief agencies participated, military representatives agreed on a number of different options for intervention in the Great Lakes region. These options ranged from the zero option of not sending any troops, to the establishment of a large military force with headquarters in the region, capable of mounting a relief operation with self-supporting logistics back-up.

282. At the meeting, the number of known refugees was estimated at 250 000 while there were perhaps 300 000 more whose presence had not yet been confirmed by aerial reconnaissance. The different options for military action were forwarded to governments for an urgent decision on what course of action should be taken.

283. After this meeting, the Canadian General Maurice Baril, designated commander of the multinational force, indicated that it would have to be purely humanitarian and politically and militarily neutral. Its size would depend on the number of refugees wishing to return to their home country.

284 On 29 November 1996, an agreement was finally concluded between 14 countries to launch a military humanitarian mission in order to provide relief for refugees.

285 It should be noted that on 25 November 1996, the Government of Rwanda announced that it would not authorise a multinational force to enter its territory. That same day, the European Union's Council of Ministers for Foreign Affairs met with its special envoy, Aldo Ajello, for an update on the situation. The Ministers thought that the dispatch of an international force in order to provide assistance for the refugees was still needed. France and Spain recalled that they were ready to participate in such a force, but the United Kingdom's Minister for Foreign Affairs declared that it was difficult to take a decision without having a global view of the situation.

286 Noting that in the United Nations Security Council, discussions on the implementation of Resolution 1080 were continuing, the Council recalled the European Union's contribution to the United Nations's effort to solve the crisis in the region and its decision to ask WEU to elaborate and implement certain aspects of this common action

287. Commissioner Bonino on 26 November 1996 again called for emergency military intervention by the international community in order to provide assistance to the refugees in Eastern Zaire. On 6 December, the Belgian Foreign Minister criticised the Canadian Government which, through its Defence Minister, Douglas Young, had declared that an intervention force had become useless. He also regretted the "slowness" of procedures within WEU where nothing had happened since Ostend when it had declared its readiness to participate in a humanitarian operation.

288. At its Dublin summit meeting on 13 and 14 December 1996, the European Council reiterated the need for action. Among other things, it declared that the situation was still critical in humanitarian terms, particularly in Eastern Zaire, and required the international community to act swiftly and decisively. Stressing the need for flexibility in view of the rapidly changing situation on the ground, the European Council considered that it was necessary to quickly assess the implications of the latest

developments for the implementation of the United Nations Security Council resolutions concerning the establishment, for humanitarian purposes, of a temporary multinational force. In this connection, the European Council reaffirmed the European Union's resolve to contribute fully and as a matter of urgency to the efforts in question, in accordance with the joint action taken on 22 November 1996, the associated Council decision adopted on that date and the WEU ministerial declaration of 19 November. It welcomed the Commission's proposal for a comprehensive strategic plan of action concerning EU aid for the Great Lakes region.

289 The Council welcomed the initiative of the heads of state of the region to solve the problems of Eastern Zaire by dialogue and emphasised the vital importance of respect for the territorial integrity and the sovereignty of Zaire and the search for a peaceful solution to the conflict.

290. On 23 December 1996, the United Nations Security Council formally terminated the multinational force under Canadian command which had never been deployed. Only a few hundred troops of this force, based on Security Council Resolution 1080 of 16 November 1996, had been deployed in Uganda. Canada had already declared on 13 December that there was no longer any *raison d'être* for it.

XI. WEU and the crisis in Zaire

291. At the same time WEU, on its own initiative, started considering its involvement in the operations being prepared in the framework of the United Nations. On 15 November, the WEU Permanent Council asked the Planning Cell to examine options for possible WEU involvement in the Great Lakes region.

292. The Planning Cell, which had been following developments for some time already, was able to react very quickly and the next day, 16 November, it formally presented its advice on four possible options as follows:

- 1 the coordination of transport for the multinational force being prepared under Canadian command where, in the opinion of the Planning Cell, WEU could not make a useful contribution;
2. the coordination of transport for the humanitarian aid operation being prepared

by the European Union, which was considered to be wholly feasible;

3 the coordination of training for military units which African countries might provide for the multinational force. The Planning Cell considered it too late to train the first units, but training could be provided for units being prepared for rotation,

4. possible wider support and logistics for the multinational force and the humanitarian operation. According to the Planning Cell, WEU could not provide added value for the multinational force but it could play a useful wider role for the humanitarian operation.

293. The Permanent Council immediately agreed to the advice of the Planning Cell, which was presented to the Ministerial Council. At its meeting in Ostend on 19 November, the Council took account of the advice of the Planning Cell, as is evident in paragraph 3 of the "Ministerial declaration on the situation in the Great Lakes region", quoted in paragraphs 265-271 of the present report.

294. On 22 November, the Development Council of the European Union, in application of Article J 4.2 of the Treaty on European Union, requested WEU to examine ways in which it might contribute to making the best use of the available operational assets in order to assist with the repatriation of refugees in the Great Lakes region.

295 This request resulted in the Planning Cell giving advice to the WEU Permanent Council on 2 December, including more specific answers as regards the possibilities of performing a number of tasks. In particular, the Planning Cell replied that it was feasible for WEU to be involved in the provision of transport aircraft for the civil humanitarian operation and in the delivery of humanitarian aid with military transport. The Planning Cell further confirmed the feasibility of assistance in the field of training to be given to military units from African nations which might in due course be deployed in the region.

296. Meanwhile, a Planning Cell staff officer had helped to plan a meeting for the multinational force which took place in Stuttgart on 22-24 November, while later on a Planning Cell officer was deployed in Kampala, where

units for the multinational force had started to assemble.

297. On 6 December, the WEU Permanent Council accepted the advice of the Planning Cell and reported to the European Union.

298. In WEU, the Presidency made every effort to obtain agreement on the active involvement of military resources in the area of operations but in the end consensus could only be reached on a role for the Planning Cell to coordinate offers coming from the various WEU countries. Disappointed by this minimalist attitude, those who had been arguing for more active WEU involvement decided no action at all was better than minimalist action and the idea of active WEU involvement was eventually abandoned completely.

299. From the beginning of the crisis, all the relevant organs of WEU including the Planning Cell, the Satellite Centre, the Situation Centre and the Intelligence Section, have been monitoring developments on the instructions of the Permanent Council.

XII. The UN-OAU peace plan

300. At the end of January 1997, the new Secretary-General of the United Nations, Kofi Annan, nominated Mohamed Sahnoun to be the joint special representative of the United Nations and the Organisation for African unity for the Great Lakes region. According to his mandate, Mr Sahnoun was charged with finding a peaceful solution to the different conflicts of the region, with preparing an international conference and preserving the unity and territorial integrity of Zaire.

301. In an interview given after his appointment, Mr Sahnoun declared that there was no need to draft a mini-Marshall Plan for the whole region, integrating humanitarian, economic and social aspects. As regards the rampant illegal arms trade in the region, he was hoping that the great powers would show exemplary conduct. They should also reduce their intervention and make sure they exerted a positive influence in the region.

302. After many consultations with the parties involved in the crisis, other African states, the European Union and its member states and the United States, Mr Sahnoun drafted a peace plan.

303 On 18 February 1997, the United States Security Council unanimously adopted Resolution 1097, including the five basic elements of this peace plan:

- an immediate ceasefire;
- withdrawal of all foreign forces, including mercenaries;
- confirmation of the respect for the national sovereign and territorial integrity of Zaire and the other states of the Great Lakes region;
- protection of all refugees and displaced persons and easy access for humanitarian action;
- rapid and peaceful settlement of the crisis through dialogue, elections and the convening of an international conference on peace, security and development in the Great Lakes region.

XIII. WEU operations and the United Nations Charter

304. The Petersberg Declaration of 19 June 1992, which is still a basic document for WEU's activities, states that:

“Decisions to use military units answerable to WEU will be taken by the WEU Council in accordance with the provisions of the United Nations Charter”.

305. Obviously, WEU will always take care to ensure that its operations, whether in application of Article V or Article VIII of the modified Brussels Treaty, are legitimate and in accordance with the rules of international law¹².

306. Operations on the basis of Article V are covered by Article 51 of the UN Charter, which among other things stipulates that:

“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United

Nations, until the Security Council has taken measures necessary to maintain international peace and security”

307. The legal basis for WEU out-of-area operations can be found in Article VIII, paragraph 3, of the modified Brussels Treaty which states

“At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability”.

308. Furthermore, it should be noted that WEU's Rome Declaration of 1984, The Hague Platform on European Security Interests of 1987 and the document “European security a common concept of the 27 WEU countries” refer to possible WEU out-of-area operations.

309. In the Rome Declaration, ministers decided “to hold comprehensive discussions and to seek to harmonise their views on the specific conditions of security in Europe”, but they added that they might “also consider the implications for Europe of crises in other regions of the world”.

310 In The Hague Platform, ministers of the WEU member states emphasised that they would “concert (their) policies on crises outside Europe in so far as they may affect our security interests”.

311. The document “European security: a common concept of the 27 WEU countries”, adopted in Madrid in November 1995, identified common interests, risks and potential threats, and also “Europe's new responsibilities in a new strategic environment in which Europe's security is not confined to security in Europe, and in which Europe has acquired the capability to make its own contribution to the building of a just and peaceful world order”.

312. In the same document, it was further stated that “As the defence component of the European Union and as a means to strengthen the European pillar of the Atlantic Alliance, WEU is in a position to respond to many of the challenges identified in the politico-military field”.

¹² Refence is made here to *The role of the Western European Union (WEU) in the maintenance of international peace and security*, by Luisa Vierucci in *International peacekeeping*, Volume 2, No. 3, Autumn 1995.

313. The Madrid document of 1995 also mentions the relationship between WEU and the United Nations declaring:

“The United Nations is the global institution responsible for the maintenance of international peace and security. As WEU continues to develop its operational capabilities, it will support, on a case-by-case basis and in accordance with its own procedures, conflict prevention and crisis management measures under UN aegis. WEU should now envisage what expertise, or logistic and personnel contributions could be made available for UN activities in this field”.

314. WEU's first consultations in the framework of Article VIII, paragraph 3 of the modified Brussels Treaty were held in April 1988, when free navigation in the Gulf region was restricted as a consequence of the Iran-Iraq war. This led to WEU's mine-clearance Operation Cleansweep in August 1988, in order to guarantee free navigation in the waters of the Gulf region while supporting UN Security Council Resolution 589 of 20 July 1987.

315. Although there was no formal link, WEU had declared its support for Security Council Resolution 598 of 20 July 1987.

316. On 21 August 1990, some weeks after the invasion of Iraq by Kuwait, WEU ministers lent their support to Security Council Resolution 661 (6 August 1990) on an economic and military embargo. In Operation Desert Storm, WEU countries limited themselves solely to ensuring the supply of munitions, spare parts and equipment to the United Kingdom and French forces in Saudi Arabia. A permanent WEU coordination authority was appointed

317. WEU's Operation Sharp Vigilance in the Adriatic Sea was launched on 16 July 1992 with a twofold purpose:

- to ensure the implementation of the embargo on deliveries of weapons and military equipment to Yugoslavia decreed in UN Security Council Resolution 713 of 25 September 1991;
- to monitor the implementation of the economic sanctions on the Federal Republic of Yugoslavia in compliance

with UN Security Council Resolution 757 of 30 May 1992.

318. At this early stage, WEU's activity was limited to identification via radio of the nationality of ships, their port of departure, destination and cargoes. The measures envisaged in Resolutions 713 and 757, based on Chapter VII of the UN Charter and the Security Council decision, were addressed to “all states” without reference to their possible implementation by way of regional agencies.

319. When tightening the sanctions, in particular in Resolution 787 (16 November 1992), the Security Council called upon “states acting nationally or through regional agencies or arrangements” to help ensure the implementation of the provisions of Resolutions 713 and 757. The ships participating in WEU's Operation Sharp Vigilance were now allowed to include “stop and search actions and other measures as necessary”.

320. As regards the implementation of sanctions on the river Danube, the Security Council, in Resolution 820, addressed itself to “all states, including non-riparian states, to provide, acting nationally or through regional organisations or arrangements, such assistance as may be required ..”.

321. According to the Security Council, Resolutions 787 and 820 – requiring the enforcement of sanctions decreed in Resolutions 713 and 757 – are covered by Chapters VII and VIII of the UN Charter although it does not refer to any particular provision

322. The wording of the abovementioned Resolutions vaguely recalls the text of Article 41 in Chapter VII, in which it is said that “the Security Council may call upon the members of the United Nations to apply such measures”.

323. It should be noted, however, that Article 41 refers to measures “not involving the use of armed force”.

324. Article 42 is the legitimising basis for any “action by air, sea or land forces as may be necessary to maintain or restore international peace and security”. This article also stipulates that “such action may include demonstrations, blockades, and other operations by air, sea or land forces of members of the United Nations”.

325. Obviously, the Security Council can only invite states to make a voluntary contribution to the implementation of the measures it has decided. A derogation from basic principles of international law is clearly only possible if the Security Council determines that a threat to, or breach of, the peace or an act of aggression require actions departing from those principles. Such measures of derogation are legitimate only where they are necessary to maintain or restore peace in the area.

326. Before taking decisions in application of Articles 41 and 42, the Security Council has to apply Article 39 in order to determine whether "any threat to the peace, breach of the peace or act of aggression" exists.

327. For the legitimacy of WEU out-of-area operations, it is important to determine whether WEU is a regional organisation as referred to in Chapter VIII of the UN Charter. Article 53 of the Charter is the only Article which contains an explicit delegation of power from the Security Council to a decentralised authority.

328. Article 52 of the Charter recognises "the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action" on the condition "that such arrangements or agencies and their activities are consistent with the purposes and principles of the United Nations".

329. Although there exists no authoritative explanation of Article 52, it is often assumed that the reference to "matters appropriate for regional actions" only allows for operations by such organisations within the borders of the territory covered by their member states.

330. On the other hand, Article 53 stipulates that: "The Security Council shall, where appropriate, utilise such regional arrangements or agencies for enforcement action under its authority". It should be noted that use of the words "where appropriate" in this article allows for a flexible interpretation which naturally depends on political agreement among the UN member states.

331. All in all, one might conclude that Article 42 in Chapter VII of the Charter is an even more flexible legal basis for coercive action because it

allows for action "by air, sea or land forces of members of the United Nations" without specifying whether such forces act in the framework of an *ad hoc* coalition or of a regional organisation.

332. Finally, it should be noted that according to paragraph 1 of Article 48 in Chapter VII:

"The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the members of the United Nations or by some of them, as the Security Council may determine."

and that paragraph 2 of Article 48 stipulates that

"Such decisions shall be carried out by the members of the United Nations directly and through their action in the appropriate international agencies of which they are members."

333. The conclusion can only be that, if need be, the UN Charter offers sufficient scope to provide a legal basis for WEU out-of-area operations.

XIV. Economic transformation – a priority for sub-Saharan Africa

334. The obvious question which comes to mind is whether conflict prevention, human intervention, peacekeeping and even peacemaking operations are any use if – as has often been the case – they merely replace one governing clan by another without much change in political and administrative habits.

335. It should be emphasised that, in the first place, it is the responsibility of African governments to ensure the peaceful, secure and prosperous future of their countries. As long as political and financial-economic elites do not feel more responsible for the socio-economic development of their entire society, there is no place for Africa in the developing world.

336. Any foreign intervention or assistance in crisis situations will come to nothing and would only lead to the further neglect and abandonment of sub-Saharan Africa in particular if no addi-

tional efforts are made to establish or reinforce democracy and carry through economic reform. A number of reports on the economic outlook for Africa, which have recently been published, corroborate this view.

337 In a recent report on the implications of the globalisation of industry for developing countries, the United Nations Industrial Development Organisation made a critical appraisal of the general economic situation in Africa¹³.

338. The report recognises that Africa has excellent potential for investment and growth in agriculture, mining, tourism and the agro-industry. It adds, however, that formidable challenges still have to be overcome, such as poor management, inadequate levels of savings, a weak infrastructure, shortages of skills, low productivity, high transport costs and strong competition from other developing regions. Progress must be made on several fronts simultaneously. Policy makers in Africa, says the report, "must tackle trade, fiscal policy, law and order, transparency and accountability, infrastructure, human resource development, privatisation, agricultural development and industrial strategy".

339. Because of the abovementioned serious shortcomings, in the first half of the 1990s sub-Saharan Africa (excluding South Africa) attracted only US\$ 3.7 billion of direct foreign investment, little more than 3% of the total direct foreign investment flow to all developing countries.

340. Sub-Saharan Africa's share in global manufacturing fell from 0.6% in 1970 to 0.3% in 1995. Its share of global exports fell from 3.1% in the mid-1950s to 1.2% in 1990. While the African region must invest 13% of its GDP to maintain its existing capital stock, net investment in the first half of the 1990s was barely positive at 3.5% of GDP.

341. A World Bank report¹⁴ argues that developing countries since 1970 have achieved a modest 1.5% growth in GNP per head on average, but that sub-Saharan Africa has seen its GNP per head diminish 0.8% a year in real terms

since 1970. In Zaire, real GNP per head has fallen 4% in a year.

342 The globalisation of markets makes it even harder for lagging economies not to be marginalised. African governments willing to adapt and reform their economies do not have much room for experiments in their monetary and exchange rate policies in present-day capital markets. Marginalisation from the global market will result in increasing poverty and social and ethnic tensions.

343. On 5 February 1997, the OECD published the 1995 statistics on development aid from the 21 members of its Development Aid Committee (DAC). The total of US\$ 59 billion spent on development aid by these rich countries in 1995, which represents an average 0.27% of their GNP, was 9% less than the amount spent in 1994.

344. The United States, with 0.1% of its GNP, is by far the lowest spender. While some ten years ago, its development aid was still almost 25% of total DAC aid, in 1995 this had been reduced to 12.5%. As a result of the many regional conflicts and civil wars in developing countries, an increasingly larger part of development aid is spent on urgent humanitarian aid to the detriment of long-term programmes.

345. The OECD report therefore emphasises the need for conflict prevention through more rapid and more decisive intervention by the international community. It also notes that since 1990, almost 40% of DAC aid is spent in Africa.

346. These are appalling figures and civil wars, genocide and corrupt and totalitarian regimes such as that of Mobutu and his ignominious clan in Zaire have certainly not made a positive contribution to turn the tide.

347. There is an urgent need for a new development strategy for sub-Saharan Africa which takes account of the lessons learnt from past failures. Sub-Saharan Africa will not be able to survive without foreign aid and assistance but the governments of these countries cannot shrink their responsibilities either. They will have to decide on and consistently implement over many years the economic and political reform programmes which can help them to escape marginalisation.

¹³ *The globalisation of industry: implications for developing countries beyond 2000*, Unido, Vienna.

¹⁴ *World Development Indicators 1997*

XV. The need for a common European foreign and security policy on Africa

348. One of the declared objectives of the Maastricht Treaty on European Union was "to confirm [Europe's] identity on the international scene, in particular by the establishment of a common foreign and security policy" The Treaty included elaborate texts. Articles were specifically designed to help implement this objective. There are enough understandable reasons why this ambitious goal could not be attained overnight. The handling of the Yugoslav crisis is the best example of the embarrassing shortcomings of the old EC foreign policy.

349. Indeed, that crisis erupted when negotiations on the Treaty were in their final stages and the European Union should not be blamed for the lack of a policy which was obviously still *in statu nascendi*. Since then, more than five years have passed and despite many solemn declarations, the situation hardly seems to have improved, as can be seen from the hesitant reactions of the EU and the divided reactions of its member states in recent crises.

350. Of course, the European Union made statements in which it expressed its grave concern and in which it insisted on the importance of finding a peaceful solution by political means. It even nominated a special representative for the Great Lakes region who shuttled to and fro between the various parties involved in the conflict and Brussels, keeping the European Council abreast of developments. However, despite all the efforts of the special representative and the repeated appeals of the European Commissioner for humanitarian aid, no energetic decision-making was forthcoming.

351. The common foreign and security policy has never been more than the lowest common denominator of widely divergent opinions of the EU member states. At the EU level, no successful attempt has yet been made to analyse the common interests of the member states in order to agree on the policy which should be implemented for the protection of such interests

352. On the other hand, the EU member states have no lack of deep background knowledge and up-to-date intelligence on developments in those areas of the world where their interests are at stake. In the recent past, European intellectual

and political input has been used by others to achieve a diplomatic success on the world stage. Often, Europe is the main contributor when it comes to financial funding for economic and humanitarian aid or investments.

353. A recent Franco-German document in preparation for the conclusion of the intergovernmental conference rightly emphasised the need for a joint analysis of Europe's common interests in the world. It called for the establishment of an analysis cell which should facilitate convergence on matters of vital and strategic common interest to the member states. This cell should include representatives of the member states, but also of the European Commission and WEU.

354. In order to ensure the implementation of priority action in the field of the common foreign and security policy, France and Germany have proposed the nomination of a top-level politician by the governments of the member states. This "Secretary-General" or "high representative" would be answerable to the Council of Foreign Affairs Ministers and would be given a specific mandate. At the time of writing this report, there are rumours that at least part of the Franco-German proposal will be agreed to at the European Council summit meeting in Amsterdam in June. This would be an important step towards laying the foundations for a coherent and common European security and defence policy.

355. It should be noted that at an earlier stage, the WEU Council of Ministers had already made a serious effort to define the basic elements for a European security policy when it adopted the document "European security: a common concept of the 27 WEU countries" at its November 1995 Madrid meeting. In that document, Africa was called an area of interest for Europe and it was argued that:

"Africa's serious economic problems deserve due political attention. A further deterioration of the social, economic and political situation on the African continent would aggravate the risk of permanent instability and increase migratory pressure from the Africans. Further instability is generated by a lack of adherence to democratic principles, widespread, unchecked corruption and violations of human rights."

The document further noted that:

“Armed conflict on the African continent is now predominantly intra-state in character. The international community has been faced with the implosion of states and the major humanitarian tragedies which ensue.”

356. Indeed, the most frequent risks and threats to peace can be specified as follows:

- the re-emergence of armed banditry, further encouraged by the wide proliferation of clashes between governments in power and opposition parties because of firearms among the civilian population;
- political of resistance to democratisation and a refusal to respect the rules of democracy;
- mutiny in sections of the armed forces arising from socio-economic claims which frequently develop into political demands;
- interstate conflicts and tensions as a result of changes in states’ policies and attitudes towards their neighbours;
- autocratic and dictatorial regimes which not only block powersharing and democratic reform, but which also reject any economic reform enabling a larger part of the population to have their share in the country’s economic output.

357. Should Europe help Africa? Whenever this question is asked, too many people shrug their shoulders suggesting that Africa should be left to its own devices. This seems an easy solution but the present situation does not countenance indifference. Europe, as a result of its long-standing relations with Africa, has accumulated extensive knowledge of that part of the world and has a responsibility for the continent from which it cannot shy away.

358. Although the OAU and other sub-regional organisations are trying to develop their own mechanisms for crisis prevention and management, they are not yet able to cope with the many different crises effectively, not least because such organisations often lack the necessary funds to establish structures of the appropriate size. Likewise, the concept of African peacekeeping

units or rapid intervention forces is only in its infancy, one possible problem being their impartiality, as was experienced with the ECOWAS force in Liberia.

359. While it may be true that no vital security interests are at stake for Europe, there are still other valid reasons for developing a common policy on conflict prevention and resolution in Africa¹⁵. According to the EU, respect for human rights and democracy and the rule of law and good governance are the essential elements of the preferential relationship between the EU and former European colonies as established by the Lomé Agreements.

360. Europe cannot therefore remain indifferent to humanitarian disasters without losing its credibility. Tensions and conflicts in sub-Saharan Africa do not only directly threaten European citizens living in those areas but can also have contagious effects on neighbouring countries. The crisis and genocide in Rwanda have triggered the rebellion in Zaire. Europe has an economic interest in sub-Saharan Africa. At present, EU trade with this part of the world is not very significant but Africa’s extensive natural resources, its growing population and its favourable geographical situation may transform it into an important trade partner in the future. Meanwhile, it should be noted that through the Lomé Agreements, Europe is the region’s main trade and cooperation partner and the major donor of aid to sub-Saharan Africa. In order to help Africa develop its economy, Europe must actively stimulate and support democratic and economic reform.

361. There are also other important reasons why Europe’s policy towards Africa should be the result of a common approach. In the case of any military operations, joint action through WEU will be more easily acceptable than an operation by a single state which can easily be accused of pursuing its own interests. A common approach will ideally also combine the advantages of profound knowledge of the region of former colonial powers and the more open-

¹⁵ See Alvaro Vasconcelos: *Should Europe have a policy on Africa?* in *WEU’s role in crisis management and conflict resolution in sub-Saharan Africa*, WEU Institute for Security Studies, Paris, December 1995.


minded judgment of those countries which have not had a colonial history in Africa.

362. In the Madrid document on "European security: a common concept of the 27 WEU countries", it was stated that:

"European countries are currently examining, bilaterally and in the frameworks of the UN, the EU and WEU, possibilities to support Africa's own efforts, including through regional and sub-regional insti-

tutions and structures, to promote the preservation of peace, the search for reconciliation and the achievement of sustainable and socially balanced development through good governance."

363. European reactions to the crisis in Zaire have demonstrated that much remains to be done before Europe is able to react swiftly and adequately to crises in the world wherever its interests are involved.

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