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Articles

Diamonds, Oil, and the American Media

Filtering Out the Logic of Plunder in the Angolan Civil War

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The Angolan Civil War lasted from 1975, the year of Angola's independence, to 2002 with some brief intermissions. The war, which destroyed the country's economy and infrastructure, killed up to half a million civilians. The Soviet- and Cuban-backed Popular Movement for the Liberation of Angola (MPLA), the official Angolan government, opposed the American- and South African–backed Jonas Savimbi and his National Union for the Total Independence of Angola (UNITA). At any given time, the conflict brought in troops and mercenaries from Zaire, Cuba, and South Africa as well as billions of dollars' worth of aid and materiel from the United States and Soviet Union. When the Cold War and foreign aid ended, the war dragged on in slow motion as it morphed into a "resource war" funded through the sale of oil and illicit diamonds until Savimbi was killed in 2002 and UNITA unraveled.

From a twenty-first-century perspective, it would be easy to say that Angola was the Cold War stereotype of a third world conflict. However, this dichotomy of good and evil would be an oversimplification. Both the MPLA and UNITA became what the Cold War demanded of them. For one, members of the MPLA were not good communists since they searched for international capital to loot. They even held business junkets in the 1980s during which they reassured Western businesses of the importance of private profit. The American multinational Chevron Corporation was busy drilling and pumping oil for Luanda, Angola's capital. The revenue derived by the MPLA from these oil rents represented a major source of cash that it needed to buy military hardware and materiel from the Soviets to fight (and ultimately defeat) UNITA.

Contrary to glowing reports in the US press, UNITA was never really interested in Western-style democracy. Beyond desperately wanting to be president, Savimbi seemed to have no ideology. At one point he was a Maoist; the next he

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was allied with South Africa, claiming to represent the indigenous black population against the MPLA. Naturally, because of the financial importance of the oil facilities, the rebels attacked them, leading to a scenario in which Cuban soldiers were brought in to protect an American oil company from American-backed rebels.

Given these glaring inconsistencies, Angola presents a fascinating case study of media coverage of a conflict. This article examines the Angolan Civil War in the pages of the *New York Times* and the *Washington Post*, gatekeepers of the American foreign policy debate. Would these newspapers follow the White House narrative of the conflict in what media theory refers to as "indexing" (the theory that the media will index its coverage to reflect the views of government officials)? To answer this question, the article examines two time periods: 1985 to 1989 and 1998 to 2002. These two phases allow comparison and contrast of media coverage during the Cold War years of the Ronald Reagan administration, as well as that during the administrations of Bill Clinton and George W. Bush, to determine whether White House framing had an impact on covering Angola and to identify the dominant press narratives.

Background of the Angolan War

This section provides the necessary background information on the conflict to put American media coverage in its proper historical context.[1] Portugal was the last European nation to decolonize on the African continent. Angolan rebel groups had been fighting a brutal war for independence since 1961. Unlike other African colonies, the three major rebel groups could not work together.

The year 1975 saw three actors in the Angolan conflict. First, the National Liberation Front of Angola (FNLA) led by Holden Roberto, originally perceived as an ethnic group, eventually moved towards a nonethnic nationalist-conservative position and became the favored group of the United States. The second group, the socialist MPLA, founded in 1956, had close connections to the European left and became the recipient of Cuban and Soviet foreign aid. The MPLA has been marked by the personal charismatic rule of President José Eduardo Dos Santos, described as a tactical arbiter of oil rent, and his entourage. The party dropped any Marxist pretensions in 1990. Angola under the MPLA can best be described as a "petro-regime."[2] The base of strength of the third group, Savimbi's UNITA, resided in the central highlands (the MPLA was on the coast). Like the ideology of the MPLA, UNITA's was difficult to pin down. The organization began as a Maoist breakaway group from the FNLA when it received funding from China, but its rhetoric changed to democracy and free markets when it obtained backing from

the United States and South Africa. Over the years, Savimbi showed that beyond his desire to be the president of Angola, he was ideologically flexible in obtaining that position.

The United States found itself stuck in a unique Cold War bind. In short, Portugal's control hampered America's ability to find an acceptable nationalist group to replace that country. Washington could not openly challenge the Estado Novo regime on decolonization because of the importance of American air bases in the Azores, so US policy played both ends. Starting in the 1960s, the United States helped the FLNA's Roberto replace Portuguese rule by clandestinely funneling cash and weapons through African allies like Mobutu Sese Seko's Congo while the Portuguese fought the rebels with American weapons as well.

By 1974 the Angolan War of Independence had ground to a stalemate. If anything, Portugal had gained the upper hand. The turning point occurred not on the battlefields but in Lisbon itself. In April of 1974, a group of leftist officers removed Prime Minister Marcello Caetano (António de Oliveira Salazar's replacement) in a coup. The new government not only moved to introduce democracy to Portugal but also started the process of granting overseas colonies their independence. However, the road to Angolan independence was marred by the fact that all three major rebel groups claimed to speak for the people—but none of them could agree on a power-sharing solution.

Working closely with Portugal, in January of 1975 the MPLA, UNITA, and FLNA hammered out the Alvor Agreement, which negotiated a multiparty transition government for an independent Angola with elections to follow. As soon as the agreement was signed, however, the groups turned on each other. The MPLA captured Luanda and in November unilaterally declared itself the People's Republic of Angola, reinforcing its position in most of the country with Cuban aid and troops. UNITA retreated to its bases in the south and with Chinese aid got the South Africans to join its side. The South Africans wanted to remove the MPLA because it supported the leftist South West Africa People's Organization guerillas fighting for the independence of Southwest Africa (in what is now Namibia). The FNLA, the odd man out, was routed by a joint Cuban-MPLA force and ceased to be a player.

With the emasculation of the FNLA, the administration of President Gerald Ford switched its aid to UNITA. Secretary of State Henry Kissinger felt that Angola was too important to lose, but Congress and the American public were deeply distrustful of American intervention in the third world after the war in Vietnam. The Clark Amendment of 1976, which banned all financial aid to Angolan groups, blocked Ford's attempts to funnel more aid to UNITA. The Carter administration continued Ford's policies, refused to recognize the legitimacy of

the MPLA government in Luanda, and turned a blind eye as the South Africans stepped up their military aid to UNITA—sometimes with American military hardware.

Literature Review of Media Effects

The media's power to influence foreign policy has been the subject of ongoing debate.[3] To test how the American media covered the Angola war, we need to examine the existing literature of indexing and media effects. Robert Entman notes that the debate within media studies is not about the "CNN effect" but about two competing schools of thought.[4] The first is what he calls the hegemonic school, best articulated by Edward Herman and Noam Chomsky in their book *Manufacturing Consent*, in which they argue that the American media is subservient to powerful vested economic and political interests. Corporate media will rarely question policy and, in fact, will actively filter out stories that do so. The authors contend that elite control over the media influences what the public thinks about issues and thus helps manufacture consent (to borrow a phrase from Walter Lippmann).[5]

The second school of thought, indexing, is best articulated by W. Lance Bennett in his seminal article on government and press relations: "Mass media news professionals, from the boardroom to the beat, tend to 'index' the range of voices and viewpoints in both news and editorials according to the range of views expressed in mainstream government debate about a given topic."[6] In their exhaustive review of the media and agenda-setting literature, Eric Herring and Piers Robinson argue that most scholars of media effects believe in some form of indexing even if they do not call it by that name.[7]

Entman argues that for most of the Cold War, the media accepted at face value what bipartisan American foreign policy makers already believed—the threat of aggressive, monolithic international communism led by Moscow. The media, in turn, became a compliant partner in the dissemination of the government's anticommunist policies at home and abroad. When the Cold War ended, this particular paradigm of media compliance collapsed. The media were now free to produce their own counternarratives to events, which, according to Entman, weakened the "journalists' habit of deference," and they became critical of President Clinton's humanitarian missions.[8] Instead of communists, the conflict could be framed as the White House versus Congress or Democrats versus Republicans to fill up the endless need for 24-hour news coverage.[9] Scott Althaus maintains that official indexing of government positions should be the exception, not the rule, in the post–Cold War paradigm.[10]

Those who are afraid that indexing would lead to Washington's ability to manufacture consent, however, should remember that the US government does not speak with one voice. Warren Strobel notes that some politicians use the media to push their preferred narrative at the expense of others.[11] When journalists discover a policy or communication vacuum within elite opinion, they are free to report the debate in Washington. The possibility of government control is further dampened by the drive for journalistic ethics and the fact that media companies are profit-driven organizations.

The media, though, does try to offer *compelling narratives* of news events.[12] Instead of simply relying on selling government policy, the media searches for stories with rich characters and a sellable plot. Bennett observes that "increasingly sensationalistic narratives and dramatic production values both bridge and reflect the tensions among the various norms and practical rules that guide journalists."[13]

Building on the existing literature, Entman notes that politicians still actively try to frame issues: "To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation for the item described."[14] It is in fact a game between various political and media actors across different levels of access points in a decentralized political system and media structure. The narrative frame can run "along a continuum from total dominance by the government . . . to a completely evenhanded standoff between competing frames."[15] What were the narrative frames for Angola?

Methodology

Research for this article made use of a key-word search of the *New York Times* and *Washington Post* to test the indexing model of American media coverage of the Angolan Civil War and its main actors—the Soviet-backed MPLA and Savimbi's UNITA. These two newspapers exert elite clout in coverage of American foreign policy, having the power to drive the national media agenda in the way they choose to frame stories.[16] The study examines key terms in two time frames: (1) between 1985 and 1989, years that correspond with the announcement of the Reagan Doctrine and the removal of the Clark Amendment, and (2) 1998–2002, the final five years of the war. The data-gathering phase employed the NVivo software program for content analysis and word counts, utilizing the latter as a measurement of the importance of key words to each newspaper across time.

Such data has some utility in measuring coverage of foreign affairs: the more important the word, concept, person, or place, the more it is used, and vice versa.

The Reagan Years, 1985–89

Washington's relationship with southern Africa changed with the election of Ronald Reagan, whose administration ramped up its campaign against the MPLA, both rhetorically and covertly, and increased its aid to UNITA.[17] The White House had a clear narrative: the United States needed to fund UNITA to stop the spread of communism in southern Africa. Reagan called Savimbi "Angola's Abraham Lincoln," and United Nations (UN) Ambassador Jeane Kirkpatrick referred to him as "one of the few authentic heroes of our times."[18] Administration goals called for getting Cuba out and establishing peace negotiations to move UNITA into the government in a power-sharing arrangement. A secondary goal involved resolving the Namibian crisis on terms favorable to South Africa. However, the Clark Amendment still blocked overt military aid to UNITA.

During the 1985 state of the union address, President Reagan announced the "Reagan Doctrine," whereby the United States would publicly and aggressively help its allies and friends push back against Soviet aggression. No longer content with simple containment, the administration wanted to roll back communist gains. Although most people think that rollback applies to Latin America and Afghanistan, one of the most notable beneficiaries of the new policy was UNITA. By July the Clark Amendment had been repealed (under the premise of allowing humanitarian aid), and tens of millions of dollars went to UNITA over the next several years. (In 1985 the *New York Times* mentioned the Clark Amendment 90 times and the *Post*, 95 times.) Even then, the Reagan administration followed a careful path of publicly advocating negotiations and an end to hostilities while pursuing an increase in covert military aid.

However, that aid did not necessarily change the balance of power in Angola. In late 1987, the South Africans and UNITA scored what would become a Pyrrhic victory at the Battle of Cuito Cuanavale, one of the largest conventional clashes on the African continent. The ambiguous outcome (as the battle resumed in 1988) made the South Africans reassess their commitments to the region. (The *New York Times* mentioned the battle a total of 107 times in 1987–88 and the *Post*, only 46.)

If the battle did not go as the South Africans had hoped, the ground shifted for the MPLA as well. Mikhail Gorbachev's policies of perestroika prompted the Soviets to reassess their role in the conflict. With all parties seeking some sort of deal, representatives from the United States, Soviet Union, Cuba, South Africa,

and the warring parties of Angola met in New York and Geneva for peace talks culminating in a Tripartite Accord that led to the first real substantive cease-fire and the pathway for Namibian independence. In August of 1988, the UN created the Angola Verification Mission and within a year deployed peacekeepers.

American Media Coverage between 1985 and 1989

Coverage of Angola in the two elite newspapers was quite extensive throughout the 1980s (fig. 1). The *New York Times* does not drop below 220 mentions in articles and editorials in a year, and the *Post*, 116. For the most part, the papers follow each other, the *Times* dedicating more space to foreign affairs and the *Post* having more coverage of events inside the beltway. A definite uptick in coverage occurs as the White House placed Angola on the agenda and the press followed the lead. In 1988 we see the highest coverage since 1976—coverage that corresponds to the Tripartite Peace Process and the pathway to Namibian independence. Comparatively speaking, though, Angola (649) lags behind the reporting of Afghanistan (1,762) and Nicaragua (2,445) in 1988 (fig. 2).
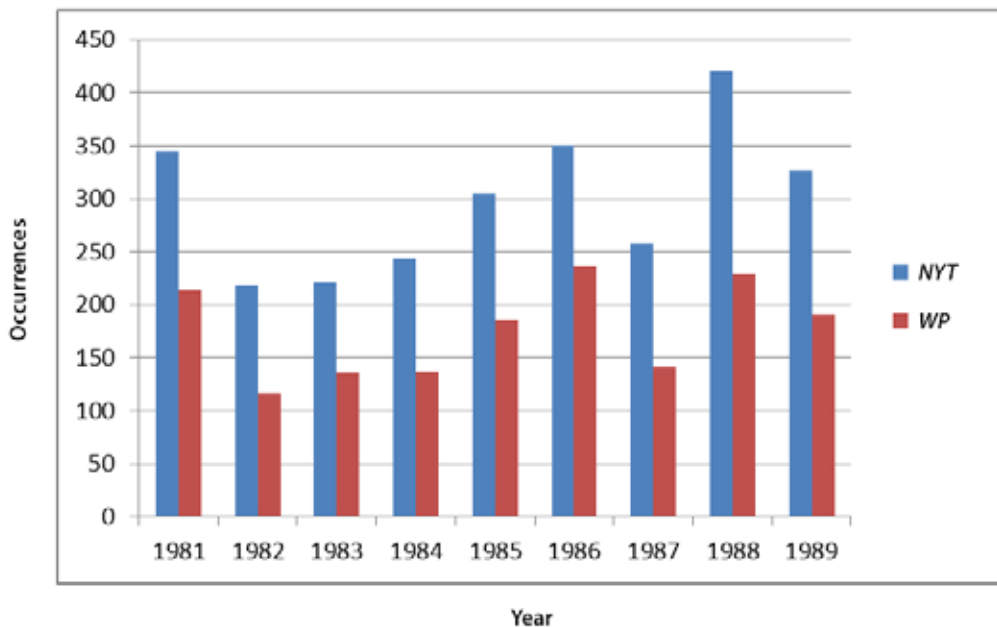
Figure 1. Coverage of Angola in the *New York Times* and *Washington Post*
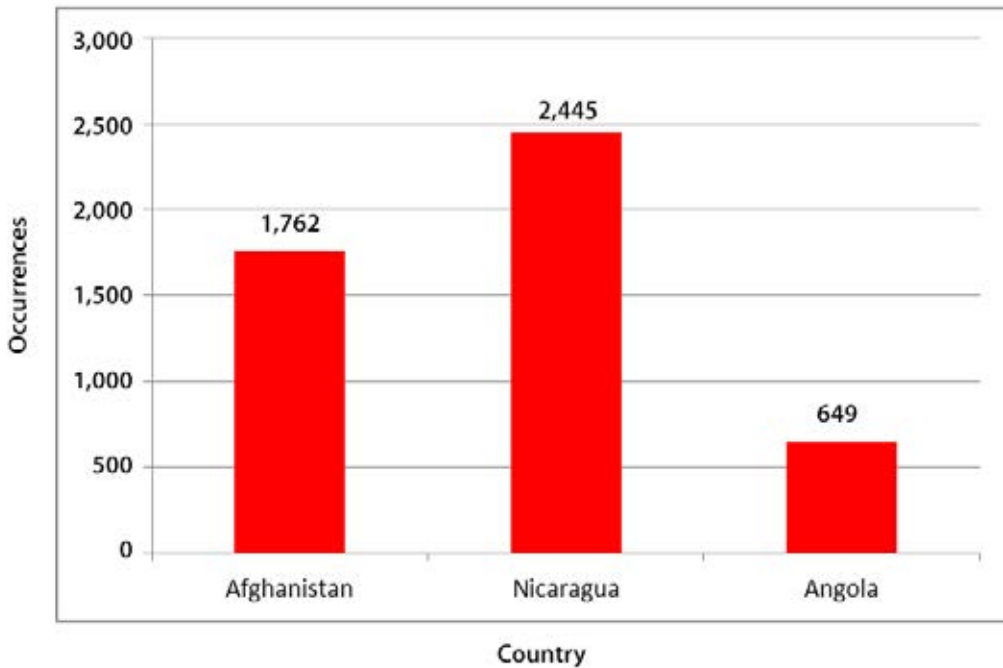
Figure 2. Combined coverage of Afghanistan, Angola, and Nicaragua in 1988

Framing Angola through the Cold War

A lively debate about Angola appeared in the press, and many editorials were critical of the White House, clearly indicating elite dissension regarding Reagan's framing of the Angolan war. White House policy was complicated by the fact that the MPLA, if not universally liked, was the sovereign government. Moreover, a broad coalition of American groups, ranging from Chevron to human rights organizations concerned about South Africa, opposed the president's policies for a variety of reasons.[19] Savimbi's expensively orchestrated Washington charm campaigns were often met with embarrassing protests.

Disaggregation of the media data of 1985–88 reveals the domination of the Cold War framing (or compelling narrative) as in the 1970s. Note the consistent use of terms such as *Soviet* (5,629 occurrences), *Gorbachev* (1,504), *Fidel Castro* (814), and *Cuban* (2,798). *Reagan* occurs 3,733 times (fewer than *Soviet*, we might add, but more than *Savimbi*, the leader of UNITA [2,223]). Assistant Secretary of State for Africa Chester Crocker is mentioned 636 times, but Angolan president Dos Santos of the MPLA is accorded only 407 mentions in the same five years. Angola was not so much about the MPLA as it was the Soviet Union (fig. 3).
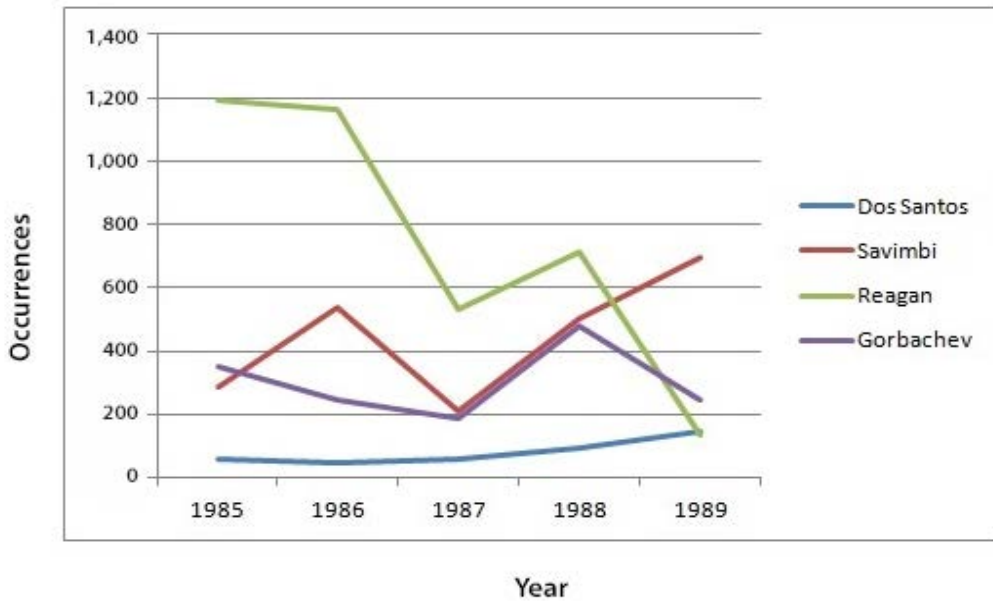
Figure 3. Comparison of Cold War names in the Angolan conflict

A second narrative emerges from the data as well: Angolan coverage in the press is inextricably linked to South Africa and the conflict in Namibia (2,574 mentions). Considering that President Dos Santos is mentioned only 407 times and Luanda 613 times, it is a telling statistic that references to South Africa occur 5,609 times in the five-year time frame. Overall, Namibia (southwest Africa) has more mentions (2,574) than Savimbi. We also see exclusive references to South Africa: President P. W. *Botha* (1,161), *apartheid* (480), and *Pretoria* (1,301). Angola is a story of the Cold War (and disagreements occurred regarding Reagan's policy of funding UNITA), but Angola is also about South Africa. Roger Govea's analysis of African violence indicates that apartheid broke through the Cold War paradigm.[20]

It is important to point out that the administration still drove the press agenda. Reagan wanted to talk about Savimbi and the Soviets, and the press followed. Regardless of one's agreement with the policy, the Soviet Union in Angola mattered more to the press than the Angolan people. One sees the breakdown of the Cold War narrative in the importance of South Africa to the discussion of Angola. The apartheid narrative represented a challenge to Reagan's Cold War framing. The growing American awareness of and disgust with apartheid act as a kind of independent variable that assails not only the White House's pro-Savimbi frame but also the larger Cold War frame in general.

The Final Phase of the War, 1998–2002

Sadly, the conflict did not end with the 1988 treaty. For most of the war, the MPLA held the capital and the coast while UNITA controlled the interior. With Angolization, the war settled into an uneasy stalemate that favored the MPLA over the long run. Fragile cease-fires led to failed attempts at political reconciliation such as the Bicesse Accords (1991) and the Lusaka Protocol (1994). The Bush and Clinton administrations tried their best to force the MPLA into a power-sharing agreement with an electorally unpopular UNITA. In 1992 Angola attempted to hold elections, President Dos Santos winning the first round against Savimbi. UNITA refused to recognize the results, and Savimbi refused to stand in the second round. Of course UNITA was not entirely to blame since the MPLA had massacred UNITA officials in Luanda.

Time was running out for Savimbi. The Cold War patronage system that had funded him was gone, and in 1993 the Clinton administration officially recognized the MPLA government as sovereign. In 1996–97 the two Angolan adversaries tried (or were forced by the international community) once again to create a unity government, even giving UNITA the portfolio on minerals. That effort failed as well. With American support, the UN passed Resolutions 1127 (1997) and 1173 (1998), which isolated UNITA, froze bank assets, and limited travel. The resolutions even created no-fly zones in UNITA territory.

In the final years of the war, Savimbi became nothing more than a warlord. William Reno points out that he jettisoned any pretense of ideology.[21] UNITA survived by looting the Angolan countryside. Starting in the early 1990s, Savimbi weathered the loss of foreign aid by selling diamonds. The MPLA owned the oil, and UNITA territory was conveniently located in the diamond-mining regions. By means of exploiting the illegal diamond market, Savimbi obtained the cash he needed to keep his organization afloat.

In 1998 both UNITA and the Angolan government were dragged into the Second Congo War. President Laurent Kabila, now in power after overthrowing Mobutu, was hostile to UNITA. However, when Kabila turned on his patrons—Rwanda and Uganda—they launched a second invasion of the Congo. Those two countries now accepted UNITA, and in return UNITA helped fight Kabila. Naturally, Luanda sided with Kabila. The war offered an excellent opportunity to destroy the rear bases of UNITA and disrupt its finances and supply lines. Additionally, Angola was also flexing its regional muscle and wanted a say in the Congolese outcome.

With international backing and growing economic power, the MPLA made its final push to destroy UNITA. In February of 2002, Savimbi was killed by

government troops, and UNITA, for all intents and purposes, collapsed. The new leadership quickly signed a cease-fire, and by August of that year, the armed wing of the political movement had disbanded. A remnant of a political party is all that remains.

Framing Angola through the Congo

Media coverage of the Angolan conflict changed during its final phase. Although overall numbers never reached those of the 1980s, Angola remained a compelling story to the elite American press albeit for different reasons. Not only was the conflict a remnant of the Cold War but also it conveniently fit into the narrative of African violence occurring in Liberia, Somalia, Rwanda, Burundi, Sierra Leone, and the Congo. Angola was no longer compared to superpower flash points like Afghanistan and Nicaragua but to the strife that raged closer to home. Further, Angola became partially a story of diamonds, oil, and the growing trend of resource wars. The final spike in reporting comes from Angola's entry into the Second Congo War (starting in 1998) and the last Angolan offensive that led to Savimbi's death in 2002 (fig. 4).
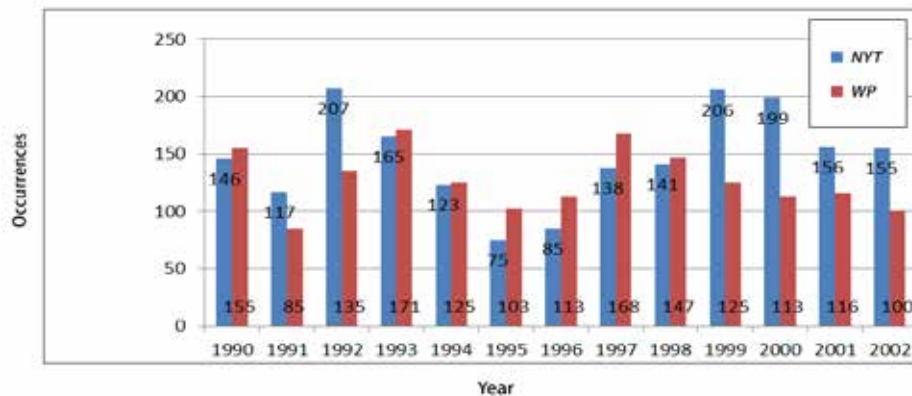
Figure 4. Coverage of Angola, 1990–2002

Reporting on the Congo dominated Angolan stories in the *New York Times* and the *Washington Post* (fig. 5), which include terms exclusively associated with the Congo wars and not Angolan politics: *Congo/Congolese* (3,717), *Laurent Kabila* and his son (2,012), *Rwanda* (1,823), *Uganda* (819), *Zimbabwe* (761), and the city of *Kinshasa* (525). The papers even covered ethnic groups not part of Angola: *Hutu* (388) and *Tutsi* (357). In fact no exclusive Angolan term reached the 1,000 mark. For Angola, *UNITA* led reporting (926), *Savimbi* had fewer occurrences than the Congolese capital (513), *Luanda* only 322, and, once again, President *Dos*

Santos, an anemic 226—fewer than *Mobutu*, who had already died. Angola had become a footnote to the Congo war.
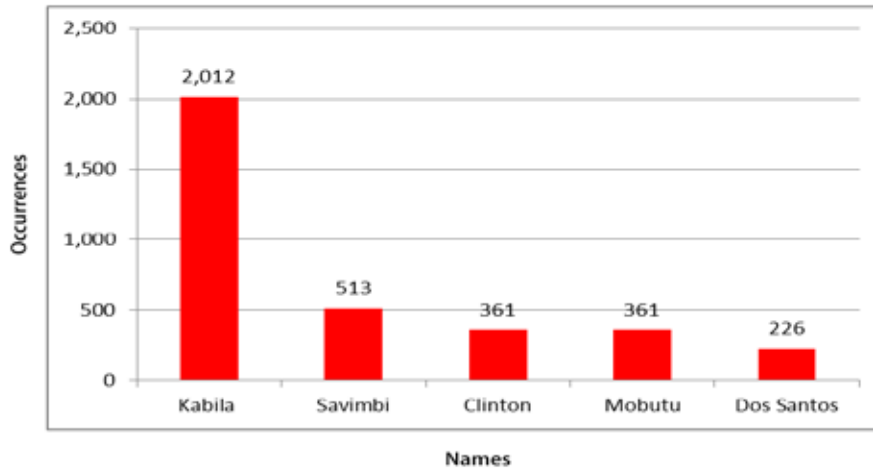
Figure 5. Congo frame through key names

Further, the reporting of American foreign policy changed. During the 1980s, the Angolan conflict seemed a potential threat to American interests, but it was clearly on the back burner of the Clinton administration. Out of the top 1,000 words in the *Times* and *Post* between 1998 and 2002, *American* appears only 1,360 times; President *Clinton*, 361; and American diplomat *Richard Holbrooke*, 148.

The Narrative of Natural Resources: Oil and Diamonds

The Congo, however, is not the only frame. As mentioned previously, Chevron helped the Angolan government drill and pump oil, Savimbi referring to the latter as "genocidal oil."[22] Having once remarked that Luanda produced sand while UNITA-held territory produced the food, Savimbi might have been correct in thinking that the sand was worth nothing, but the oil underneath it produced a steady revenue stream. The MPLA could leverage its oil to finance international loans and make legal deals with multinational oil corporations. Some have argued that 90 percent of Angola's cash reserves came from oil revenue. The MPLA reaped at least $2 billion a year, every year.[23] Granted, most of it went out the door in corruption, but during the 1980s the Angolan government purchased $2 billion worth of Soviet military hardware. It could lose a tank and replace it—something that proved more difficult for UNITA, which brought in only $15 million of American aid.[24]

Savimbi could never exclusively rely on foreign aid. By the 1980s, UNITA was specializing in diamond mining and timber operations to supplement cash flow. However, with the loss of American and South African patronage, it came to rely heavily on diamonds for cash liquidity. Philippe Le Billon estimates that between 1992 and 2000, UNITA received about $3–4 billion from diamond sales.[25] Savimbi's diamonds allowed him to cut ties with international public opinion, and no one could tell him when to quit. By 1996 UNITA production had peaked with an estimated $600–700 million that year alone.[26] However, the world community determined that the Angolan war (and other conflicts) would end only by banning the trade of "blood diamonds." In this last time period, stricter UN sanctions, greater MPLA military pressure, and tapped-out mines (with no means of investing in new ones) made UNITA unable to afford the war.

Oil and diamonds, not ideology, were essential to the conduct and length of the Angolan War. An examination of the 1985–89 time frame reveals that mentions of *oil* and *Chevron* are quite low compared to the dominance of the Cold War and South Africa narratives (fig. 6). On the one hand, the data fits Entman's expectations. The *Washington Post*'s peak number for *oil* and *Chevron* stories (two distinct searches combined) came to 127 stories in 1987—respectable, considering that *Savimbi* occurred 115 times and *UNITA*, 181 that same year. The *Times* recorded a high of 107 in 1986 and 215 for *Savimbi* in 1987.
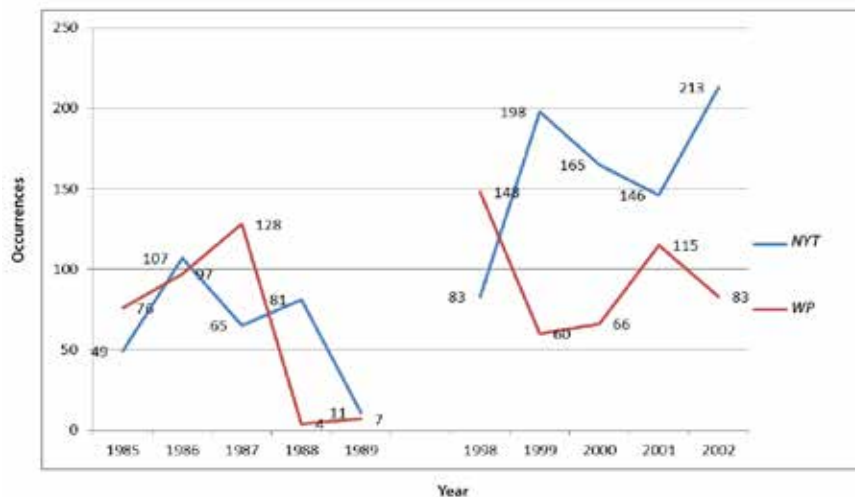
Figure 6. Coverage of the terms *oil* and *Chevron* in the *New York Times* and *Washington Post*

In 1986 both newspapers explicitly pointed to the irony of having the United States refuse to recognize the government of Angola while so many American corporations like Chevron, Bechtel, Boeing, Conoco, General Electric, IBM, and Texaco were all doing business there. In one article, the *New York Times* quotes the

Angolan foreign minister as saying that "we are very open to American investment" and offers a "business" critique of Reagan's Angolan policy, citing the amount of trade lost between these two nations.[27] During the same year, Jesse Jackson's editorial in the *Washington Post* declared that "America is Angola's No. 1 trading partner. Angola exports 60 percent of its oil to America, and there are nearly 100 American firms doing business there." He goes on to argue that American workers were under the constant threat of attack from both UNITA and South Africa.[28]

The *Times* article mentioned that Assistant Secretary of State Chester Crocker had warned that these "companies 'should be thinking about U.S. national interests as well as their own corporate interests,'" a not-too-subtle hint to disinvest.[29] American groups sympathetic to Reagan's policies tried to shame Chevron. The South African–backed US-Namibian (Southwest Africa) Trade and Cultural Council attempted to pressure the company with a proxy shareholder campaign, which ultimately failed. The media showed little interest. If these groups achieved anything of substance, it was that Chevron no longer publicly advocated recognition of the Angolan government. Nevertheless, the fact remains that its oil operations in Angola helped the MPLA garner the needed cash to win the war.

Diamond coverage was almost nonexistent in the first phase, and the Cold War reflected no real concept of "conflict diamonds" (fig. 7). The South African company De Beers monopolized the diamond trade, and not many people knew or cared how that industry worked. Given the lack of reporting in the American press, it would have been easy to forget that Angola had diamonds. However, in the second phase, one notes a significant jump in coverage related to the minor conflict-diamond narrative.
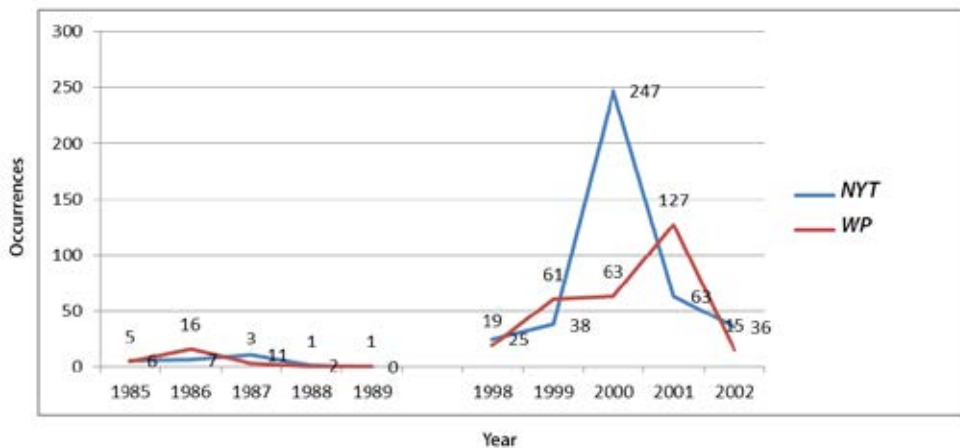
Figure 7. Coverage of the term *diamonds* in the *New York Times* and *Washington Post*

Diamonds became the center of attention not only in Angola but also in Sierra Leone and the Congo wars.[30] In the Congo, control of diamond mines was routinely the source of fighting, the *New York Times* mentioning this 247 times in the year 2000. Further disaggregation of the data on diamonds, though, indicates that most of the coverage is really about diamonds in Africa overall and the Congo in particular. Angolan diamonds are not the primary story.

As we can see, one of the most significant problems with the resource-wars narrative is that it is not really about Angola; rather, it reinforces the Congo narrative. The larger media problem of covering resource wars concerns the difficulty of fitting the topic into a concise narrative that has a clearly defined antagonist and protagonist. "Neutral reporting" needs a story and a plot. Consequently, the Cold War frame features heroes and villains, but in the complicated world of globalized economics, who are the main characters? Who plays the protagonist and antagonist? Regarding Angolan oil in the 1980s, the press knew that the Chevron story was unusual. At one level, based on White House rhetoric, it made no sense; however, in the final five years of the war, Chevron's oil production in Angola is no longer unusual but normal. Conflict diamonds create a temporary narrative buzz, but there was no substantive press coverage of the exploitation of natural resources in Angola.

Conclusions

The Angolan war presents us with an excellent opportunity to take the existing theory of press indexing in new directions. First, the conflict, which lasted from 1975 to 2002, offers a unique "before and after" case study. If Entman argues that the press was a compliant partner with Washington during the Cold War and if Althaus maintains that the official indexing of government positions should be the exception rather than the rule after the Cold War, then Angola straddles both time periods. But Angola is an important case study for other reasons. Specifically, the fact that the conflict was on the periphery of American national security concerns and that African conflicts are often ignored and underreported in the American press leads us to some interesting questions about the limitations of indexing theory.

The evidence suggests that the *New York Times* and *Washington Post* indirectly indexed their coverage to White House policy. A Cold War framework was still driving the "conversation." Reagan framed the war as an example of growing Soviet influence in the developing world, but for those who disagreed with the White House, the conversation was still about the president's framing of the issue and not Angola itself. The data also reveals another unexpected narrative present

in Angolan coverage of the 1980s—American policy towards South Africa. Angola had become linked to American attitudes regarding the apartheid state. Although the Reagan administration saw South Africa as its anticommunist linchpin, most Americans were already changing their minds about this morally bankrupt regime. To a lesser extent, when the elite news media pushed back on the dominant Cold War framework, they covered South Africa—not Angola.

During the second time frame (1998–2002), the Cold War had ended, and the media were now free to report what they chose. Angola was now on the periphery of national interests, however, and without any Washington prodding, coverage declined. Given a growing trend in African small wars and insurgencies involving raw materials, we do find (and expect) an increase in reporting on oil and diamonds. Once the data was disaggregated, though, Angola disappears and becomes part of the larger narrative of the Congo war. Although coverage of Savimbi's control over diamonds occurs frequently, it is usually slotted into minor stories about the diamond industry across the continent that cite him as an example. Once again the actual reporting on the Angolan people and the continued war remains hidden behind other issues.

Thus, this article contributes to the literature by noting that beyond the question of indexing and framing, there lies another academic puzzle within this case study. Why was coverage of the war superficial and shallow? Why did Angola disappear in its own story? Part of that answer lies in the fact that this study analyzed American newspapers—but we are still left with the question of why the media did not seriously entertain a more nuanced discussion of the Angolan war, its actors, their motives, and the role of global economics. To be sure, oil and diamonds did appear, and the average American could read how Chevron was hiring the Cuban military to protect American workers from American-backed rebels. There were too few of these stories, however, to challenge Reagan's communist menace. Ironically, one could argue that the Angolans themselves were not fighting for political ideology but for profit motivated by greed—a point that not many Americans could pick up from the media.

The press plays an important role in American society by educating and informing the public so we can keep government accountable. This function is all the more important when it comes to foreign policy because the conflicts of the developing world are far removed from everyday life. With regard to reporting these kinds of conflicts, the press should become less Washington-centric and take the time to explore the historical context as well as the economic and political aspects that motivate conflicts like the one in Angola. The public will learn more about African conflicts only when Angolans become the main characters in their own story.

Notes

1. Much has been written about the Angolan War. See, for example, George Wright, *The Destruction of a Nation: United States Policy towards Angola since 1945* (Chicago: Pluto Press, 1997); and William Reno, *Warfare in Independent Africa* (Cambridge, UK: Cambridge University Press, 2011).

2. Philippe Le Billon, "Resource Wealth and Angola's Uncivil War," in *Rethinking the Economics of War: The Intersection of Need, Creed, and Greed*, ed. Cynthia J. Arnson and I. William Zartman (Washington, DC: Woodrow Wilson Press, 2005), 118.

3. See, for example, Piers Robinson, *The CNN Effect: The Myth of News, Foreign Policy, and Intervention* (London: Routledge, 2002).

4. Robert M. Entman, *Projections of Power: Framing News, Public Opinion, and U.S. Foreign Policy* (Chicago: University of Chicago Press, 2004), 4–5.

5. Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon, 1988). See also Walter Lippmann, *Public Opinion* (New York: Harcourt, Brace, 1922).

6. W. Lance Bennett, "Toward a Theory of Press-State Relations in the United States," *Journal of Communication* 40, no. 2 (Spring 1990): 106.

7. Eric Herring and Piers Robinson, "Too Polemical or Too Critical? Chomsky on the Study of the News Media and US Foreign Policy," *Review of International Studies* 29, no. 4 (2003): 558.

8. Entman, *Projections of Power*, 107.

9. Guy Gugliotta and Juliet Eilperin, "Tough Response Appeals to Clinton Critics," *Washington Post*, 21 August 1998, A17.

10. Scott Althaus, "When News Norms Collide, Follow the Lead: New Evidence for Press Independence," *Political Communication* 20 (2003): 404.

11. Warren Strobel, *Late Breaking Foreign Policy: The News Media's Influence on Peace Operations* (Washington, DC: United States Institute of Peace Press, 1997).

12. Timothy E. Cook, "Afterward: Political Values and Production Values," *Political Communication* 13 (1996): 473.

13. W. Lance Bennett, "An Introduction to Journalism Norms and Representations of Politics," *Political Communication* 13 (1996): 373.

14. Robert M. Entman, "Framing: Toward Clarification of a Fractured Paradigm," *Journal of Communication* 43 (1993): 52.

15. Ibid.

16. Robert L. Handley, "Israeli Image Repair: Recasting the Deviant Actor to Retell the Story," *Journal of Communication Inquiry* 32, no. 2 (April 2008): 145.

17. Wright, *Destruction of a Nation*, 120.

18. John McMillan, "Promoting Transparency in Angola," *Journal of Democracy* 16, no. 3 (July 2005): 157–58.

19. Wright, *Destruction of a Nation*, 136. See also Ted Galen Carpenter, *U.S. Aid to Anti-communist Rebels: The "Reagan Doctrine" and Its Pitfalls*, Cato Policy Analysis no. 74 (Washington, DC: Cato Institute, 1986).

20. Roger M. Govea, "Reporting African Violence: Can America's Media Forget the Cold War?," in *Africa's Media Image*, ed. Beverly G. Hawk (Westport, CT: Praeger Publishers, 1992), 94–108.

21. William Reno, *Warlord Politics and African States* (Boulder, CO: Lynne Rienner Publishers, 1998), 77.

22. Le Billon, "Resource Wealth and Angola's Uncivil War," 124.

23. Reno, *Warlord Politics and African States*, 77.

24. Le Billon, "Resource Wealth and Angola's Uncivil War," 129.

25. Ibid.

26. Ibid.

27. James Brooke, "Policy Aside, America Does Business As Usual with Angola," *New York Times*, 30 November 1986.

28. Jesse Jackson, "An Invitation to the President," *Washington Post*, 7 September 1986, C8.

29. Brooke, "Policy Aside."

30. Note also in 2006 the appearance of the film *Blood Diamond*, starring Leonardo DiCaprio and Jennifer Connelly.

US Covert and Overt Operations in Liberia, 1970s to 2003

Niels Hahn, PhD*

Introduction and Background

With support from the US Navy, the American Colonization Society founded Liberia as an American colony in 1822 with the intention of sending rebellious blacks who were formerly slaves "back to Africa."[1] To reduce the administration cost of the colony and limit the responsibility of the US government (USG), Liberia was granted independence in 1847.[2] The constitution was written at Harvard University, and the flag adopted was similar to that of the United States but with only one star.[3] Although Liberia had all of the outward features of an independent state, the American Colonization Society and the USG de facto governed it indirectly. As former research director and president of the US Foreign Policy Association Raymond Leslie Buell puts it, Liberia survived "through visits of United States warships to Liberian ports and through more urbane gestures, the United States has posted a keep-off-the-grass sign on Liberian soil."[4]

Liberia became a foothold of the USG in Africa during European colonialism, a place from where it could project its interests into other parts of the continent. In 1926 the Firestone Company established one of the world's largest rubber plantations in Liberia as a response to the British rubber monopoly.[5] In the following decades, the USG put in place a number of military facilities such as a deep-sea port, an airport, and numerous military bases and training camps. By the 1970s, Liberia hosted the largest US Embassy in Africa, with more than 250

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American employees; the Voice of America's relay system for Africa; the US diplomatic and intelligence communication relay station; and one of the eight antennas for the OMEGA navigation systems, later replaced by the Global Positioning System.[6]

The Liberian elite, often referred to as Americo-Liberians, have acted with a combination of compliance and resistance to US influence. The most significant era of compliance and alliance with the USG was that of William Tubman's administration from 1944 to 1971. As a result of the Open Door Policy, this period is often referred to as an era of economic growth and prosperity.[7] However, the policy created wide income gaps between rich and poor, and repressive measures were used to counter any opposition to the Government of Liberia (GoL) through a comprehensive intelligence network connected to the Central Intelligence Agency (CIA).[8]

When President Tubman died in 1971, his successor, William Tolbert, resumed resistance to US influence in Liberia. Under his leadership, the GoL began to reorient the economic system from liberal capitalism towards state-led, planned economic systems, focusing on food self-sufficiency and industrialization. To gain support for this policy, Tolbert established relations with socialist-oriented countries such as the USSR and the People's Republic of China. More than 30 state-owned enterprises were established, and the GoL began to set restrictions on the use of US military facilities in Liberia.[9] Concession agreements with foreign companies were renegotiated, creating serious tensions—particularly with Firestone.[10]

Furthermore, the GoL advocated for pan-African unity against neocolonialism and promoted the Declaration on the Establishment of a New International Economic Order, adopted by the United Nations (UN) General Assembly in 1974.[11] Tolbert was directly involved in the formulation of the Monrovia Declaration, adopted by the Organization of African Unity meeting held in Liberia in 1979.[12] This declaration led to the influential Lagos Plan of Action for the Economic Development of Africa, 1980–2000, which states that the exploitation of Africa continued to be "carried out through neo-colonialist external forces which seek to influence the economic policies and directions of the African States."[13] This report stands in sharp contrast to the World Bank's Berg Report, published in 1981, which partly marks the beginning of structural adjustments programs in Africa.[14]

The CIA reacted to Tolbert's policies by supporting Liberian civil society groups in opposition to the GoL, in particular the Progressive Alliance of Liberians (PAL), headed by Backus Matthews, who was in close contact with the CIA.[15] The PAL often used Marxist rhetoric to denounce the GoL.[16] The most signifi-

cant event took place after the GoL accelerated the national plan for food self-sufficiency by stimulating local rice production through an increased import tax on foreign-produced rice.[17] The PAL claimed that this was a way to boost the profit of rice importers and promote Tolbert's own private rice production. It organized a major demonstration in Monrovia on 14 April 1979, which became violent, with security forces opening fire on the crowds.[18] The GoL saw the incident, which became known as the "Rice Riot," as the work of foreign powers.[19]

A confidential White House memorandum issued about six months later noted that the riot in Monrovia had severely damaged the GoL and that it was unlikely Tolbert would "survive until the end of his term in 1983."[20] On 12 April 1980, a group of 17 armed men, noncommissioned soldiers in the Armed Forces of Liberia, entered the Executive Mansion shortly before midnight and shot President Tolbert.[21] One of the soldiers, Albert Toe, recalls that after having killed Tolbert, the coup makers contacted the US Embassy, which endorsed the coup and promised to provide all necessary support.[22] That same morning, the leader of the coup, Samuel Doe, announced on national radio that a military coup had taken place and that a military junta under the name of the People's Redemption Council (PRC) had taken power under his leadership.[23]

Doe and the US Government: From Friends to Foes

The US Embassy was instrumental in forming the PRC as a military junta immediately after the coup. All civilian communication was shut down in Liberia, and American advisers were assigned to Liberian key ministries.[24] US chargé d'affaires Julius Walker states that US Soldiers were deployed in Monrovia and "got looters and shooters off the street." Doe "had not really expected to be where he was." He feared that "forces were coming from all corners to attack him and he wanted America to send him strong support."[25]

The PRC established a special military tribunal that charged 13 key government officials from the Tolbert administration with high treason, corruption, and misuse of public office and sentenced them to death.[26] Their execution by firing squad on the beach was broadcast by international media.[27] US ambassador Robert P. Smith notes that everyone knew "that only Frank Tolbert [senator and brother to former president Tolbert], Richard Henries [deposed Speaker of the House of Representatives], James Pierre [deposed chief justice of the Supreme Court] and Reginald Townsend [deposed chairman of the True Whig Party] were to be executed." The PRC "added the nine" other people and "then destroyed the records of the Tribunal."[28]

According to Smith, the Soviets were "very interested in all this, although they were completely nonplused by the coup." Doe, however, "knew little and cared less about communism and the Soviet Union."[29] Walker notes that Doe was "exceedingly pro-American . . . because of the training he received earlier [from] the U.S. Army and the people he had known such as Colonel Gosney and his officers."[30] Smith recalls that Doe "adored Colonel Gosney, and . . . referred to him always in the third person as 'the Chief.'" According to Smith, the presence of the "US military mission that had been there for decades" saved the United States in Liberia. He notes that "he can't emphasize strongly enough how helpful it was to have this small group of American Army officers, consisting of a group of lieutenant colonels and majors" who were closely related to their counterparts in the Armed Forces of Liberia. Doe could quickly pass the word that "whatever the chief [Gosney] says, goes."[31]

Furthermore the USG sent three Army mobile training teams to Liberia to train the newly formed 1st Infantry Battalion, the Army Staff, and the Ranger Company.[32] For the first anniversary of the PRC, Walker arranged for the arrival of a new Navy ship and "got the Green Berets from Fort Bragg," who landed in Monrovia by parachute—an act that "made quite an impression."[33]

James Keough Bishop, US ambassador to Liberia (1987–90), indicates that after the coup, the USG regained access to the seaport and airport, allowing the government to "send cargo to other parts of Africa with no questions asked."[34] US aid to Liberia increased significantly from below US $20 million in 1979 to above US $120 million in 1982. By the end of 1985, the PRC had received around US $500 million in foreign aid from America, exceeding aid given to other sub-Saharan countries.[35]

Herman Cohen, who served as US assistant secretary of state for African affairs from 1989 to 1993, states that the aid was not aimed at benefiting the general population in Liberia but at protecting the interests of the United States because "the Cold War tilted us [the United States] in favour of supporting [Doe], because we got reciprocal treatment. We were supporting certain governments that were clearly not going to use their assistance for development but use it for other reasons, and we supported people like Mobutu in Zaire and a few others."[36] For example, in 1986 America was "sending military equipment to the anticommunist UNITA [National Union for the Total Independence of Angola] rebels in Angola, using Robertsfield in Liberia and Kinshasa Airport in Zaire. . . . This project alone justified good relations with both the Doe and Mobutu regimes."[37]

Toe, who became a central member of Doe's administration, mentions that according to the plan, the PRC should rule the country until 1985, which would provide the time to shift many of the policies of the Tolbert administration, such

as cutting off relations with the USSR and Libya, closing the state-owned enterprises, preparing a new constitution for the Second Republic, and planning for elections in 1985. After the election, members of the military junta, including Doe, were expected to hand over power to a civilian government and return to their barracks. However, Doe ran for election in 1985 and won, which was not part of the plan.[38]

The USG recognized the election, and in a statement to the US Subcommittee on African Affairs of the Senate Foreign Relations Committee, Chester A. Crocker, US assistant secretary for African affairs, confirmed that the USG had been "active in each step along the way, encouraging the Liberian authorities to live up to their promise to issue . . . a second Republic of Liberia."[39] However, the relationship between Doe and the USG gradually deteriorated in the latter half of the 1980s. Emmanuel Bowier, former minister of information in the Doe administration, recalls that Doe had gradually changed from being a "country boy" and "puppet of the US" to a resister of US domination.[40]

Tensions between Doe and the USG became evident in early 1987. About two years before Cohen became US assistant secretary of state for African affairs, he went on a trip to Liberia with George Shultz, US secretary of state; Crocker; Peter McPherson, administrator of the US Agency for International Development; and James L. Woods, deputy assistant secretary of defense. During the trip, Cohen was informed that relations between the GoL and USG had become complicated. The USG had great concerns about the GoL's ability to repay Liberia's debt, and McPherson had proposed "assigning a team of retired financial experts to work with the Liberians for two years to get their books and procedures in order." According to Cohen, Doe "did not have a clue about Washington realities."[41]

About three months later, Bishop, the new US ambassador to Liberia, arrived in Monrovia. His directive was to pay special attention to management of the relationship with the GoL so that the USG "could continue to have access to . . . strategic facilities." Additionally, he was to protect US commercial interests, such as Firestone, American-owned banks, and the Liberian Maritime Registry, and to continue the original strategy of "civilizing" Doe by "providing him financial assistance which would enable his government to organize and manage itself, while instructing Doe in political governance—essentially through ambassadorial tutorial." It was imperative, however, that Bishop ensure that the USG not become "anathema to a successor government by being perceived as too closely attached to the Doe regime."[42]

Shultz and McPherson persuaded Doe to accept a team of 17 American financial experts who were deployed at the control points of the GoL's financial

system, such as the Ministry of Finance at the Customs and the Budget Office. Among other responsibilities, "they would be required to co-sign all government documents relating to fiscal expenditures."[43] However, many people in the Doe administration saw the deployment of these advisers as blatant neocolonialism.[44] Some of the experts were threatened, and the US Embassy was concerned about their security.[45] As tensions between the advisers and the GoL increased, Cohen visited Monrovia again in September 1987, at the request of Ambassador Bishop, to inform Doe about the importance of cooperating with the financial-management team.[46] Nevertheless, tensions intensified, and Doe made the US financial experts persona non grata in Liberia.[47] According to Bishop, the financial experts were withdrawn, stating "for public consumption" that the program was "terminated by mutual agreement" in 1988.[48]

Around the same time, the GoL had reestablished relations with the USSR and Libya, but those bonds were not strong because Doe had appeared very hostile to both countries in the first half of the 1980s.[49] Since the GoL had financial constraints, a representative from the Republic of China (RoC/Taiwan) contacted Doe and offered him financial assistance in return for recognition of the RoC. A number of GoL officials saw Taiwan's move as a US-coordinated effort to isolate Liberia in the UN Security Council (UNSC), where the People's Republic of China held veto power, and advised Doe not to recognize Taiwan. However, because Doe accepted the offer of the RoC, the People's Republic of China broke diplomatic relations with the GoL.[50]

When George H. W. Bush came into office in January 1989, Liberia was a cause of concern and the subject of the first interagency Africa Policy Coordinating Committee on 19 May 1989, with Cohen as the new assistant secretary of state for African affairs. The committee meeting was particularly concerned with Doe's threat to undermine US access to its strategic facilities in Liberia—in particular, Roberts International Airport, which the United States "used for twelve flights per month in support of activities throughout Africa." It was concluded that "all the facilities were important and virtually irreplaceable." The United States, therefore, greeted the "arrival of anti-Doe insurgents in Nimba County on 24 December 1989 almost as a relief."[51] This group of insurgents was the National Patriotic Front of Liberia (NPFL), led by Charles Taylor.[52]

Removal of Doe's Administration

Taylor had been allocated the position as director of the General Services Agency under the PRC but fled to the United States in 1983 after he was accused of embezzling $900,000.[53] There he was arrested at the request of the GoL but

escaped from Plymouth County Correctional Facility in Massachusetts in November 1985. According to Taylor, during the night a prison guard escorted him to a minimum-security area from which he escaped through a window and was taken to New York in what he assumes was a USG vehicle.[54]

Taylor subsequently arrived in Ghana where, according to Arnold Kwenu, a former general in the Armed Forces of Ghana, he was arrested because the Ghanaian authorities suspected him of working for the CIA.[55] At that time, tensions existed between President Jerry Rawlings of Ghana and the USG, partly because of Rawlings's strong rhetoric about Western neocolonialism in Africa. After diplomatic talks with the Government of Burkina Faso, headed by Thomas Sankara, Taylor was released and travelled to Ivory Coast where he joined the relatively newly formed NPFL.[56] According to Prince Johnson, a leading member of the NPFL and later head of the Independent NPFL (INPFL), Taylor ascended rapidly through the hierarchy of the NPFL and was introduced to Blaise Compaoré, the deputy head of state of Burkina Faso, and through him to President Sankara.[57]

Sankara introduced Taylor to Col Mu'ammar Gadhafi, and Libya became the main center for coordination of the NPFL. Recruits for the latter were trained at Wheelus Air Base, a former US military base in Libya.[58] According to Cyril Allen, who became among the most influential politicians in Taylor's administration from 1997 to 2003, and Daniel Chea, who served as Liberian minister of national defense from 1997 to 2006, the NPFL was in contact with all parties who wished to remove Doe from office. It sought support from multiple sources, including private business people and governments such as those of France and the United Kingdom—but in particular the USG.

The NPFL insurgency took place in December 1989 in close communication with USG advisers, but a split occurred within the NPFL, resulting in formation of the INPFL under the leadership of Johnson.[59] He maintains that this happened because Taylor had no confidence in many of the NPFL members and began to make covert divisions within that organization. The INPFL rapidly grew to more than 500 soldiers, and on their way to Monrovia, they captured strategic places and towns.[60]

John Richardson, who was considered Taylor's right hand and later served as national security adviser in the GoL, says that the NPFL leadership believed that Johnson's INPFL could be so well equipped militarily and advance so fast only with support from the USG.[61] Until 2006 Johnson denied that the INPFL was supported by the USG, but in private conversations with key members of the dissolved NPFL, he has gradually indicated that he did receive substantial support from the USG.[62] According to the Liberian newspaper the *Informer*, Johnson

stated for the first time publicly in 2009 that the INPFL received around US $10 million from a number of powerful states, including America, to finance the war.[63]

By June 1990, Johnson's well-equipped INPFL controlled a large part of Monrovia, including the Freeport of Monrovia and the US Embassy area. Taylor's NPFL had also advanced and controlled the other side of Monrovia. In between the two forces were those of Doe, which controlled a relatively small area around the Executive Mansion in the center of Monrovia.[64]

The split between the NPFL and INPFL appears to reflect internal disagreements within the USG. Cohen observes that "Doe's departure and Taylor's coming to power were the heart of . . . [the US] policy."[65] Taylor recalls that there "was full cooperation between me [the NPFL] and Washington and every move we took, we consulted Washington first."[66]

Cohen indicates that the US State Department had proposed that Doe should "resign in favour of Vice-President Harry Moniba, who would appoint Charles Taylor as the new Vice-President and then himself resign. Taylor would become president of Liberia but would have to organize an election in October 1991 pursuant to the Constitution."[67] The State Department had arranged with the President of Togo that President Doe be granted asylum in Togo. The United States "had an aircraft available in Freetown ready to pick him [Doe] up." Cohen was supposed to go to Monrovia and say to Doe, "Okay, now is the time. Get your family and everyone, and get on the plane; let's go."[68] The plan changed, though, because the US Department of Defense had overruled the Department of State. According to Cohen, Robert Gates, the deputy national security adviser, shot down elements of Cohen's plans and ordered deployment of the US Marine Amphibious Readiness Group, which arrived offshore of Monrovia in 3–4 June 1990 prepared for deployment in a war zone.[69]

Bishop states that the "the Bush administration pulled us back and told us that they didn't want us to [interfere] . . . because they didn't want to accept any degree of moral responsibility of Charles Taylor becoming the next head of state of Liberia" [*sic*], which Bishop thinks was a mistake. Bishop's mission in Liberia was terminated, and he was appointed US ambassador to Somalia.[70]

Because the GoL was under massive military pressure from the NPFL and the INPFL, the USG played a central role in directing the Economic Community of West African States (ECOWAS) to set up an Interim Government of National Unity (IGNU) for Liberia in Sierra Leone, headed by Amos Sawyer. Furthermore, a regional intervention force, known as the Economic Community of West African States Monitoring Group (ECOMOG), was established to support installation of the interim government.[71]

Cohen believes that the US State Department saw ECOMOG as the "only hope for ending Liberia's downward slide into anarchy." ECOMOG's plan was "well conceived and had the extra merit of involving Africans working to solve an African problem."[72] Kwenu, the appointed force commander of ECOMOG, recalls that behind closed doors, the USG ensured full support of ECOMOG but emphasized that it had to appear as an African initiative and that the USG preferred to fund ECOMOG indirectly.[73] Cohen notes that the US Policy Coordinating Committee for Africa was concerned that a major US contribution to a West African military force could lead to "follow-on requests for direct military support." Therefore the United States initially contributed a "symbolic $3.3 million" to show "solidarity with an important African initiative." The US State Department "happily greeted the ECOWAS initiative," but the USG had taken the "back seat" while keeping a "MARG [Marine Amphibious Readiness Group] contingent . . . stationed offshore, just in case."[74]

The USG worked "behind the scenes" through frequent high-powered visits to the region by US top officials and by providing economic and military support to countries that supported ECOMOG.[75] Kwenu notes that indirect support of ECOMOG became popular among many West African leaders because the organization appeared as an African initiative rather than neocolonial interference.[76] It became "socially prestigious" to serve under ECOMOG and "fight for mother Africa."[77]

In contrast, Prince Johnson maintains that it was "written all over that ECOMOG was made in America."[78] ECOMOG had made an agreement with Johnson that the INPFL should secure the Freeport area in Monrovia to ensure a bridgehead for ECOMOG.[79] The GoL also saw the ECOMOG's intervention force as a US proxy that would guarantee the installation and protection of the interim government.[80] The NPFL perceived ECOMOG in the same way, expecting it to become the main enemy, and therefore tried to stop deployment of the force.[81]

With support from Johnson's forces, ECOMOG landed in the Freeport of Monrovia on 24 August 1990 under the command of General Kwenu. On 9 September, Doe went to the ECOMOG-controlled part of the Freeport with a convoy of soldiers and baggage. According to Kwenu, Doe's visit was unexpected. Doe complained to Kwenu that he had not officially visited the president after the deployment of ECOMOG and explained that what was happening in Liberia was in many ways similar to the events in Ghana in 1966, when the CIA overthrew President Kwame Nkrumah.[82] During this conversation, Johnson entered the Freeport with around 1,500 soldiers.[83] Fighting broke out between the INPFL

and Doe's bodyguards. ECOMOG sought protection in the trenches and re-mained passive while INPFL forces killed all of Doe's bodyguards.[84]

Johnson took Doe to the INPFL base where he questioned and tortured him. The interrogation was filmed because Johnson wanted to show the world what happened to Doe, as when the Tolbert administration was executed in 1980. The US Embassy had supplied all of the fighting parties with communication equipment, and Johnson called Mr. Porter, the political officer at the US Embassy, and the ambassador over the VHF radio to ask what to do with President Doe.[85] Johnson calls their failure to answer "an indication that they . . . had written him off."[86]

Doe died in the custody of the INPFL, but Johnson notes that the removal of Doe was a decision reached with major international players involved.[87] He further states that "ECOMOG had the weaponries, men and sophistication to protect the President against the attacks of the INPFL. If these were not utilized, then the world should hold ECOMOG responsible for not protecting the Presi-dent." The "Interim Government could not function . . . while the constitutional president was alive and in the Executive Mansion. He therefore had to be re-moved. This decision was a collective one."[88]

War, the Election of Taylor, and Oil

By the end of September 1990, General Kwenu was replaced by Maj Gen Joshua Nimyel Dogonyaro of Nigeria.[89] Dogonyaro united the Armed Forces of Liberia with the INPFL and ECOMOG, launching Operation Liberty in Octo-ber 1990 against the NPFL.[90] As the NPFL was pushed back from Monrovia, ECOMOG flew in the IGNU and announced itself as the official GoL on 22 November.[91]

The NPFL established another Liberian government—the National Patri-otic Reconstruction Assembly Government (NPRAG)—headed by Taylor, with its seat in Gbarnga, about a three-hour drive from Monrovia. The NPFL was re-ferred to as the army of the NPRAG. In contrast to the IGNU, which controlled only the Monrovia area, the NPRAG controlled about 90 percent of Liberia, which became known as Greater Liberia.[92] Taylor received new military supplies that improved his military capacity.[93] A number of "Francophone states in ECOWAS, notably Burkina Faso and Côte d'Ivoire, supported . . . Taylor."[94] Libya had scaled up its support of the NPFL because Gadhafi saw ECOMOG as a dangerous development in Africa.[95]

Cohen remarks that towards the end of the 1990s, the war in Liberia had become "a surrogate fight between Côte d'Ivoire/Burkina [*sic*] and Nigeria/

Ghana." The US State Department sent Ambassador Donald Petterson to West Africa with a letter to President Houphouët-Boigny to make him understand that "his protégé Charles Taylor could not gain power without ECOMOG cooperation." Taylor was informed that it was "unrealistic to expect ECOMOG to fade away and he should therefore accept negotiations."[96]

The first peace talks started in Bamako on 28 November 1990 but failed. The USG encouraged the US-based law firms H. P. Goldfield and Lester Hyman, as well as former US president Jimmy Carter, to get involved. Hyman was hired by Taylor to represent the NPRAG, and Carter's International Negotiation Network became instrumental in setting up a number of conferences for peace negotiations.[97]

In May 1991, the United Liberation Movement of Liberia for Democracy (ULIMO) was established with the main objectives of fighting the Revolutionary United Front in Sierra Leone and the NPFL in Liberia. ULIMO later split into ULIMO-J and ULIMO-K in 1994, headed by Roosevelt Johnson and Alhaji Kromah, respectively. ECOMOG's modern military equipment and air force were not appropriate for bush fighting, which called for a force like ULIMO. The latter became the largest army in Liberia, next to the NPFL, with around 15,000 soldiers, and ECOMOG and ULIMO cooperated closely throughout most of the conflict.[98] ECOMOG "distributed arms to the IGNU, ULIMO, and AFL [Armed Forces of Liberia]."[99]

As conflicts in the region grew more complicated, a number of peace negotiations took place in different West African cities. For example, Mervyn Dymally, US congressman and chairman of the House of Representatives Foreign Affairs Subcommittee on Africa, set up a series of meetings known as the Yamoussoukro Talks I, II, III, and IV, in which Jimmy Carter participated.[100] Concerned with the instability of the West African region, the meetings resulted in a number of peace accords whose key features included a cease-fire followed by the deployment of a monitoring group and formation of an interim government that should implement a disarmament program and plan for a national general election (e.g., Yamoussoukro Accord III).[101]

Cohen notes that Taylor would sign the final documents and then act differently. His fundamental demand was that he "must be the interim president," and he insisted that ECOMOG should leave Liberia so negotiations could take place without "outside interference."[102] Nevertheless, the Abuja Accord of August 1995 led to a general election, which Taylor's National Patriotic Party (NPP) won in July 1997 with 75.3 percent of the votes. More than 500 members of an international observation team led by Jimmy Carter oversaw the election, declaring it free and fair.[103]

In relation to the NPP's victory, Cohen writes that the

> winner was none other than Charles Taylor, the man we wanted to install as President in 1990. . . . If we had been allowed to pursue the plan adopted in the interagency process to persuade Doe to go into exile, thus opening the door for Taylor to take power, years of devastating civil war might have been prevented. And without the collateral need for ECOWAS peacekeeping, a francophone-anglophone surrogate war could also have been prevented. . . . Had Taylor been allowed to take power in 1990 . . . the destruction of Liberia would have been avoided, and Taylor might have been more open to constructive external influence.[104]

Taylor's inaugural speech in August 1997 was attended by more than 10 heads of state from the West African region and a number of international politicians, including Jimmy Carter. In his remarks, Taylor emphasized that "the Liberian Peace Process has evolved a new measure of fraternity within the West African context" from where it is "anticipated that a definitive African Agenda will emerge out of this new prevailing spirit of Pan-Africanism." He further declared that "the time has come for Africa . . . to speak with one united voice" and not, as in the past, "be commandeered by others." According to Taylor, the "baton has been bequeathed to a new breed of West African leaders . . . that is no longer willing or prepared to accept being dictated to by outside forces."[105]

The overall policy direction of Taylor's administration was nationalism, capitalism, and a reconciliatory policy towards the USG, based on business interests. The power was centralized around 15 to 20 key people loyal to Taylor. Although strong disagreements often occurred, Taylor usually had the final word.[106]

His first significant decision was to reestablish diplomatic relations with the RoC, and he made a visit to Taipei upon the invitation of President Lee Teng-hui.[107] Sawyer's interim administration had reestablished relations with the People's Republic of China, partly as an attempt to counterbalance the influence of the USG.[108] At that time, the NPRAG "vehemently opposed and rejected" recognition of the PRC.[109] During the early 1990s, the USG had introduced Taiwanese representatives to Taylor, who had visited the NPRAG in Greater Liberia where oral agreements of mutual cooperation were made.[110] Taylor recalls that the USG was very concerned about the GoL's China policy and had encouraged the relationship with Taiwan, recognizing that Taiwan would send a reconciliatory signal to the USG.[111]

However, Taylor's administration did not succeed in establishing good relations with the USG. According to Allen and Chea, the main problem was that the USG could not accept the fact that many key members of Taylor's administration were radical nationalists who could encourage a revolutionary storm in West Africa. In addition, the USG was concerned about the GoL's close relations with Libya and France.[112]

Petterson, the US ambassador to Liberia (1998–99), explains that US strategic facilities in Liberia were no longer a central factor because the OMEGA system had been closed down and the infrastructure in Liberia had been destroyed, including the Voice of America facilities and CIA communication center. The USG had therefore "made alternative arrangements in other places in Africa."[113]

US strategic military facilities were a cause of concern in the 1980s, but there is much to indicate that natural resources—oil in particular—became a central factor towards the end of the 1990s. In 2001 the US National Energy Policy Development Group noted that "West Africa is expected to be one of the fastest-growing sources of oil and gas for the American market."[114] Jenkins Dunbar, former minister of land, mines, and energy in the Taylor administration, recalls that USG officials and private corporations had a strong interest in iron ore, diamonds, uranium, and gold. The main issue, however, was oil.[115] Liberia's oil resources were officially mapped out in the early 1980s, but exploitation had not commenced, partly because of the extraction cost relative to market price.[116]

Taylor's former wife, Agnes Reeves-Taylor, appointed chairperson of the Liberia Petroleum Refining Company at the end of 1997, says that French government diplomats showed her a new seismic survey indicating significant prospects for extraction of light crude oil in Liberia. Concessions given to French companies would result in a significant increase of French bilateral foreign aid to Liberia.[117] The GoL published results of the seismic data showing "possible existence of both on-shore and off-shore oil with lucrative prospects." The GoL welcomed the prospect of a "strong and Trusting Relationship" between Liberia and France and encouraged promotion of "French private enterprises in the revitalization of the . . . economy."[118] In September 1998, President Jacques Chirac invited Taylor and a government delegation to Paris where a number of negotiations were conducted behind closed doors, followed up during another visit to Paris in November 1998. The main issues discussed at these meetings were oil concessions and the entrance of French oil companies—Total, in particular—into Liberia.[119]

On 6 April 2000, the Liberian legislature approved "An Act to Amend the Executive Law of 1972 to Provide for the Establishment of the National Oil Company of Liberia," with the purpose of facilitating development of the oil and gas industry in Liberia.[120] As the GoL negotiated with France, a USG official set up a lunch meeting with Agnes Taylor in London during April 2001, with representatives from two major US-based oil companies. They asked her to persuade Charles Taylor to stop negotiations with other foreign oil companies and grant oil concessions to US oil companies in return for US support of the GoL in the in-

ternational arena, including a large bribe through a secret account in Switzerland.[121]

Dunbar indicates that US-based Halliburton made a proposal to the GoL on offshore oil exploration in 2001. This proposal was sent to a Canadian law firm by the lawyer of the National Oil Company of Liberia, Frank Musa Dean. The firm returned the proposal with a statement saying that the agreement did not favor Liberia.[122] The GoL rejected the American offer, which, according to Allen; Othello Brandy, Liberian ambassador to the Benelux Countries; Dunbar; and Taylor, was an unreasonable deal with a proposed production-sharing agreement of 20/80 in favor of the foreign exploration companies.[123]

Removal of Taylor's Administration

After Taylor's administration had come into office, a number of key opposition leaders, most notably, Joe Wylie, Maxwell Khobe, and Roosevelt Johnson, began to reorganize ULIMO-J into a new rebel group called Liberians United for Reconciliation and Democracy (LURD). Johnson had received significant support from the US Embassy in Monrovia, and Khobe and Wylie had been trained militarily in the United States. Furthermore, Khobe was related to the government of Sierra Leone through his position as chief of defense staff of the Sierra Leonean Army.[124]

Formed in Sierra Leone but structured in Guinea, LURD was first chaired by Mohammed Jumandy and subsequently headed by Sekou Demate Conneh from the end of 2001 and his wife, Aisha Conneh, an adopted daughter of President Lansana Conteh of Guinea.[125] According to LURD's manifesto, the primary aim involved stopping Taylor's "cancerous influence on the stability of the entire sub-region."[126] Joe Gballah, the secretary-general of LURD, states that the objective was to "get Taylor out of power . . . [and] put in place a power base that . . . [would] be in the interests of America." The US "brought in people from the CIA . . . under cover, to study the case [of] what strategy to use to overthrow Taylor." The USG already had "military arrangements with the Government of Guinea" and supported LURD "through Guinea." LURD "had agreed to work with Guinea . . . as a way to combat in Liberia [*sic*]." The top political decisions were at the level of "the president of Guinea and the president of America." Gballah himself rarely had direct contact with the Americans, and he met only once with Maj Gen Thomas Turner of the United States.[127]

The first LURD insurgency started at the beginning of 1999, but the reports from the GoL were not taken seriously by either the UNSC or the international media.[128] The BBC reported that "observers thought the claims were fictitious"

and that President Taylor invented the attacks "in order to get a United Nations arms ban lifted."[129]

As UN sanctions further weakened the GoL, Taylor realized that relations with Taiwan had serious consequences for the Liberian case in the UNSC. In 2002 he requested that Liberia's representative to the UN in New York, Winston Tubman, start the process of establishing relations with the People's Republic of China.[130] Taylor also instructed Brandy to organize a Liberian delegation to go to Beijing. However, Brandy recalls that Taylor stopped this process because Taiwan offered him US $5 to 10 million for maintaining relations with Taiwan, money that the GoL desperately needed for its defense budget.[131]

Brandy and Tubman agree that this was Taylor's most serious mistake and the major precipitating factor in his downfall. The People's Republic of China was interested in relations with Liberia and could have provided evidence in the UNSC that Guinea and Sierra Leone supported LURD, thereby blocking extensions of UN sanctions on Liberia.[132] Monie Captan, Liberia's minister of foreign affairs, raised the issue at the UN General Assembly in 2002, pointing to a "conspiracy of silence surrounding the prevailing war in Liberia waged by externally supported armed non-State actors." He further argued that the "arms embargo imposed on Liberia . . . [was] a flagrant violation of Liberia's inherent right under Article 51 of the Charter to defend itself against armed attacks."[133] His remarks, however, had little effect.

In July 2002, Ambassador Bismarck Myrick was replaced by John William Blaney, who promised to "implement an aggressive, practical and pragmatic policy" in Liberia, observing that the "most immediate objective" would be "to curb Liberia's role as a source of regional instability."[134] Within a year, a breakaway faction from LURD established the Movement for Democracy in Liberia (MODEL). Kaibeneh Janneh, former legal adviser to LURD, notes that many commentators argued that this split was based on ethnic and religious lines where France and Ivory Coast supported MODEL.[135] However, the USG was closely involved, and MODEL was established to ensure that LURD and MODEL together would have more votes and key positions in a future power-sharing interim GoL against Taylor's NPP.[136] During MODEL's establishment, Pamela Bridgewater, US deputy assistant secretary for African affairs, stated in March 2003 that "U.S. relations with Liberia are at a crossroad." She spoke of a "need for a comprehensive stabilization strategy for Liberia" and noted that "the United States will not wait much longer. . . . We will move forward . . . [and] take action."[137]

As the war intensified and the humanitarian situation deteriorated, ECOWAS made several attempts to find a solution, resulting in a peace negotiation meeting on 4 June 2003 in Ghana.[138] Prior to the meeting, the UNSC had

expanded and extended the sanctions on Liberia.[139] LURD and MODEL increased their military pressure, and the US Embassy urged foreign nationals to leave Liberia. The French representative to Liberia, Francois Prkic, informed the few remaining humanitarian organizations that France expected a serious intensification of the conflict and that the French navy had prepared for an evacuation of the remaining foreign nationals in Monrovia.[140]

Just as the peace negotiations were about to begin in Accra on 4 June, David Crane, American chief prosecutor of the UN-backed special court in Sierra Leone, unsealed an indictment against President Taylor that the court had judicially approved but sealed on 7 March 2003.[141] The indictment accused Taylor on 17 counts, including being at the heart of a "joint criminal enterprise" that committed war crimes, crimes against humanity, and serious violations of international humanitarian law within the territory of Sierra Leone.[142]

The indictment came through Interpol, asking Ghanaian authorities to arrest President Taylor.[143] However, according to Joe Mulbah, former Liberian minister of information, and Sylvester Vaanii Paasewe, Taylor's press secretary, the African heads of state decided to discuss the indictment behind closed doors before doing anything. Present at this meeting were Lansana Conteh of Guinea, Laurent Gbagbo of Ivory Coast, Ahmad Tejan Kabbah of Sierra Leone, John Kufuor of Ghana, Thabo Mbeki of South Africa, Olusegun Obasanjo of Nigeria, Taylor of Liberia, Toumani Touré of Mali, and former president Abdulsalami Abubakar of Nigeria.[144] Paasewe notes that some of the African leaders remarked that it was an "unprecedented indictment of a sitting African head-of-state" and "debunked the Court as a neocolonial design" to restore the old imperial jurisdiction in Africa. Indicting a key player during peace negotiations would affect future peace processes across the continent and obstruct solutions to peace if key players would fear being arrested during peace negotiations. Therefore they decided to ignore the indictment and commence peace negotiations.[145]

After the meeting, Taylor announced at the conference that "if I am the problem and seem to stand in the way of peace, I will remove myself from the process, and I will step down to allow peace to come to our country."[146] Subsequently, Taylor was taken back to Monrovia in the Ghanaian presidential aircraft. As the indictment was unsealed, the US Embassy had encouraged Vice President Moses Blah to take power. According to Taylor, the loyalty of key members in the army prevented this, and Blah was arrested the same day.[147] Because of Blah's ethnic background as a Gio from Nimba County, his arrest caused disturbances among the Gios within the Armed Forces of Liberia.[148] Blah was released and reinstalled as vice president after 11 days.[149]

Two days after the indictment of Taylor, LURD launched the first of three major military offensives on Monrovia while MODEL advanced towards the strategic port city of Buchanan.[150] As the fighting intensified, the French navy ship appeared as planned and evacuated most of the remaining foreign nationals by helicopter from the European Commission's compound.[151] At the same time, the US Department of Defense deployed approximately 1,800 Soldiers off the shores of Monrovia.[152] The GoL succeeded in cutting off LURD's supply lines from Guinea, and the attack on Monrovia was repelled.[153]

After deployment of the US Navy, Ambassador Blaney met with Taylor and presented a draft agreement for a cease-fire.[154] On 17 June, GoL, LURD, and MODEL signed the Agreement on Ceasefire and Cessation of Hostilities. The parties agreed to deployment of a joint verification team led by ECOWAS to monitor the cease-fire; deployment of an international stabilization force; commencement of a disarmament, demobilization, and reintegration process; security-sector reforms; and formation of a National Transitional Government of Liberia (NTGL), which would not include President Taylor, in accordance with his declaration in Accra on 4 June. The NTGL assigned a chairman and vice-chairman of that body and allocated 12 Legislative Assembly seats to the GoL, 12 to LURD, 12 to MODEL, 18 to established political parties, 7 to civil society and special interest groups, and 15 to counties.[155]

About a week after the agreement was signed, LURD launched its second major attack on Monrovia.[156] During a press conference at the White House on 3 July, Bush announced that "Mr. Taylor must go. A condition for any progress in Liberia is his removal." He further stated that the USG was working with Nigeria and had "trained five battalions of Nigerian troops, preparing them for issues such as Liberia" and that US military advisers were cooperating with ECOWAS "to look at different options."[157]

On 8 July, the US Congress adopted a resolution that supported the cease-fire agreement signed on 17 June and called upon the US government "to assume a leadership role in the international community . . . to help guide the Ceasefire Agreement and subsequent peace agreement, political transition and establishment of a sustainable democracy with good governance, and economic reconstruction processes."[158] This included, among a number of other commitments, the provision of "military experts, personnel, logistical support, equipment and funds as necessary" and an agreement that the United States would "play a lead role in creating and deploying an international stabilization force to Liberia."[159]

After a meeting with Kofi Annan in the Oval Office on 14 July, Bush confirmed that the USG wanted "to enable ECOWAS to get in and help create the conditions necessary for the cease-fire to hold, that Mr. Taylor must leave, that

we'll participate with the troops." Bush further stated that he had "told the Secretary General that . . . there must be U.N. presence, quickly into Liberia" in the form of a military intervention.[160]

Annan called Taylor, informing him that the USG wanted him to leave within 72 hours to avoid further military action. Taylor responded that he would not leave Liberia before external peacekeepers arrived on the ground.[161] Less than three days later, LURD launched its third, biggest, and final attack on Monrovia, lasting about two weeks.[162] The USG deployed "an 18-person Humanitarian Assistance Survey Team (HAST) from Stuttgart, Germany, to assess the humanitarian situation in Monrovia and to look at the condition of the airport, seaport, and road and bridge systems."[163]

The USG had started to mobilize a large UN multinational force to intervene in Liberia. American diplomat Jacques Klein was appointed the UN secretary-general's special representative for Liberia.[164] Annan informed the UNSC on 29 July that ECOWAS was ready "to deploy 1,500 troops to Liberia by mid-August" in a three-phase deployment of an international force.[165] The first deployment would be a "'vanguard force' comprised of two battalions from Nigeria" and a third battalion "made up of troops contributed by Ghana (250 troops), Mali (250 troops) and Senegal (250 troops)." The priority task of the vanguard force was to "stabilize the situation in Monrovia as President Taylor departs." Immediately after, phase-two deployment should take place "in order to facilitate the installation of a successor Government." Phase three would be a UN "peacekeeping operation within the shortest possible time." In relation to deployment of the soldiers, Annan stated that the United States "will position appropriate military capabilities off the coast of Liberia to support the deployment of the ECOWAS forces."[166]

The UNSC authorized the multinational force on 1 August by adopting Resolution 1497, which, under chapter 7 of the UN Charter, directed the establishment of a "Multinational Force in Liberia to support the implementation of the 17 June 2003 ceasefire agreement" and support of the "departure of the current President and the installation of a successor authority."[167] The first batch of 30 Nigerian peacekeepers arrived in Monrovia on 4 August from the UN Mission in Sierra Leone, which marked the beginning of the implementation of phase one.[168]

Taylor had been offered asylum in Nigeria, and on 7 August he presented his letter of resignation to the Liberian Legislature, through which he turned over his authority to Vice President Blah on 11 August. To the Legislature he stated that "persistent double standards" had been "applied against Liberia by the international community" and that an "international conspiracy against the Government

has been orchestrated through the support of two major rebel incursions from Guinea and La Cote d'Ivoire with the support of armed insurgents from Sierra Leone."[169]

On the day of Taylor's departure, 11 August 2003, President Mbeki arrived at Roberts International Airport outside Monrovia with a team of South African troops. Significant politicians who participated in the departure ceremony included President Kufuor of Ghana; Joaquim Chissano, chairman of the African Union and president of Mozambique; Nigeria's minister of foreign affairs; and US ambassador Blaney, together with 30 US Marines.[170] In his farewell speech, Taylor declared that the USG, in cooperation with Britain, prevented the GoL from defending itself by imposing sanctions and that this "is an American war. LURD is a surrogate force. . . . [The United States] caused this war. . . . They can call off their dogs now."[171]

A few hours after Taylor left Liberia, Colin Powell, US secretary of state, said at a press conference in Washington that the USG was pleased with the "constitutional transfer of power from Charles Taylor to now President Blah" and that the USS *Iwo Jima* task group and the Marine expeditionary unit would come ashore to coordinate and assist with opening up the Freeport and allow the other forces to arrive.[172] Subsequently, the US-led military intervention took place with the deployment of more than 15,000 military personnel.

Conclusion

The different forms of USG intervention in Liberia from the 1970s to 2003 can be useful for the study of other USG covert and overt operations in Africa. The USG's role in the removal of the Tolbert administration in 1980 was discreet and left a very light footprint. However, research suggests that most Liberian intellectuals and politicians nevertheless perceive the coup as a covert operation conducted by the USG in response to the policies of the Tolbert administration.

The removal of President Doe in 1990 can be seen as a semicovert operation of the USG. Although the organization and funding of ECOMOG was fairly discreet in order to make it appear as an "African solution to an African problem," the USG left a strong footprint. This becomes even clearer when the analysis is linked to the subsequent removal of the Taylor administration, which involved direct US political and military intervention.

Despite the strong US footprint, most Western academic studies of the recent Liberian conflict have either ignored or marginalized the role of the USG. Instead, Liberia has been used or referred to as a case of African anarchy and barbarism, whereby the international community had a responsibility to intervene

to protect civilians and promote good governance, human rights, democracy, and a free-market economy. This perspective is perhaps best reflected in the work of Stephen Ellis, among the most cited authors on the recent Liberian conflict. In his book *The Mask of Anarchy*, Ellis marginalizes the role of the USG, writing that "Liberians are often inclined to overestimate the extent of US responsibility for whatever transpires in their country" and emphasizing that Liberians have "indulged in an orgy of conspiracy-theorising" about the United States.[173]

Localizing or internalizing the causes of conflict and marginalizing the role of international actors are a general feature of mainstream Western academic discourse that promotes military interventions and forms of recolonization, often referred to as neotrusteeships. This practice is well reflected in the works of James Fearon and David Laitin, who, among other cases, refer to Liberia as an example in which the United States has taken responsibility as the lead agent in peacekeeping and state building.[174] For Ellis, Liberia is among the most obvious candidates for trusteeship because it is "already deeply attached" to America, and although "intrusive outside meddling often smacks of colonialism and is thus a bitter pill for African nationalists to swallow . . . there is simply no alternative."[175] Similarly, Niall Ferguson refers to Liberia as a state that "would benefit immeasurably from something like an American colonial administration."[176]

In fact, the US-led UN intervention starting in August 2003 did become a de facto external takeover of the Liberian state. External military forces secured a relatively safe environment within which external policy makers began reconstruction of Liberian state systems based on the neoliberal economic model. The security sector came under direct control of the USG, and external experts were deployed in a number of ministries at strategic control points.[177]

Most Liberian informants who have contributed to this research believe that the conflict had deteriorated to such a critical point that the UN military intervention was necessary in order to stop further destruction of the country and its people. However, they are very conscious of and critical of the role played by the USG in the conflict and sceptical about the neoliberal reconstruction program, which many Liberian academics and politicians perceive as recolonization or neocolonialism.[178] The huge gulf between the dominant Western perspectives of Liberia's recent history and the dominant Liberian views is not only significant but also so hostile that it could potentially materialize into new armed conflicts.

A key point of dispute relates to the economic system. Most of the Liberian key informants interviewed in this study argue that Liberia has more than 100 years of experience with liberal capitalism, which brought about conditions for repeated armed conflicts. The Open Door Policy created an optimal business environment for foreign corporations to have easy access to cheap labor and natural

resources such as rubber, iron ore, diamonds, and so forth, but only a small percentage of Liberians benefited from the foreign investments, and little socioeconomic development took place. This situation created extreme inequalities and tensions between the small Liberian elite and the majority of the population—tensions used by external powers to destabilize the country. The policies of the Tolbert administration began to address these issues and were in many ways similar to the development policies used by the successful industrialized countries, which included state planning of the economy, subsidies, tariff barriers, and protection of infant industries and markets.

President Ellen Johnson Sirleaf, who served as minister of finance under the Tolbert administration, states that the Liberian government does not accept the free-market approach to development as promoted by "major financial institutions such as the World Bank." A country "should not be bound by the free market concept to limit their own ability to . . . advance their development goals." She maintains that Tolbert's "policies were right, but the politics was wrong," and that was what brought him down.[179]

The experience of the military coup in 1980 stands as a clear lesson on the danger of challenging the liberal economic system. Most of the Liberian key informants who have contributed to this research, though, argue that they see no other alternative than trying to repeat the challenge because rebuilding Liberia according to the neoliberal economic model will inevitably reestablish the Open Door Policy and thereby reproduce the root causes of the armed conflict that devastated the country between 1989 and 2003.

To reduce the risk of future conflicts in Liberia, Western academics and practitioners should question more critically the imposition of neoliberal development policies and include in the debate the critical perspectives and notions of neocolonialism coming from African scholars and politicians. Ignoring or marginalizing the critique in general will not make it disappear but will create distorted understandings of the reality on which wrong decisions might be made, with the risk of increasing tensions between the North and the South.

Notes

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56. Thomas Sankara was a strong proponent of socialist pan-Africanism. Inspired by Kwame Nkrumah, he frequently denounced Western neocolonialism in Africa. Arnold Kwenu (force commander, ECOMOG, 24 August–end of September 1990), interview by the author, 10 and 11 December 2008.

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81. Daniel Chea (Liberian minister of national defense, 1997–2003), telephone interview by the author, 15 January, 5 March, and 24 April 2009; and Richardson, interview, 21 February 2009.

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Mad Science?

Possibilities for and Examples of Synthetic (Neo)Traditional Practices of Justice and Acknowledgement

Joanna R. Quinn, PhD*

Transitional justice has typically relied on a handful of mechanisms, including trials, truth commissions, and reparations programs in seeking justice after conflict. In many societies, however, these mechanisms have less salience and value than do traditional practices of justice. Often, this occurs in large part because these transitional justice mechanisms have been imported and the community has simply failed to engage with them. Customary law, on the contrary, is community based and well known to the people who use it. Thus, while the conventional transitional justice literature has relied on and recommended the use of mechanisms and approaches including trials, tribunals, and reparations schemes, this article explores the use of an alternative mechanism: customary practices of justice and acknowledgement. The idea is that practices of customary law might reasonably be used in transitional societies in place of other, "foreign" practices like truth commissions and trials to bring about the same objectives sought by the mechanisms more often used.

The article considers traditional practices of justice in transitional and pre-transitional societies as a means of bringing about the "transition" sought by scholars and practitioners of transitional justice. The scholarly literature, however, has focused on those practices utilized within particular ethnocultural groups, such as *mato oput* in northern Uganda. The article seeks to widen that debate, considering the possibility of utilizing synthetic, artificial, and neotraditional practices of justice and acknowledgement in ameliorating conflict and improving relations between two or more different ethnocultural groups.

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Methodology

As part of a larger, ongoing study, I have been engaged since 2004 in an examination and analysis of the use of traditional practices of acknowledgement in Uganda and, since 2010, in Fiji. I am specifically interested in the role that these processes play in a society's acknowledgement of past crimes and abuses as well as how they succeed when other "Western" approaches, like the truth commission, have failed.[1]

This article is based on a number of "waves" of research that have been collected around traditional practices of justice in Uganda and one in the Fiji Islands. Each is a qualitative survey of the manner in which customary practices could be and are being used, focusing on a different aspect of these instruments and particularly on the opinions of various stakeholder groups regarding their use. The data that supports the arguments here has been collected in Uganda in more than 270 interviews conducted since 2004 with members of stakeholder groups, including conflict-affected women, government officials, traditional cultural institutions, urban educated youth, and religious leaders. In Fiji in 2010, during the beginnings of a broader, comparative study, 26 interviews were conducted.

Customary Practices of Acknowledgement and Justice

As I have written elsewhere, traditionally, cultures and societies around the world had highly complex and developed systems for dealing with conflict and its resolution—and with the social deficits brought about by conflict. In traditional times, these systems carried out a number of functions, including mediation, arbitration, adjudication, restitution, and punishment—the same retributive elements included in the kinds of systems familiar in "modern" justice. They often also included elements of restoration and reconciliation, which typically functioned in tandem.[2]

Uganda

In many parts of the world, these practices were shoved aside to make way for modern Western ideas and practices. Colonial rulers disparaged such traditional customs, allowing only "natives" within the colonies to utilize them and setting up separate mechanisms for use by "nonnatives," effectively creating a dual system.[3] In Uganda traditional practices were officially prohibited in 1962, at the time of independence, in favor of a harmonized court system modeled on the British system.[4] The 1967 constitution, promulgated by President Milton Obote, outlawed the many kingdoms and traditional cultural institutions across the country.

Yet, the kingdoms and other traditional cultural institutions remain, and traditional practices have continued in different parts of the country.[5] Traditional cultural institutions themselves have special status under Article 246 of the constitution.[6] Traditional practices are now legally provided for under legislation, including Article 129 of the 1995 constitution, which allows local council courts to operate at the subcounty, parish, and village levels.[7] The Children's Statute 1996 grants these courts authority to mandate any number of things, including reconciliation, compensation, restitution, and apology.[8] The government of Uganda has subsequently included these practices in the 2008 Agreement on Accountability and Reconciliation and the subsequent annexure, which emerged from the Juba Peace Talks.[9] These mechanisms broadly fit within very different approaches to justice, whether retributive or restorative, and fulfill different roles within their respective societies, from cleansing and welcoming estranged persons back home, to prosecution and punishment. However, they all draw upon traditional customs and ideas in the administration of justice in modern times.

These institutions are still widely used throughout the country by many of the 56 different ethnic groups.[10] Among the Karamojong, the *akiriket* councils of elders adjudicate disputes according to traditional custom, which includes cultural teaching and ritual cleansing ceremonies.[11] The Acholi use a complex system of ceremonies in adjudicating everything from petty theft to murder.[12] In the current context, at least two ceremonies have been adapted to welcome ex-combatant child soldiers home after they have been decommissioned: *mato oput* (drinking the bitter herb) and *nyouo tong gweno* (a welcome ceremony in which someone steps on an egg over an *opobo twig*).[13] These ceremonies are similar to those used by the Langi, called *kayo cuk*; the Iteso, called *ailuc*; and the Madi, called *tonu ci koka*.[14] The Lugbara, in the northwest part of the country, maintain a system of elder mediation in family, clan, and interclan conflict.[15] In some areas, however, these practices are no longer used regularly. I have found that traditional practices are, in fact, used far less widely in the "greater south" and among Ugandans of Bantu origin.

People from nearly every one of the ethnic groups in Uganda, though, have reported to me that "everyone respects these traditions" and that reconciliation continues to be an "essential and final part of peaceful settlement of conflict."[16] A common understanding of these symbols, ceremonies, institutions, and their meanings remains throughout Uganda—even in those areas where such practices are no longer carried out.

Fiji Islands

In Fiji these customs and traditions were enshrined in the Fiji Regulations (1876).[17] In 1967 the traditional Fijian court system and various related regulations were abolished.[18] According to the solicitor general, "At least by 1970 and the enactment of the new constitution, the traditional courts went out of use. They have not been reinstituted and Magistrates now visit the more distant villages on circuit to adjudicate on criminal and civil matters."[19] The chief justice notes that "there is a join between the traditional system and the Western system but not for serious cases like murder, rape, robbery with violence, and that kind of thing. There, we simply must apply legal principles, which are important in the community."[20] Yet, these practices were legally protected and even encouraged to a large extent until 1997.

Colloquially, strong evidence indicates that these practices have continued to exist beyond their official abolition: "There is officially no such thing as customary law in Fiji, but it's really a matter of definition. Most of our customs have been codified, and it is sometimes difficult to distinguish, now, what is customary law."[21] As in many other parts of the world, different customary practices existed to resolve conflict and to reconcile the population; collectively, they are called *i soro*.[22] The *matanigasau* is a ceremony that aims to restore peace and harmony to the heart of the extended family group when one party goes to ask forgiveness. Other ceremonies of pardon also exist, such as the *bulu bulu*, in cases of injury, to "bury the bad thing that has happened."[23] Another, *veisorosorvi*, "brings both parties together to sit, discuss, and agree together, after which a *tabua* [whale's tooth] is always presented to seal what has been agreed upon. Once the *tabua* is presented, that's the end of it. Sometimes the *tabua* can be a curse because you must follow what you've agreed to by accepting it. All of these are traditional forgiveness and reconciliation and may be used instead of the Western court system or in conjunction with it."[24] A former chief magistrate points out that "even until today, if there are some problems, people will use the village system—a committee set up to resolve their problems. In rural areas, everybody talks together in a traditional way, on mats, under a tree, and so on."[25]

Within the community of Fijians of Indian descent, similar customary practices of law existed and were used to govern—here, too, born out of necessity since the European laws extended only to the European community, and the Fiji Regulations, only to the indigenous Fijian community. These practices, however, do not now exist. Called *panchayats*, they were based on the *panchayats* in rural India, where "the jurisdiction of the *panchayat* is wide: everything having to do with the caste or its members. . . . They handle[d] cases as serious as death by poisoning or

causing severe injury, but most cases [were] less dramatic: arguments about marriage arrangements, insults, fighting with weapons, or infringement of someone's hereditary territory predominate."[26] Fijian *panchayats* were ad hoc councils of "men of generally acknowledged reputation . . . with the power to demand any penalty [they thought] fit (an apology, a fine) or to dismiss the case. But council leaders [had] no power to enforce their decision. This is left to the weight of public opinion."[27] Adrian Mayer points out that "all the panchayats recorded were *ad hoc* bodies, called to hear a specific dispute, rather than permanent entities organized on a territorial or cultural basis."[28] They heard evidence presented by both sides, conferred, and handed down their decisions.[29] Robert Hayden writes that

> what is perhaps of greatest interests for present purposes is that the task faced by the panchayat is one of finding facts, in the sense of creating a definitive public account of what happened in the incident in question. This point needs stressing: the panchayat is held precisely because there is as yet no commonly accepted knowledge of an important event. While many members of the community may already have some knowledge of the incident, such knowledge is unauthorized and can not be used in public discourse. . . . The purpose of the panchayat is to create what Brenneis calls a "public record" of the dispute: "a single and non-contradictory account of crucial events" which can be used to guide future behaviour. . . . The outcome of a successful panchayat is that the disputants shake hands and resume some semblance of normal social relations.[30]

Anyone could bypass the association and, therefore, the *panchayat*, by going to court.[31]

Even after independence in 1970, all of these practices, both within the indigenous Fijian community and within the community of Fijians of Indian descent, continued to be legally sanctioned.[32] As far back as 1984, reinvigorating the Fijian court system had the blessing of the Great Council of Chiefs. In 1994, backed by those same chiefs, the Ministry of Fijian Affairs came out strongly in favor of using the traditional court system during a Commission of Inquiry on the Courts.[33]

Current programs within the prison system and elsewhere have been making use of the traditional structure: "*Sevusevu* is used as a sacred way of beginning a conversation, a grounding on which everything else must proceed."[34] One official observes that "framing issues in traditional ways is useful in getting people to buy in. The NGO [Nongovernmental Organization] Coalition and Dialogue Fiji use this kind of approach."[35] Even proper judges of the courts in Fiji use the traditional setting to gain buy-in: "I would come into a courtroom to find a chair and table provided and everyone sitting on the floor. And so I would push the table aside and sit on the floor myself, consulting the elders as I went along."[36] The chief justice of the Supreme Court tells a similar story.[37]

Today, customary law of any stripe is no longer formally recognized as a general source of law by the constitution.[38] The Constitution Amendment Act 1997 repealed the 1990 constitution. The act omits section 100.3, which had appeared in that constitution and read as follows: "Until such time as an Act of Parliament otherwise provides, Fijian customary law shall have effect as part of the laws of Fiji."[39] Section 195.2.e of the subsequent 1998 constitution, though, does protect customary law to some extent: "All written laws in force in the State (other than the laws referred to in subsection [1]) continue in force as if enacted or made under or pursuant to this Constitution and all other law in the State continues in operation."[40] Similarly, section 186.1 is explicit in upholding laws related to customary law: "The Parliament must make provision for the application of customary laws and for dispute resolution in accordance with traditional Fijian processes."[41] However, since the abrogation of the constitution in 2009, all of this stands in question.

Commonalities

The literature surrounding customary practices identifies five characteristics that most have in common. The first is that customary practices are nearly always undocumented and uncodified.[42] The second is the "mix" of customary practices already at play at any given time, blending cultural, religious, social, and other practices. The third is that customary practices are "localized and particularistic . . . [taking on] different forms as dictated by ecological factors, population density, political organization, economic relations, and so on."[43] Fourth, such practices balanced the many interests and power dynamics that existed within the community.[44] Fifth, oftentimes great importance was placed on value consensus and social cohesion.[45] According to Luc Huyse,

> A Penal Reform International report on informal justice systems in Sub-Saharan Africa lists several strong points of such arrangements:
> They are accessible to local and rural people in that their proceedings are carried out in the local language, within walking distance, with simple procedures which do not require the services of a lawyer, and without the delays associated with the formal system.
> In most cases, the type of justice they offer—based on reconciliation, reparation, restoration and rehabilitation—is more appropriate to people living in close-knit communities who must rely on continuous social and economic cooperation with their neighbours. . . . They help in educating all members of the community as to the rules to be followed, the circumstances which may lead to them being broken, and how ensuing conflict may be peacefully resolved.
> The fact that they employ non-custodial sentences effectively reduces prison overcrowding, may allow prison budget allocations to be diverted towards social development

purposes, permits the offender to continue to contribute to the economy and to pay reparation to the victim, and prevents the economic and social dislocation of the family.[46]

It is important to note, though, that customary practices are themselves sometimes the site of conflict within and/or between groups. For example, the legitimacy of the leadership within communities that elect to employ these kinds of practices might be in question—and this could result in an abuse of power within these traditions.[47] Sometimes, the presence of "outsiders" results in contestation.[48] In other instances, the sheer distance (whether in terms of time or of geographic space) that separates contemporary practitioners from the necessary resources for those traditions hampers their success.[49] In other cases, whole groups are left out of the process in many ways.[50] Consequently, both scholars and practitioners must keep in mind the limitations within which customary practices sometimes work as well as the possibility that their use might be the cause of further conflict or disenfranchisement.

Between-Group Practices: Existing Synthetic Approaches

The previous section described customary practices of justice and acknowledgement used to ameliorate relations and deal with wrongs committed within a particular ethnic group, which has normally been the case. In a number of different examples, however, customary practices of justice and reconciliation are carried out between groups. In some cases, the impetus for this between-group focus is grassroots and organic.

In northern Uganda, for example, after a war between two ethnic groups, "revenge was turned into reconciliation when the bending of the spears (*gomo tong*) ritual was performed."[51] "The conflicting parties exchange their spears symbolising an end to the war or conflict."[52] Thomas Harlacher and his coauthors cite *gomo tong* as a "symbolic ceremony to mark the end of a war or bloody conflict between different Acholi clans or chiefdoms, or between Acholi and neighbouring ethnic groups. The ritual implied a vow by both sides evoking 'the living dead' and promising that such killings would not be repeated. If one side did again lift a spear against the other without a very good—and new—cause, the tip of the spear would turn back against the aggressor."[53] Ladit Arweny, one of the participants in a landmark 1986 *gomo tong*, recorded a specific case: "Acholi traditional Chiefs and Elders initiated reconciliation with the people of West Nile and peaceful reconciliation was performed on the 11th February 1986 in Palero some 26 miles north of Gulu in Acholiland. From that time there would be no war or fighting between Acholi and Madi, Kakwa, Lugbara or Alur of West Nile."[54]

A similar ceremony, *amelokwit*, took place between the Iteso and the Karamojong in 2004.[55] Since that time, a number of activities have been carried out to continue the spirit of reconciliation inspired in the *amelokwit*:

> Joint activities between Teso and Karamoja are being championed to address the challenges of cattle rustling. Cattle rustling has kept interaction between the Iteso and Karamojong at bay. It has led to loss of life and sources of livelihood for the two peoples. Joint activities are aimed at enhancing interaction [and] dialogue for peaceful co-existence. . . .
>
> In order to introduce and reinforce peace building in the planning, budgeting and implementation processes at district level, . . . [an indigenous NGO, Teso Initiative for Peace] facilitated the formation of District Peace Monitors Committee in the 8 neighbouring districts affected by cattle rustling. . . . 38 people have been trained so far in Early Warning Systems and Early Response Actions.[56]

Other activities used to undergird the *amelokwit* include cultural music festivals on peace with Iteso and Karamojong, dialogue meetings between leaders in the bordering subcounties, and exchange visits between children in school and women within Teso and between Teso and Karamoja. Income-generating projects—including a Teso-Karamoja joint cassava multiplication farm of 36 acres, joint dam rehabilitation and desilting, and a resettlement process—have been put in place.[57]

In other cases, however, the impetus for the carrying out of between-group practices is somehow superimposed onto relations between the two groups.[58] The *gacaca* courts in postgenocide Rwanda, mediating between Hutu and Tutsi, provide a useful example: "The Rwandan government revitalized a traditional mechanism for seeking justice: the Gacaca system[, w]ith its rules adjusted to the twenty-first century's requirements and the specific postgenocidal context."[59] Peter Uvin observes that

> from mid-1997, senior Rwandans began thinking about innovative ways of dealing with this challenge. Out of these discussions grew the idea of transforming a traditional Rwandan community based conflict resolution mechanism called *gacaca* into a tool for judging those accused of participation in the genocide and the massacres. This system . . . [was] labelled the "modernized *gacaca*" and constitutes an unprecedented legal-social experiment in its size and scope. . . .
>
> Throughout the country *gacaca* tribunals . . . [were] created composed of persons of integrity elected by the inhabitants of cells, sectors, districts and provinces. Each prisoner (except those accused of category I crimes) . . . [was] brought before the tribunal in the community where he or she . . . [was] alleged to have committed a crime. The entire community . . . [was meant to be] present and act as a "general assembly", discussing the alleged act or acts, providing testimony and counter-testimony, argument and counterargument. The community . . . elect[ed] among those present 19 people to constitute the bench. These people . . . [were to have been] of high moral standing, non-partisan and not related to those accused.[60]

It is clear that institutions change over time.[61] Leslie Marmon Silko writes that "human communities are living things that continue to change; while there may be a concept of the 'traditional Indian' . . . no such being has ever existed. All along there have been changes."[62] Further, Margaret Andersen and Howard Taylor note that "social change is the alteration of social interactions, institutions, stratification systems, and the elements of culture over time."[63] Like any social practice located in the sphere of actions governed by human activity, one expects that social customs will become modified as those actions that inform them also become altered.

Thus, like all institutions, traditional practices of acknowledgement and justice have also changed. In some instances, these traditions have continued without interruption over time but have gradually been adapted. Traditional values and teachings continue to inform the ritual of such practices—certainly the case with the Ugandan and Fijian mechanisms outlined above, both within and between groups. As such, these customs look very similar to the kinds of mechanisms understood to have existed in pre-Western societies. In many cases, these mechanisms have also been formalized, in that their proceedings are regularized and carried out according to prearranged and codified rules.

The *gacaca* courts in Rwanda are different. They are a newly constituted practice constructed in the manner of a collection of traditional practices that had ceased to exist for years and that now carry the same traditional name. Similarly, traditional elders' courts that operate in Aboriginal communities across Canada and Navajo Courts that have been (re)created in the United States mimic those traditional practices that used to exist.[64] They are modeled on old institutions, with changes to make them relevant to contemporary circumstances. In this way, they are "neotraditional" institutions.[65] According to I. William Zartman,

> The task of distinguishing the new from the known raises its own inherent problems of terminology. Most open to discussion is the notion of tradition itself, a term that has occasioned vast discussions and inspired great ambiguity. . . . Conflict management practices are considered traditional if they have been practiced for an extended period and have evolved within African societies rather than being the product of external importation. Tradition continues to exist, even in the contemporary—or modern—period. . . . It is quite another matter to revive practices from history that have fallen into disuse and therefore would have to be readjusted and refurbished to fit into a modern context. At the same time, tradition is likely to have been updated, adjusted, and opened to new accretions in order to stay alive through changing times. Traditional does not mean unaltered or archaic.[66]

The Possibility for Synthetic
(Neotraditional) Practices of Justice and Acknowledgement

In plural societies in which conflict has occurred between different ethnic groups and customary practices of justice and acknowledgement are in use, those practices do not often rightfully or necessarily apply to the resolution of conflict *between* those groups—even if they might well be used to resolve within-group conflict.[67] For example the *veisorosorovi* in Fiji is completely foreign to Fijians of Indian descent, as the *panchayat* is to Fijians of ethnic descent. Similarly, Aboriginal healing circles and elders' courts are not at all understood by Canadians of European descent. In contrast, Canadians of Aboriginal descent, as the New Zealanders of Aboriginal descent, feel uncomfortable with the European-based court systems.[68]

With all of this lack of understanding and cultural specificity, the possibility for creation of a synthetic, between-group practice of justice and acknowledgement needs to be considered. The use of the word *synthetic* here refers to a process defined by a standard dictionary as "not natural or genuine; artificial or contrived." That is, I argue that "traditional" processes of acknowledgement and justice between groups could, in fact, be made up:

> This [question of how to merge different strategies] is not a problem that is unique for Third World countries in general, or African post-conflict societies in particular. The search in Western Europe and North America for a justice mechanism that can complement a purely punitive approach has generated renewed interest in traditional non-state systems of dealing with crime. In Australia, New Zealand, Canada and the United States traditional justice systems belong to the aboriginal heritage and have recently been revived. Interest in restorative justice programmes is on the rise in other Western countries but this is based more on progressive contemporary philosophies of justice than on a forgotten local tradition. One example is victim-offender reconciliation programmes. That formula has been used predominantly to handle fairly minor crimes, although initiatives in conflict contexts such as Northern Ireland have tried to extend the concept.[69]

Eghosa Osaghae argues that the explicit use of customary practices in modern situations is important for two reasons. One is that their use will mitigate perceptions of what he calls "anticolonial and anti-imperialist elites . . . reinforced by the larger context . . . imposed by Western countries and other multilateral organizations." The second is that "the incorporation of traditional systems not only helps to contextualize conflict management but also facilitates the participation of local peoples who are usually left out."[70]

People in a homogeneous society are more confident that they are familiar with the customs of their society than people in a diverse, multicultural society can be.[71] Yet, as Stephanie Lawson establishes, "unity and consensus . . . *may* be

achieved despite social or cultural dissocation between groups"(emphasis added).[72] That is, distinct groups within a plural society can find common ground. John Braithewaite observes that "locals with shared traditional, reconciliatory and justice sensibilities might mediate fertile new hybrids."[73] This assumes, of course, that cross-cutting associations between the two disparate groups can and do occur—as is the case between the Iteso and Karamojong, as detailed above.[74]

For example, across much of southern and western Uganda, the exchange of dried coffee beans, eaten together, symbolizes that an acknowledgement of past wrongdoing has taken place and solidifies the two parties coming together again. Similarly, in northern Uganda, the preparation, exchange, and eating of goat in the *mato oput* ceremony symbolize that an acknowledgement of past wrongdoing has taken place and solidifies the togetherness of the two parties.[75] Many of the rituals and cultural practices surrounding acknowledgement and justice in Uganda are cemented by partaking in a common meal or in eating together. Even some Christian and other religious leaders who might oppose the use of customary practices because of their link with animistic or other traditional practices are inclined toward eating together and equate it with Holy Communion.[76] This is an example of a cultural practice that symbolizes the same thing across ethnic cultures, albeit with variation, and which might usefully be employed in thinking about those "shared traditional, reconciliatory and justice sensibilities" discussed by Braithewaite, above.[77]

Eric Hobsbawm contends that "any social practice that needs to be carried out repeatedly will tend, for convenience and efficiency, to develop a set of such conventions and routines, which may de facto or de jure formalize for the purposes of imparting the practice to new practitioners." He emphasizes that

> inventing tradition . . . is essentially a process of formalization and ritualization, characterized by reference to the past, if only by imposing repetition.
>
>   . . . We should expect . . . [the invention of tradition] to occur more frequently when a rapid transformation of society weakens or destroys the social patterns for which "old" traditions had been designed, producing new ones to which they were not applicable, or when such old traditions and their institutional carriers and promulgators no longer prove sufficiently adaptable and flexible, or are otherwise eliminated.

According to Hobsbawm, invented traditions seem to belong to three overlapping types: "a) those establishing or symbolizing social cohesion or the membership of groups, real or artificial communities, b) those establishing or legitimizing institutions, status or relations of authority, and c) those whose main purpose was socialization, the inculcation of beliefs, value system and conventions of behaviour."[78]

There are many ways to approach the creation of synthetic practices. Harry Blagg and Braithewaite caution against appropriating indigenous custom "to a

western project . . . putting indigenous ideas into foreign contexts where it is detached from the cultural moorings that give the indigenous project point and purpose."[79] As Hobsbawm notes, though, "sometimes new traditions could be readily grafted on old ones, sometimes they could be devised by borrowing from the well-supplied warehouses of official ritual, symbolism and moral exhortation."[80] According to Huyse, "The specificity of . . . [approaches] is the use of ritualistic ingredients."[81] It is clear that communities need to capitalize on those shared understandings and cultural mores that do exist: "Those who participated in the [truth commissions in Uganda and Haiti, for example,] felt uneasy about coming forward, as experience had taught the victims of past crimes to distrust such 'official' bodies," which had little or no cultural significance.[82]

Putting in place an "acceptable cross-cultural synthesis of [any] reconciliation model," then, seems a possibility.[83] Steven Ratuva claims that "these same principles can be re-designed and used as a basis for conflict resolution at the national level." He argues that the traditional indigenous Fijian model, for example, has a number of strengths, including its malleability, depending on the circumstances in which it is constituted; its traditional use in communal conflict resolution; and its utility in transforming relationships. In the Fijian case, therefore, Ratuva argues that there is good reason to consider using "tried and true" practices—or at least those practices that have some resemblance to those traditions that people will understand.[84]

Ratuva suggests four practical measures for consideration, which might easily be applied when considering how to build a synthetic practice of justice and acknowledgement: First, he recommends that the customary practices of each of the two or more ethnic groups in question be examined. Then, each of the groups needs to be persuaded to see each other's practices as having value. "This," he says, "is to ensure a cross-cultural synthesis of peace-building mechanisms as a way of providing assurance and a sense of 'ownership' for different ethnic groups. The . . . model should be 'negotiated' rather than imposed in order for it to work in such a context." Ratuva is clear that applying such principles cross culturally will be difficult, yet he argues that it is possible and holds clear promise. Second, he maintains that the process is meant to apply only to mediation between groups—not individuals—and further contends that the synthetic approach could be used at any level of society, from local and grassroots to the regional level. Third, Ratuva believes that the model could prove useful in transforming relationships around questions of legitimacy, institutionalized conflict, and cultural discourse. Fourth, he states that the "model is largely for addressing fractured relationships and may be less effective in dealing with the deeper roots of some problems such as socio-

economic distribution. In this case, the . . . model could be used as a supplementary process to complement redistributive strategies such as affirmative action."[85]

Some precedent exists for this kind of synthesis: "Even at the national level, attempts have been made in some countries to entrench 'traditional' ways."[86] For example, the International Criminal Division (formerly the War Crimes Division) of the High Court of Uganda, through its Justice, Law, and Order Sector Transitional Justice Working Group, has been trying to determine the modalities of the inclusion of customary practices of justice and acknowledgement within the division and elsewhere.[87] That is, customary practices might soon be employed within the formalized Western criminal justice system—a distinct hybridity that has not been seen before.

Problems to Be Addressed

Still, concerns are often raised about the synthetic production of customary practices of acknowledgement and justice between groups—and about the use of anything resembling "customary" practices at all. Three of these are discussed below.

Codification

A concern about codification arises, particularly in regard to creation of synthetic practices, because a great many modalities must be worked out. Further, there may well be discrepancies in understanding between those in different ethnic groups about meaning and requirement, which would not necessarily exist within ethnic groups. Many argue that their malleability makes customary practices so valuable.[88] As noted above, Osaghae considers the ability of customary practices to change and to be "socio-culturally responsive" a cross-cutting characteristic of traditional practices.[89] Jean Zorn and Jennifer Corrin Care note that "a codification freezes rules as they were at the moment they were written, and they lose the essence of custom, which is that it is unwritten and changes all the time, as the culture of which it is an expression changes or simply to accommodate the needs of the parties. . . . Custom exists as behaviour. Reduced to a written rule of law, it becomes something other than what it was."[90]

The challenge, of course, is that when things aren't written down, meaning and/or procedure may become clouded over time. Although that might be acceptable within a particular ethnic group, where there is to a large extent a common understanding, this is not always the case in between-group situations. Such a difficulty must be seriously considered before embarking on a new program of "invented" customary practice.

Authenticity

Scholars and practitioners of customary practices of acknowledgement and justice often raise the question of authenticity: "It is clear that African traditional conflict management techniques depend to a large extent on the existence of a community of relationships and values to which they can refer and that provide the context for their operations. . . . It has often been noted . . . that African traditional methods essentially focused on intracommunity conflict and worked because of the support given to them by the community."[91] Communities with different contextual understandings and values to which they can refer face a conundrum. These may be variations in substance, interpretation, and form. Moreover, even though groups may have difficulty coming together, at least initially, over form and interpretation of core concepts and "substantive" principles, there is generally going to be agreement between groups on what those core concepts are.[92] The latter will provide some common basis of understanding as the discussion then moves into how to interpret those sentiments in a practical way and then how to implement them within the affected communities.

Power

As I have written elsewhere and mentioned briefly, above, customary practices of justice and acknowledgement are vulnerable to the abuse of power. They are sometimes carried out by individuals who, although at first glance, appear to be the justifiable wielders of power, may in fact be abusing this power. Consequently, we need to be very careful to understand the power dynamics at play behind and within these traditional practices of acknowledgement and justice—particularly in situations where practices are not written down and not regulated, even if they are subject to rules like human-rights declarations and so on—and not promote the abuse of power. Mechanisms of justice adopted within larger strategies of transitional justice must be fair. They must be equal. They must be transparent. And they must be universal. Any position or mechanism that abuses power— whether by making an unauthorized appointment or by reaping an undeserved privilege—is illegitimate. These abuses must not be allowed to persist. Further, the privileging of these mechanisms over others within a transitional context is simply wrongheaded.[93]

Conclusions

The utility of customary practices of acknowledgement and justice within communities has been established elsewhere. Clearly, their outcomes are impor-

tant, and communities trust in and rely on such practices. Nevertheless, little is known about how these same principles might be used in ameliorating difficult relationships between ethnic groups. The consideration of what between-group practices might look like and how and why they should be employed is critical for the "buy-in" of individuals and groups at the local, regional, and state levels—particularly in plural societies where culturally distinct groups have been at odds.

The invention of these practices, however, is slightly more controversial. Can an invented past be regarded as traditional? The answer, even from the perspective of the "invention of tradition" school championed by Terence Ranger, is yes. Hobsbawm states that "the object and characteristic of 'traditions' including invented ones, is invariance."[94] Traditions are relatively more enduring and resistant to change.[95] Ratuva remarks that "mobilizing aspects of local culture as means of addressing conflict is an important dimension" of any practice of conflict resolution, including acknowledgement and justice.[96] This is as true of within-group practices as it is of those employed to ameliorate division between groups.

Notes

1. See Joanna R. Quinn, *The Politics of Acknowledgement: Truth Commissions in Uganda and Haiti* (Vancouver: University of British Columbia Press, 2010).

2. Joanna R. Quinn, "Tried and True: The Role of Informal Mechanisms in Transitional Justice" (paper presented at the International Society of Political Psychology Annual Meeting, Toronto, 6 July 2005).

3. Mahmood Mamdani, *Citizen and Subject* (Kampala: Fountain Publishers, 1996), 109–10. See also F. D. Lugard, *The Dual Mandate in British Tropical Africa* (London: W. Blackwood and Sons, 1922).

4. British Colonial Office, *Report of the Uganda Relationship Committee* (London: British Colonial Office, 1961).

5. Philip Briggs, *Uganda* (Old Saybrook, CT: Globe Pequot Press, 1998), 22.

6. Government of Uganda, *Constitution of the Republic of Uganda, 1995*, accessed 12 May 2014, http://www.parliament.go.ug/new/images/stories/constitution/Constitution_of_Uganda_1995.pdf.

7. The local council courts, formerly known as resistance council courts, "were first introduced in Luweero in 1983 during the struggle for liberation. In 1987 they were legally recognized throughout the country." See John Mary Waliggo, "The Human Right to Peace for Every Person and Every Society" (paper presented at Public Dialogue, organized by Faculty of Arts, Makerere University, in conjunction with Uganda Human Rights Commission and NORAD, Kampala, Uganda, 4 December 2003), 7, author's collection; and "Uganda: Constitution, Government & Legislation," *Jurist*, accessed 30 April 2005, http://jurist.law.pitt.edu/world/uganda.htm.

8. Government of Uganda, *Children's Statute*, 1996.

9. These documents form one part of a five-part agreement signed in June 2007 and February 2008, respectively. Although the agreements were signed, at the time of this writing, the final agreement has not been signed, and both parties have walked away from the talks. See Joanna R. Quinn, "Accountability and Reconciliation: Traditional Mechanisms of Acknowledgement and the Implications of the Juba Peace Process" (paper presented at the conference "Reconstructing Northern Uganda," held by the Nationalism and Ethnic Conflict Research Group, University of Western Ontario, London, Ontario, 9 April 2008). At the time of this writing, the government of Uganda, through its Justice, Law, and Order Sector Transitional Justice Working Group, is trying to determine the modalities of the inclusion of these practices within the War

Crimes Division of the High Court and elsewhere. Christopher Gashirabake, Ministry of Justice and Constitutional Affairs, interview by the author, Kampala, Uganda, 4 July 2008; and Hon. Justice James Ogoola, principal justice, High Court, and chairman, Transitional Justice Working Group, interview by the author, Kampala, Uganda, 25 September 2008.

10. These practices vary widely and are used in different situations for different reasons. Some are targeted at individuals while others are group oriented. For a more in-depth discussion of the use of traditional mechanisms in Uganda, see Joanna R. Quinn, "What of Reconciliation? Traditional Mechanisms of Acknowledgement in Uganda," in *Reconciliation(s)*, ed. Joanna R. Quinn (Montreal: McGill-Queen's University Press, 2009), forthcoming.

11. Bruno Novelli, *Karimojong Traditional Religion* (Kampala: Comboni Missionaries, 1999), 169–72, 333–40; and Peter Lokeris, minister of state for Karamoja, interview by the author, Kampala, Uganda, 18 November 2004.

12. See Thomas Harlacher et al., *Traditional Ways of Coping in Acholi: Cultural Provisions for Reconciliation and Healing from War* (Kampala: Thomas Harlacher and Caritas Gulu Archdiocese, 2006).

13. For an excellent description of *mato oput*, see Sverker Finnström, *Living with Bad Surroundings: War and Existential Uncertainty in Acholiland in Northern Uganda*, Uppsala Studies in Cultural Anthropology no. 35 (Uppsala: Department of Cultural Anthropology, Uppsala University, 2003), 297–99.

14. Government of Uganda and Lord's Resistance Army/Movement, "Annexure to the Agreement on Accountability and Reconciliation" (Juba: Government of Uganda and Lord's Resistance Army/Movement, 19 February 2008), Art. 21.1.

15. Joseph Ndrua, "A Christian Study of the African Concept of Authority and the Administration of Justice among the Lugbari of North Western Uganda" (MA thesis, Catholic Higher Institute of Eastern Africa, 1988), 42–56.

16. Sabiny man studying at Makerere University, confidential interview by the author, Kampala, Uganda, 7 November 2004; and Waliggo, "Human Right to Peace," 9.

17. Mere Momoivalu, "A Separate System of Justice," *Review*, September 1994, 40.

18. Ratu Filimone Ralogaivau, "A Primer on Fiji's Great Council of Chiefs," *Fiji Times*, 27 April 2006.

19. Christopher T. Pryde, solicitor general of Fiji, correspondence with the author, 8 February 2011.

20. Hon. Justice Anthony Gates, chief justice of Fiji, interview by the author, Suva, 29 June 2010.

21. Alipate Qetaki, general manager, Native Land Trust Board, interview by the author, Suva, 21 June 2010.

22. For an excellent description of many of these customs, see M. Toro, "Disputes in a Fijian Village Setting" (MA thesis, University of the South Pacific, 1973). See also Andrew Arno, "Ritual of Reconciliation and Village Conflict Management in Fiji," *Oceania* 47, no. 1 (1976): 49.

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91. I. William Zartman, "Conclusions: Changes in the New Order and the Place for the Old," in Zartman, *Traditional Cures for Modern Conflicts*, 224, 225.

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Towards a Regional Solution to Somali Piracy

Challenges and Opportunities

Jens Vestergaard Madsen*
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S omali piracy has been on the forefront of the world's agenda since it emerged in the mid-2000s. Despite the many attempts to eradicate this threat to international shipping, the delivery of humanitarian aid, and the well-being of seafarers, a long-term, sustainable solution has yet to be developed. The immediate response to Somalia-based piracy took the form of international crisis-response operations employing naval convoys and patrols, privately contracted armed security personnel (PCASP), and industry's best-management practices (BMP). This effort by the international community has effectively mitigated the crisis at sea, but it is not the basis for an answer to the problem.

Such a solution must take a two-pronged approach, dealing with the issue at sea and on land. With the success of international crisis-response operations at sea and positive developments on the ground in Somalia, the development of a comprehensive approach that concentrates on capacity building ashore now seems attainable. Up to this point, the international community has led the way in terms of not only mitigating the immediate threat but also addressing the development of regional institutions meant to serve as the foundation for a long-term solution.

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This article examines efforts of the international community, addressing internationally led "regional efforts" such as the Djibouti Code of Conduct and Maritime Security Program (MASE) and analyzing their impact on eliminating piracy. It demonstrates that the most effective approach to the development of a sustainable solution stems from regional and local initiatives led, funded, and implemented by regional and local authorities. The article then seeks to carve out a role for the international community that focuses on the support and empowerment of local initiatives rather than the implementation of Western-style leadership and organizations.

Averting the Crisis at Sea: International Crisis-Response Operations

A necessary reaction to immediate threats such as maritime piracy, crisis-response operations offer an effective way to mitigate them in the short term and prepare for the development and implementation of a supportable solution for the long term. In regards to Somali piracy, these operations have made use of naval patrols and convoys, PCASP, and industry's BMP. In addition to crisis response at sea, in 2009 the international community also established a forum—the Contact Group on Piracy off the Coast of Somalia (CGPCS)—to coordinate the counter-piracy actions of stakeholders.[1]

Although attacks by Somalia-based pirates had been reported since the early 1990s, it was not until the mid-2000s, when the number of attacks skyrocketed and the value of ransoms and length of captivity of seafarers increased dramatically, that the international community began paying attention to this threat. International crisis-response operations began in earnest in 2008, when the United Nations (UN) Security Council in quick succession adopted four resolutions specifically addressing Somali piracy.[2] In increasingly strong verbiage, Resolution 1851 called upon states and international organizations to "take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia" through naval operations, legal arrangements, capacity-building support to regional countries, and enhanced international cooperation and coordination.[3] Apart from the danger to global shipping and the well-being of seafarers, the UN initially responded in part because World Food Program (WFP) vessels, responsible for delivering food to Somalia and other impoverished nations, had been attacked six times between June 2005 and November 2007 by Somali pirates.[4]

One sees the gravity associated with these repeated strikes in the mandate of the European Union (EU) Naval Force's Operation Atalanta, charged with deterring, preventing, and repressing acts of piracy, which includes "protection of World

Food Programme . . . vessels delivering aid to displaced persons in Somalia, and the protection of African Union Mission to Somalia (AMISOM) shipping."[5] Escorts of WFP and AMISOM vessels have proved effective: none of these ships has been attacked since. To further secure the waterways, in February 2009 international naval forces defined an area known as the Internationally Recognized Transit Corridor to provide heightened patrolling and monitoring as well as group transits for merchant vessels.[6] The international community acknowledged the success of naval operations and has continued to keep a constant naval presence in the Western Indian Ocean and Gulf of Aden.

Crisis-response operations also include the use of PCASP and the implementation of industry's BMP. The former, although not publicly endorsed by industry in its BMP, has proved very effective since no ship with armed guards has been hijacked. Although discussions of the use of PCASP are often greeted with hesitation, this option is viewed as a necessary evil because of its effectiveness. Nevertheless, PCASP are expensive and operate in a complicated legal environment, making their employment necessary in the short-term but not ideal as a permanent or institutionalized solution.

Often evaluated alongside PCASP is the implementation of industry's BMP, developed by the shipping industry as a way to protect ships, cargo, and seafarers during transit of the high-risk area. Published in August 2011, version four is the most up to date iteration of the document, which outlines steps for reducing the occurrence of pirate attacks and avoiding a hijacking. BMP involves three fundamental requirements: registration with the EU-run Maritime Security Center Horn of Africa, reporting to the United Kingdom's Maritime Trade Operation, and implementation of ship-protection measures.[7] The latter vary from ship to ship and should be based on an individual risk assessment but often include providing additional lookouts and enhancing their means of observation through better technology, using faster speeds in the high-risk area, enhancing bridge protection, and installing physical barriers such as razor wire and water spray. Although BMP does not guarantee deterrence from a pirate attack, the guidelines greatly reduce the risk.

Apart from the multitude of efforts at sea, crisis-response operations support governance as well. In 2009 the CGPCS was established in response to UN Security Council Resolution 1851 (2008), which encouraged "all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast."[8] The CGPCS facilitates discussion and coordinates the actions of states and organiza-

tions working to combat piracy through five working groups.[9] Having increased cooperation and contributed to the drop in attacks, the CGPCS, in unison with the international community, has shifted its attention to capacity building. Examples of this shift include the following:

- The EU announced the approval of the EU Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP Nestor), a mission to "assist states in the Horn of Africa and the Western Indian Ocean, including Somalia, to develop a self-sustainable capacity to enhance their maritime security and governance, including judicial capacities."[10]

- The International Maritime Organization (IMO) held a conference on capacity building to counter piracy off the coast of Somalia, announcing strategic capacity-building partnerships among the IMO and UN Food and Agriculture Organization; UN Political Office for Somalia; UN Office on Drugs and Crime; WFP; and the European External Action Service.[11]

- Working Group 1 of the CGPCS set up the Capacity-Building Coordination Group and developed an online capacity-building coordination platform for the coordination of judicial, penal, and maritime capacity-building activities in the Western Indian Ocean region. The platform streamlines and coordinates needs submitted by beneficiary countries and Somali regions as well as the contributions pledged to fill them.[12]

This shift in focus demonstrates both the success of crisis-response operations and the desire to build capacity within the region, but it also poses the question, "What's next?" Although such operations are effective and one can attribute many of the accolades for the drop in piracy numbers to these practices, they are also expensive. In 2013 naval operations cost the international community $999 million; increased speeds, $276 million; and security, such as armed guards and ship hardening, another $1 to $1.2 billion.[13]

The high costs, 98 percent of which are directed at mitigation, do not address investment in a long-term solution. Coupled with the decrease in attacks, this has motivated the international community to seek a transition from crisis response to the development of a sustainable, long-term solution.[14] The recent emphasis on capacity building signals the existence of an underlying expectation that it will lead to a supportable end state whereby the recipient or beneficiary nation can perform the functions to secure its maritime domain with little or no external assistance. Even though a transfer to regional leadership is implied, the international community does little to demonstrate that it is comfortable with giving

responsibility to Somalia and other regional countries. That said, the international community is advocating a regional solution.

On the surface, this seems a practical way to address a transnational problem such as piracy; however, the meaning of the word *regional* is vague and can denote many different things. Clearly, though, the international community intends to create and lead said regional institution while it should advise and support a proposal that addresses the self-defined needs of countries in the Western Indian Ocean region. This article examines the internationally led regional attempts to curb piracy off the Horn of Africa and proposes a way ahead that promotes the success of locally initiated solutions.

Internationally Led "Regional Efforts"

International crisis-response operations such as naval patrols, the use of PCASP, and the implementation of BMP have proved effective in lowering the number of attacks, but they do not constitute a sustainable answer to the problem. These efforts cost the international community billions of dollars each year and do not permit Somalia and other regional nations to assume responsibility for their own maritime domain. In an effort to move away from crisis-response operations and rely more on regional governance, the international community has moved towards regional organizations as its solution of choice for Somali piracy. Although the concept of a regional strategy is relatively straightforward, the development, funding, and implementation rarely are, particularly in a region as complex as the Horn of Africa and the Western Indian Ocean.

When combatting transnational problems, such as piracy, one finds regional organizations an attractive option for many reasons, notably monetary concerns and the desire to shift responsibility to the affected region. In theory, a regional institution is led and implemented by its members; in practice this is not always the case. When it comes to fighting piracy in the Horn of Africa, regional efforts are seldom entirely regional. More often they are internationally funded, developed, and implemented missions designed for European/Western standards. Such is the case with many so-called regional responses to piracy, including both the Djibouti Code of Conduct and the Eastern and Southern Africa and Indian Ocean Regional Strategy, implemented through the EU-led program known as MASE.[15]

The Djibouti Code of Conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden offers an exceptional example of an internationally led regional organization. The code, a regional agreement and the creation of the IMO, was adopted 29 January

2009. The agreement's signatory states assert that they recognize the extent of the piracy problem and "declare their intention to cooperate to the fullest possible extent, and in a manner consistent with international law, in the repression of piracy and armed robbery against ships."[16]

The stated actions of the agreement include the investigation, arrest, and prosecution of piracy suspects; the interdiction and seizure of suspect ships and onboard property; the rescue of hostages, ships, and property subject to piracy; cooperation and coordination among signatory states and international navies; and a review of national legislation concerning piracy.[17] On the surface, the Djibouti Code of Conduct looks fairly comprehensive and focused on the signatory states in the region. In practice, however, it is a nonbinding agreement funded predominantly by the international community and implemented by the IMO.

The code was envisioned to replicate the success of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP) (see below) in the Western Indian Ocean region. However, contrary to ReCAAP, the regional composition and situation on the ground, such as lack of capacity and leadership, have meant that the de facto implementation and day-to-day management of the Djibouti Code of Conduct are in the hands of an international body rather than a regionally designed, funded, and implemented organization. From the outset, the Djibouti Code of Conduct has been an international project, convened by the IMO and funded by the international community through the Djibouti Code of Conduct Trust Fund. Implementation responsibility also falls to the international community, which created a Project Implementation Unit (PIU) in 2010 to take the lead in administering the agreement. The PIU works to improve regional capacity and enhance regional cooperation through four pillars: training, capacity building, legal matters, and information sharing.[18] It should be noted that in May 2014, a high-level meeting at the IMO came to the conclusion that implementation of the Djibouti Code of Conduct will be turned over to a newly formed regional mechanism, thus signaling a transition to greater regional ownership.[19]

The framework of an internationally led regional organization is not unique to the Djibouti Code of Conduct. Given the lack of capacity in the region, the international community often takes the lead on transnational issues such as piracy. The Eastern and Southern Africa and Western Indian Ocean Strategy, implemented under the programs Start-Up MASE and MASE, is another example of a regional plan propped up by the international community (the MASE project is a product of the EU and its partnership with the Indian Ocean Commission). The strategy was adopted at a meeting in October 2010, but MASE began in earnest only in 2012 with Start-Up MASE, an 18-month project designed to

build the capacity to "implement medium and long-term regional strategy against piracy and promote maritime security."[20] Start-Up MASE was phased out in June 2013 as the MASE program commenced. The project, which has a budget of 37 million EUR, will be executed over a five-year period by the following four organizations: the Common Market for Eastern and Southern Africa, East African Community, Indian Ocean Commission, and Intergovernmental Authority on Development.[21] Because the project is still in its infancy, it is difficult to judge the results; however, we are able to critique the project's structure and its role in the international community's comprehensive approach to piracy.

Although the international community has developed and funded many organizations dedicated to combatting piracy off the Horn of Africa, several of them are stuck in a difficult transition phase. The goal calls for turning responsibility over to the region, but proper capacity must be developed within the regional countries before doing so. Due to the dire need for capacity to secure their own domain, many organizations are tasked with similar mandates to improve said capacity. These overlapping and nonregional projects often foster a sense of distrust within the region and fail to provide incentives for governments to take responsibility for their own security. Until the region attains a sufficient level of capacity or shows it has the leadership and funds to develop capacity itself, the international community will have to keep playing a prominent role in combatting piracy and other transnational threats. The difficulty lies in creating programs that simultaneously build capacity, transferring and/or encouraging regional governments and organizations to take on a larger responsibility, and obtaining buy-in of the Somali people. Experience shows that this will occur only through locally led initiatives that have the support of the international community.

Given the inadequate organic regional capacity to address maritime piracy, regional organizations funded and put in place by the international community seem to be the solution of choice. Therefore it is important to note the strengths and weaknesses of this approach. The regional organizations and agreements discussed above, though comprehensive in the scope of their goal, often fail to encourage countries to take on the task and responsibility of securing their maritime domain for the following reasons:

1. The agreements are not legally binding.

2. There is a lack of capacity within the region for funding, leadership, and security.

3. A gap exists in the cultural and political priorities and capabilities between the international community and the countries in the Western Indian Ocean region.

Perhaps the most significant issue with international attempts to support regional organizations lies in this gap between the predominantly Western international community and the affected Western Indian Ocean nations. The international community often places politics and procedure above practicality when designing these regional agreements, opting to preserve their interests and goals rather than listen to and address the needs and priorities of the countries it is trying to help. Despite the many pitfalls to this approach, one can argue that the internationally led effort has been able to kick-start better regional cooperation, coordination, and responsibility.

Regionally and Locally Led Initiatives

Although the international community has taken the lead on counterpiracy initiatives, experience tells us that a regional and/or locally planned effort could prove more successful. Regarding regional governance—and piracy specifically—the best example is ReCAAP, the "first regional government-to-government agreement to promote and enhance cooperation against piracy and armed robbery in Asia."[22] The agreement, finalized in 2004, did not come into force until 4 September 2006.

Prior to Somalia becoming the world's piracy hot spot, Southeast Asia held that dubious honor. In 2000 the International Maritime Bureau declared that Indonesian waters, followed by the Strait of Malacca, were the most dangerous in the world.[23] In response to a dramatic rise in piracy attacks and pressure from the international community, the governments of the region came together and developed the ReCAAP agreement to combat piracy in their waters. Unlike the Djibouti Code of Conduct, ReCAAP has been regionally "owned" since its inception, which "gives the participating governments a sense of ownership that they would not be likely to have if they were not completely in charge."[24] This regional approach has allowed the affected nations the independence to design a plan based on their culture and priorities, keeping in mind their own interests and historical experiences with regional cooperation, instead of a program centered on Western interests and value systems, as is arguably the case in the Horn of Africa.

ReCAAP's success has demonstrated the ability of non-Western regions to build their own governance systems. Although Southeast Asia has more regional leadership and capacity than the Western Indian Ocean region, this has demonstrated the importance of buy-in and responsibility from participating states. When one considers regional organizations for the Western Indian Ocean, the experience of ReCAAP—which involves wealthy regional countries providing the funding, training, and capacity building to less-developed contracting par-

ties—should be a lesson. In the case of Somali piracy, for example, wealthy countries in the Middle East, which also depend on safe and secure waters, ought to consider taking on the type of leadership role that countries such as Japan and Singapore have played in combatting maritime piracy in Asia.

Regional organizations often seek to address issues of governance on a larger regional scale, but local solutions begin at the source—in this case, Somalia. For the first time in more than 20 years, Somalia has a functioning government recognized by the international community, and it is widely acknowledged that a lasting solution to piracy must come from here. When looking at local solutions, one must consider not only local communities but also local governments and their impact on the communities of the nation. In the case of Somalia and piracy, this comes in the form of community action, such as the case of Eyl, and official government action, such as drafting a Somali Maritime Resource and Security Strategy.

Eyl, an ancient town in the Somali region of Puntland, offers a superb example of governance at the local level. Once known as a main pirate hub, Eyl successfully launched an antipiracy campaign under the leadership of local traditional, religious, and business leaders, including female owners of small businesses. This emphasis on community action can be developed only from the coastal communities themselves and has contributed to disillusionment with piracy in some communities such as Eyl where "piracy has waned in both influence and its level of community support."[25] The coordinated effort between the Puntland government and Eyl's community leaders once again demonstrates the effect of a locally grown solution and the importance of community buy-in. Eyl is not the only instance of local initiatives demonstrating success; the case of Somaliland also reflects the power of organic movements and governance. Somaliland, the autonomous region in the north, has developed its own government and stopped prospective pirates from conducting their business from its beaches, with limited support from the international community.

Community initiatives provide for immediate impact on the ground, but a sustainable solution to piracy depends upon putting in place a larger regulatory scheme, similar to the one constructed by Somaliland, to increase economic opportunity and secure the maritime domain. With this need, focus shifts to Somali federal and regional governments. Under the leadership of the Somali authorities, the Somali people will develop a strategy based on their goals, needs, and priorities—one that will secure their maritime domain and resources.

The Way Ahead

With piracy numbers decreasing, international navy coalition mandates winding down at the end of 2014, and the Federal Government of Somalia and regional states coming together through the Kampala Process to write a Somali Maritime Resource and Security Strategy, we now have an ideal—and urgent—opportunity to transition to a long-term, sustainable solution.[26] As previously shown, experience demonstrates that the most successful and cost-effective answers stem from local and regional initiatives that allow the defining of needs and priorities from within. This section discusses development of this framework and the role of the international community in helping to implement it.

Local/Regional Framework

The time has come to switch to a bottom-up approach in dealing with governance issues such as piracy off the Horn of Africa and in the Western Indian Ocean. For most local communities and coastal towns, overarching agreements signed in London, or Djibouti for that matter, have little to no effect on the ground. These coastal communities, however, must develop and implement the response to piracy.

The example of Eyl, the coastal town that worked internally and with the Puntland government to eradicate piracy by denying the pirates access to supplies and shunning them from the community, supports this argument. Through engagement with local religious, traditional, and business leaders as well as women's groups, the regional government reduced dramatically the presence of these criminals in the former pirate hub:

> The Puntland government, with international backing, successfully engaged the Eyl community in an anti-piracy campaign designed to wield the influence of religious leaders, elders, businesses, and families to provide a united front against the piracy movement. Traditional and religious leaders used their moral authority to convince businesses to reject money of pirate origin, whether from the individual pirate himself or his family. And these families, under the strain of financial blacklists and weary of the violence and instability wrought by piracy, began to withdraw their support for the movement as well. Slowly, as the town became increasingly inhospitable to this form of criminal enterprise, pirates and their leaders began moving their operations elsewhere.[27]

This example demonstrates the effectiveness of a locally led effort and leads into the concept of the ink-spot approach, which advocates for developing and empowering communities of stability. This strategy, first employed by British colonial forces in the Malay rebellion during the 1950s, has more recently been used in both Iraq and Afghanistan.[28] Applied to Somalia, it would support coastal com-

munities attempting to push the pirates out, as noted by the Royal Danish Navy's Dan Termansen: "If the local population in the coastal regions can be influenced towards repelling—or at least not support piracy, piracy will eventually be reduced."[29] This bottom-up approach cultivates stability on the ground, thus preparing for the implementation of overarching schemes designed to develop governance.

Although supporting local initiatives and building stability through the ink-spot strategy establishes a basis for development, a permanent solution will come only when the Somali government can secure its maritime domain and provide for its citizens in regard to both economic opportunity and security. With these larger issues, we turn to the Somali federal and regional authorities. As the Federal Government of Somali finds its footing, it will assume greater responsibility to provide for its people—and the groundwork for doing so is in development now. Through the growth of a Somali Maritime Resource and Security Strategy, the Somali government has the opportunity to assess its own needs and priorities. With the support of the international community, it can begin to develop the infrastructure necessary to secure its own domain.

Role for the International Community

Moving ahead in a way conducive to Somalia's and ultimately the international community's goals requires reexamining and reshaping the role of the international community. As demonstrated in the previous section, the multitude of internationally led efforts to develop a long-term, sustainable solution to piracy has proved less effective than desired and, arguably, has not yet delivered results commensurate with investments. If the international community wants to see success, it must alter its viewpoint, be prepared to take a backseat, and not necessarily expect a Western framework as the model of choice.

The community's role must transition from one of leadership to one of support. It is time for the international community to take a step back and begin to support Somali needs and priorities as outlined in the Somali Maritime Resource and Security Strategy. In its attempt to help eradicate Somali piracy, the community should shift towards the ink-spot strategy discussed above. As Termansen argues, "By employing a top down approach on reconstruction, the current strategies oversee the opportunity to achieve an effect by influencing the root causes directly."[30] Through expansion of pockets of stability, the international community can support the development of grassroots actions against piracy.

By addressing the root causes of piracy in the coastal communities, the community can better affect the overall stabilization of Somalia and further support the federal and regional governments by advocating for local initiatives, technical

expertise, and capacity building. This approach will allow Somalia, with a great deal of assistance and support from the international community, to emphasize the rebuilding of its infrastructure and economy while furthering a strategy to move forward in an inclusive and transparent manner. The international community will be able to exert greater influence through this coordinated method than by dictating a top-down approach based on Western value systems.

Parallel to the redoubled efforts to support Somalia, the international community should maintain the momentum gained by the Capacity-Building Coordination Group under the auspices of Working Group 1 of the CGPCS and the online platform as a tool to allow other regional countries to define and submit their capacity-building needs. Doing so will bring greater transparency for both donors and beneficiaries, minimize the risk of duplicative efforts, and thereby enhance the overall effect of capacity building in the region, to the benefit of all.

Conclusion

Since 2008 the age-old criminal enterprise of piracy has been at the forefront of the international community's agenda. When Somali piracy began to pose substantial problems for the shipping industry, the humanitarian delivery of food, and the well-being of seafarers, the international community initiated crisis-response operations in the form of naval patrols and convoys, privately contracted armed security personnel, and industry best-management practices. In addition to these efforts at sea, the international community developed governance by setting up the CGPCS, which coordinates counterpiracy efforts through its five working groups.

The crisis-response operations initiated by the international community had a beneficial effect on piracy, successfully mitigating the immediate threat. Despite the considerable gains, all progress is reversible, considering that no sustained answer to the problem has yet been developed and implemented. Regional organizations seem to be the solution of choice to solve Somali piracy; however, they are often initiated, funded, and implemented by the international community and fail to provide buy-in and address the root causes of piracy, as well as Somalia's needs and priorities. Regional institutions can be effective if developed and implemented from within the region (i.e., ReCAAP), but solutions are even more successful when initiated at the local level. The examples of Eyl and Somaliland demonstrate the success that one can realize through locally led initiatives by offering a framework for the international community.

To develop a long-term, sustainable approach, the international community must transition its role to one of support and empowerment. It should identify

success stories such as Eyl and Somaliland and implement the ink-spot approach to develop stability outwards. With this approach, responsibility will transfer to the Somali people and authorities. Only when the problem is their responsibility will they "buy in" and implement a comprehensive solution. To transfer this responsibility successfully and to be in the proper position to support Somali initiatives, the international community must listen rather than lead. It has the resources and expertise to help the Somali people solve the piracy problem, but this will not happen if it is committed to dictating to them. Now that a Federal Government of Somalia exists, that body and the regional states can assess their needs and priorities. It is up to the international community to give them the support they need.

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Arab Spring

The Responsibility to Protect and a Selective International Response

CANSU ATILGAN*

T hroughout history the international community has witnessed many massacres, simply looking on while most of them occurred. Many decisions made under international law concerning a large number of atrocities committed are controversial. The controversy stems from concepts, the process by which concepts become norms, and contradictions between concepts and practices. The most striking of these concepts is undoubtedly that of intervention. Whereas intervention itself has a contentious history, the concepts of humanitarian, military, and humanitarian military intervention must remain part of these discussions. This article first explores humanitarian intervention, the basis of the main concept addressed here throughout. Specifically, the discussion examines the process leading from humanitarian intervention to the responsibility to protect (R2P).

From Humanitarian Intervention to the Responsibility to Protect

Humanitarian intervention is the use of force by a state against another state in order to prevent large-scale violations of human rights.[1] It has been claimed that two new unwritten exceptions have been brought to prohibitions on the use of force. The first is the right to engage in military intervention in order to promote or reestablish democracy. The second involves the right to intervene, based on humanitarian grounds in incidents such as genocide, mass deportations, or systematic rape. Those who defend this unilateral humanitarian intervention (it is unilateral since the United Nations [UN] Security Council has not authorized the interventions) cite the 1999 intervention in Kosovo.[2]

The latter is one of the most important examples in terms of the concept. Debates on the action in Kosovo are based on two principles. The first concerns

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the doctrine of humanitarian intervention, and the second involves whether the intervention in Kosovo complied with the criteria for humanitarian intervention. In this regard, the Kosovo case plays a key role in determining the legitimacy of the doctrine. The intervention contributes significantly to arguments for the concept of humanitarian intervention as a rule of customary international law.[3] North Atlantic Treaty Organization (NATO) officials cited the humanitarian crisis in the former Yugoslavia as justification for the intervention in Kosovo. Accordingly, the human rights violations committed by Yugoslav military and paramilitary forces form the legal basis for the intervention.[4]

The prominent and most important feature of the Kosovo case is that it has again brought up debate on the legitimacy of humanitarian intervention. The most discussed issue concerns the legality and legitimacy of a regional organization's military intervention, without the permission of the UN Security Council, in a sovereign state to prevent human rights violations and ensure peace and order. The intervention in Kosovo was undertaken by NATO as a regional organization since the authority of the Security Council can be vetoed by the permanent members.[5]

One of the issues discussed prior to the Kosovo operation, as stated earlier, is whether NATO has the right to intervene militarily in the internal affairs of a sovereign state. It is necessary to review the statements in the UN Charter which indicate that states should not go to war and that sovereign states cannot intervene in other sovereign states in cases other than self-defense. At this point, crimes against humanity should not be considered part of the internal affairs of countries, and pressures leading to a massive influx of refugees should not be allowed.[6]

International intervention is not a new phenomenon; however, it acquired new meaning in the post–Cold War era. The new world order or disorder has provided crucial experiences for states such as Somalia, Rwanda, Bosnia-Herzegovina, Kosovo, Afghanistan, and Iraq. The intensity and purpose of international intervention have changed. Classic peacekeeping techniques are now inoperative. Postconflict reconstruction of states and communities has taken place not only for humanitarian reasons but also as a result of ruthless geopolitical logic and increasing interests.[7]

In light of these developments, R2P emerged from the report *The Responsibility to Protect*, issued in the 2001 by the International Commission on Intervention and State Sovereignty (ICISS), established by the Canadian government. The commission had been formed in response to UN secretary-general Kofi Annan's question about when the international community should intervene for humanitarian purposes.[8] The commission developed the idea of R2P with the intention of overcoming international debate about the concept of humanitarian

intervention that arose in the 1990s and reached its peak in 1999 with NATO's action in Kosovo. The ICISS proposed that the concept came about as an obligation to intervene.[9] The commission suggested that the "clash of rights"—those of intervention and of sovereignty—had been a product of misunderstanding.[10]

Responsibility to Protect: Analysis of the Basic Documents

An analysis of the documents underlying R2P will facilitate understanding and interpreting the concept on the basis of practice.

The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty[11]

According to the report, the controversy over humanitarian intervention reached its peak with NATO's intervention in Kosovo. It asserted that the intervention caused more damage than it prevented and that NATO received criticism for the way in which it carried out the intervention. External military interventions conducted for humanitarian purposes, such as the ones in Somalia, Bosnia, and Kosovo (as well as the failed attempt in Rwanda), have always been controversial.

The report outlines the basic principles of the concept. State sovereignty comes with responsibility. The primary responsibility for protecting its own nationals rests with the state itself. If people are exposed to serious damage as a result of internal war, insurgency, repression, or state failure, and if the state is unable or unwilling to stop or prevent it, then the principle of nonintervention yields to the international R2P.

R2P includes three stages of responsibility: (1) the responsibility to prevent, (2) the responsibility to react, and (3) the responsibility to rebuild. The prevention of the causes of internal conflict and humanitarian crises is featured in the R2P. The responsibility to react embodies the obligation to take action and proposes sanctions, international prosecution, and military intervention as a last resort. At the last stage, elements of recovery, reconstruction, and reconciliation after a military intervention are addressed.

As often highlighted in the report, prevention is the key dimension of R2P. One should exhaust the options for prevention and commit all resources toward that end before intervening. Exercising the responsibility to prevent and to react should involve less coercive measures prior to using more coercive ones. The report notes that the just-cause threshold entails large-scale loss of life resulting from either deliberate state action or the state's neglect or inability to act, a failed state situation, and large-scale "ethnic cleansing" involving killing, forced expulsion, and acts of terror or rape.

The report points to the Security Council as the most appropriate body to authorize military intervention for humanitarian purposes. Furthermore, the council should be enabled to work more effectively, and the five permanent members of the Security Council should agree not to resort to their veto power as long as their vital state interests are not in question.

Also discussed in the report is the concept of humanitarian intervention in past events, the changing international environment, new actors in the international arena, new security issues, and new demands and expectations. Interventions that may be carried out for human-protection purposes provide a new opportunity for common action. The report also addresses the concept of state sovereignty and assesses the concepts of intervention, humanitarian intervention, and military intervention along with the subject of sovereignty, noting that the concept of intervention is perceived as direct military intervention. It also highlights that R2P is now the new approach and emphasizes R2P rather than the right to intervene. The report argues that R2P is not something developed against state sovereignty but that state sovereignty entails responsibility.

Military intervention involves political, economic, and military sanctions. A decision to intervene is made in extreme and exceptional cases. The principle of nonintervention still has priority. The most important point concerning the decision is "first do no harm." Interventions and actions that may pose a threat to international peace and security should be avoided. Because evidence is needed to justify intervention, the International Committee of the Red Cross and other human rights organizations play a major role. The responsibility to rebuild involves the stages of peace building, security, justice, and reconciliation.

The commission observes that the capricious use of veto power or the threat of its use is likely to generate negative consequences for humanitarian crises and considers this situation a political problem. It also agrees that the five permanent members of the Security Council should develop a code of conduct to govern use of the veto in order to stop or avert significant humanitarian crises. The term *constructive abstention* has been used in this context in the past.

A More Secure World: Our Shared Responsibility[12]

The UN's High-Level Panel on Threats, Challenges, and Change issued another significant report on the concept. The report suggests that, under chapter 7 of the UN Charter, regarding internal threats and R2P, the UN is quite clear and unambiguous when it comes to saving human lives. Referring to the Genocide Convention, it states that the principle of nonintervention is deemed invalid when actions threaten international security, such as genocidal acts and other massacres, violations of humanitarian law, and ethnic cleansing, which call for measures to be

taken by the Security Council. Finally, the report identifies the five criteria for legal intervention as seriousness of the threat, proper purpose, last resort, proportional means, and balance of consequences.

In Larger Freedom: Towards Development, Security and Human Rights for All[13]

This report, released by Secretary-General Annan, indicates that each state has preventive responsibility. It emphasizes cooperation and the significance of acting in accordance with R2P in respect to past and possible atrocities. It indicates that sovereign states are liable for protecting their nationals against preventable catastrophes such as mass murder, genocide, crimes against humanity, and rape.

2005 World Summit Outcome[14]

The *2005 World Summit Outcome* is one of the most frequently cited documents concerning the R2P concept. According to Article 138, "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means." Moreover, Article 139 states that "the international community also has the responsibility in accordance with Chapters VI and VIII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, and states can take collective action, in a timely and decisive manner, through the Security Council, in accordance with Chapter VII of the Charter, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, if no solution is achieved by peaceful means."

UN Security Council Resolution 1674 on the Protection of Civilians in Armed Conflict, 2006[15]

This resolution expressly "reaffirms the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."[16]

UN Security Council Resolution 1706 on Darfur, 2006[17]

Resolution 1706 was the first to link R2P to a particular conflict.

Implementing the Responsibility to Protect[18]

This report indicates that the key factor in R2P is the timing and effectives of intervention. It identifies the three pillars of R2P: (1) the protection responsibilities of the state, (2) international assistance and capacity building, and (3) timely and decisive response. The report notes that "there is no set sequence to be followed from one pillar to another, nor is it assumed that one is more important than another. Like any other edifice, the structure of the responsibility to protect relies on the equal size, strength and viability of each of its supporting pillars."[19]

Early Warning, Assessment and the Responsibility to Protect[20]

This report addresses matters raised in the annex to the UN secretary-general's report *Implementing the Responsibility to Protect*. It discusses the concept as well as the gaps and capacities in practice, emphasizing that the UN acts in cooperation with many of its internal structures to develop an early-warning mechanism; thus, exchange of information is crucial at this point. The report deems it necessary to concentrate on regions that suffer intensely from human rights violations, which may, for example, result in crimes specified in R2P during development of an early-warning mechanism.

   Some studies of R2P suggest that intervention is established on two bases: intervention prevention and response. *Prevention* refers to a wide range of actions, from pointing to the roots of political and economic conflicts to diplomacy, mediation, arbitration, and efforts that include sanctions in some cases. Despotic leaders typically take the easy way out and silence dissidents by imprisoning or killing them. However, it is hard for a government to fall or to make changes that will not lead to crimes against civilians. The world has witnessed and continues to witness such situations in the Arab world (e.g., Libya, Egypt, Yemen, and Syria).[21]

   Governments continue to prioritize their national interests and ignore the protection of civilians. One may see tragedies that happened in Rwanda and still occur in Darfur and Syria as a failure of R2P.[22] For example, the situation in Darfur under the responsibility of the UN and the Arab League is a litmus test for the concept of R2P in the literature.[23]

   It is appropriate at this point to assess two case studies in the context of R2P. Libya and Syria displayed almost the same features and processes in terms of R2P. The following sections summarize those processes, in accordance with the resolutions adopted, and thereby reveal two different attitudes.

Intervention in Libya

The situation in Libya amounted to a full-fledged armed conflict, with both international and noninternational dimensions. Several other instances of violence resulted in serious repression by state security services in response to popular uprisings or civil unrest. Initial sociopolitical unrest in Benghazi developed into a challenge to the long-ruling regime, reaching the level of armed conflict by March 2011.[24]

Intervention in Libya remains under debate. The situation there has been regarded as a unique opportunity to justify humanitarian military intervention in that country, where one encountered explicit power, reliable opposites, a clear exit strategy, and a well-defined task.[25] The following sections examine the adopted resolutions.

Agenda: Peace and Security in Africa[26]

On 25 February 2011, the UN Security Council heard a briefing from the secretary-general, who warned that fundamental peace and security were at stake in the Libyan Arab Jamahiriya. He urged council members to consider concrete action to stop the violence and the indiscriminate use of force and to ensure the immediate protection of civilians.

Resolution 1970[27]

Under Resolution 1970, unanimously adopted on 26 February 2011, the Security Council reminded the Libyan government of the responsibility to protect its own people and called on it to act in accordance with human rights and international law. The resolution referred the Libyan case to the International Criminal Court and, as a precaution, provided for imposing an arms embargo, banning of some Libyan authorities from leaving the country, and freezing the assets of those persons.

Resolution 1973[28]

Resolution 1973, adopted by 10 votes in favor and with abstentions from Brazil, China, Germany, India, and the Russian Federation, forms the legal basis for the intervention. It includes intervening in Libya from the air and sea to protect civilians and neutralize Mu'ammar Gadhafi's forces. The resolution emphasizes that Libyan authorities have not complied with Resolution 1970 of 26 February 2011, that the situation in Libya constitutes a threat to international peace and security, and that in this context, actions will be taken under chapter 7 of the UN Charter.

In its "No-Fly Zone," portion, the resolution demands that all flights be banned except those in Libyan airspace for humanitarian purposes and that foreign nationals be evacuated from the country. Under the section "Protection of Civilians," the resolution authorizes the UN and all member states to "take all necessary measures" to protect the civilian population under threat of attack in Libya and excludes any foreign occupation force.

The concept of R2P holds that states must protect their people from mass atrocities by going through the stages previously discussed—a requirement well established under international law. When it comes to other states, as in the Libyan case, all bystander countries are obliged to take action and have no other choice when mass atrocities pose a threat to civilians.[29] Government officials who engage in acts of violence against their own people will always be aware of the possibility of a reaction involving the use of force against themselves.[30]

Common acceptance of the concept has prompted both commentary and disagreement. Disputes over NATO's involvement are abundant. If the purpose of the Western intervention had been to protect civilians and save lives, then one could characterize it as a catastrophic failure. That is, NATO could not protect civilians and caused even more deaths, despite not endangering the lives of its own forces. Located in the heart of a strategically and commercially important area, Libya is very significant for the Western powers. In the Arab world and beyond, the Libya case is seen as a real threat to hopes of change and independence.[31] In other words, the intervention has affected the struggle within these countries.

Despite the arms embargo and no-fly zone, the persistence of counterattacks by NATO against the army forces of Gadhafi gave rise to arguments in terms of international law. Referring to Resolution 1973, some parties defended the action, noting that civilians were threatened by Gadhafi's forces and could have been harmed unless these forces had been neutralized. Others maintain that persistent bombardment explicitly supported the rebels and that such authority is not and cannot be in the context of resolution.[32] The most popular suspicions and assertions hold that the original purpose was regime change. Even before conclusion of the Libya disputes, Syria put the world on notice of the possibility of a lengthy, painful, bloody course of events.

Syria

Although the first demonstrations in Syria began in February 2011, it took a while before they became significant. For various reasons—such as Syria's ethnicity and sectarian-based social and political structure, Bashar al-Assad's lack of authority over the regime, and the country's long-term political and commercial

relations with nations like Russia, China, and Iran—the Arab Spring arrived late in Syria. The first demonstrations were triggered by a young Kurdish man's setting himself on fire in Al-Hasakah, where the majority of the population is Kurdish, on 26 January 2011, just as Mohamed Bouazizi had done in Tunisia, igniting the Arab awakening in the Middle East and intensifying in Ar-Raqqah with the murder of two soldiers of Kurdish origin.[33]

Shortly before the fall of President Zine el-Abidine Ben Ali in Tunisia and after several days of rioting in cities across Egypt, al-Assad told the *Wall Street Journal*, "If you did not see the need for reform before what happened in Egypt and Tunisia, it is too late to do any reform. This is first. Second, if you do it just because what happened in Tunisia and Egypt, then it is going to be a reaction, not an action; and as long as what you are doing is a reaction you are going to fail."[34] Al-Assad proposes a different path, finding it important that reform take place when the time has come for it. He does not favor quick concessions to the protestors, as occurred in Tunisia and Libya, thereby revealing weakness and encouraging further requests.[35]

Syria's situation remained critical in 2012. Several international organizations have documented recent human rights violations resulting from the use of force in Syria. Further, events of armed violence there have turned into a civil war, and Syrian army and security forces have committed crimes against humanity.[36] The following discussion examines UN assessments and reports relevant to the situation.

The Situation in the Syrian Arab Republic, 21 February 2012[37]

This resolution stresses that human rights violations in Syria have reached severe proportions and that the current political crisis there must be solved by peaceful means. It calls for a process that is free of violence, fear, threat, and extremity under the presidency of Syria and that takes the Syrian people's concerns into consideration. The resolution highlights that the Arab League supported a political transition period under the presidency of Syria and that the Syrian government should allow the transportation of humanitarian aid. Furthermore, it calls on all UN organizations for support and requests that the secretary-general present a report concerning enforcement.

Situation of Human Rights in the Syrian Arab Republic[38]

Referring to Human Rights Council resolutions, this UN General Assembly resolution states that the Syrian government did not entirely and quickly implement the Arab Action Plan adopted by the Arab League, that human rights viola-

tions committed by Syria against its own people were alarming, and that these violations were strongly condemned. Once again, it called upon the Syrian government to terminate this situation and to fulfill the Action Plan without delay. The resolution also requested support from the secretary-general.

Resolution 2042[39]

Resolutions 2042 and 2043 (see below) are the two most important draft resolutions on Syria. Resolution 2042 reads as follows: "*Noting* the Syrian government's commitment on 25 March 2012 to implement the six-point proposal of the Joint Special Envoy of the United Nations and the League of Arab States, and to implement urgently and visibly its commitments, as it agreed to do in its communication to the Envoy of 1 April 2012" (italics in original).[40] It emphasizes that primary responsibility belongs to the Syrian government.

"Annex: Six-Point Proposal of the Joint Special Envoy of the United Nations and the League of Arab States"[41]

The Arab League played a crucial role in putting pressure on Syria. On 25 April, it issued a statement condemning the use of force against pro-democracy protesters in several Arab countries, saying that they "deserve support, not bullets," but the statement stopped short of naming Syria and did not propose any concrete measures to end abuses.[42] Joe Stork, deputy Middle East director at Human Rights Watch, remarked, "The Arab League is no longer a closed shop of autocrats and abusers so its members should name names and take action against serial rights violators like Syria. . . . If Arab countries joined the emerging international outcry against the abuses of Bashar al-Assad's government, Syria would be more likely to listen and change course."[43]

Former president Bill Clinton's words about the importance of the Arab League in the process and the Syria military intervention are quite remarkable:

> We want to support the Arab League's position, and we want to underscore that there is no intention to seek any authority or to pursue *any kind of military intervention*. . . .
>
>   . . . I know what side the majority of the Council is on, and we will work until we can find a way to usefully support the Arab League's initiative, send a clear message to the Assad regime and the people of Syria, and then work toward a *peaceful resolution* of this terrible conflict.[44] (emphasis added)

Resolution 2043[45]

Resolution 2043, in addition to reiterating the points made in Resolution 2042, establishes for an initial period of 90 days a United Nations Supervision Mission in Syria under the command of a chief military observer.

The Situation in the Syrian Arab Republic, 7 August 2012[46]

The resolution cites the statement of 27 May 2012 by the United Nations High Commissioner for Human Rights: "Acts of violence in the Syrian Arab Republic may amount to *crimes against humanity or other forms of international crime and may be indicative of a pattern of widespread or systematic attacks against civilian populations* that have been perpetrated with impunity" (emphasis added).[47] It also expresses alarm at the violence directed against children and women, the flow of asylum seekers to neighboring countries, and the use of excessive force, heavy weapons, armor, and airpower against populated areas by the Syrian government.

In the Syrian case, the international community refers to actors as organizations responsible for defending and strengthening human rights—specifically, Arab states concerned about regional stability and Western states that contributed to shape the concepts of humanitarian aid and R2P. The attitude of the Arab League and Arab states toward Syria differs from the one toward Libya. Unlike their response to the situation in Libya, although they condemned Syria and suspended its membership in the league, they did not call for a foreign intervention to end the massacre and did not take a stable and common position on the fate of al-Assad. Many Western countries, particularly the United States and France, are calling for tough measures against Syria. Some countries believe that an intervention under the leadership of, and possibly conducted by, NATO may occur without official sanction from the Arab League or any authorization by the UN, unlike what happened in Kosovo.[48]

However, this current assumption about NATO intervention is a bit excessive. Regarding the months-long civil war waged between the regime of Syrian president al-Assad and the Syrian rebels, NATO secretary-general Anders Fogh Rasmussen says that his organization has no intention of intervening militarily in the conflict: "We do believe the right way forward is to find a *political solution . . .* and we urge the international community to send a strong and unified message to the Syrian leadership to accommodate the legitimate aspirations of the Syrian people. So our position remains unchanged" (emphasis added).[49]

Overall Assessment

In light of the two case studies, one general opinion holds that R2P is not to be judged in a military response in Libya and that the UN system should be questioned. Accordingly, the 2001 ICISS report is about the protection of civilians and considers military intervention a last resort toward that end. International solutions, as in the Syria case, should not associate R2P with military intervention. Other means of protecting civilians include "safe zones" or "humanitarian corridors." Moreover, as the Arab League suggested, an armed group of observers or peace protection force would increase the pressure on al-Assad so that he would put an end to acts of violence and be able to negotiate. Misinterpretation of the concept might cause much more damage. Additionally, a veto by China and Russia regarding the Syria issue tarnishes the credibility of the UN. The international community should set an effective and meaningful course that highlights the necessity of energizing against mass murder and civil life-threatening situations and help the UN gain credibility.[50]

According to another point of view, the fact that the resolution process has not changed when it comes to R2P means that national interests will influence the determination of the community's reaction to domestic crises. This situation is surely not specific to China and Russia. The United States has also used its veto several times, blocking the motion of censure in the case of illegal Israeli settlements, and stood alone against 4 permanent and 10 nonpermanent members of the Security Council. Members of the council seem unwilling to change the decision-making process, favoring retention of their right to vote.[51] However, recent developments point out the necessity of questioning this system and studies concerning this issue.

Echoes of the Vetoes

The following summarizes the international community's reaction to the three vetoes of resolutions on Syria. Responding to the vote in the UN Security Council on Syria, Foreign Secretary William Hague of Britain said,

> More than 2,000 people have died since Russia and China vetoed the last draft resolution in October 2011. Over 6,000 people have died in the 10 months since the uprising began. Many more have been tortured and detained. How many more need to die before Russia and China allow the UN Security Council to act? Those opposing UN Security Council action will have to account to the Syrian people for their actions which do nothing to help bring an end to the violence that is ravaging the country.[52]

Similarly, José Luis Díaz, Amnesty International's UN representative in New York, remarked that

for almost two years, the Security Council has stood by as crimes against humanity, as well as war crimes after the internal armed conflict began, have been committed with complete impunity against the Syrian people. . . .

The Security Council's weak rhetoric on Syria has failed to achieve any justice for victims, and has given human rights violators free rein to carry on committing serious crimes under international law without facing any consequences.

The continued failure to act would send a disturbing message that the international community has lost the will to protect civilians from harm in conflict.[53]

Russia's ambassador Vitaly Churkin, however, "insisted the draft resolution lacked balance":

"Some influential members of the international community unfortunately . . . have been undermining the opportunity for political settlement, calling for a regime change, pushing the oppositionists to power," he said. . . .

Beijing's ambassador to the UN, Li Baodong, said the resolution would have been counter-productive.

"China maintains that, under the current circumstances, to put undue emphasis on pressuring the Syrian government . . . or impose any solution will not help resolve the Syrian issue."[54]

According to Russian foreign minister Sergei Lavrov, "an amended draft resolution . . . 'aims to fix two basic problems.' There were '(first,) the imposition of conditions on dialogue, and second, measures must be taken to influence not only the government but also armed groups,' Lavrov said at a panel discussion at the Munich Security Conference, adding that these two issues are 'of crucial importance' from Russia's point of view."[55] The shadow of the situation in Libya has a considerable impact on Russian policies. Lavrov's words are striking: "Russia will do everything it can to prevent a Libyan Scenario happening in Syria." Adm Victor Kravchenko, former chief of naval staff, said that Moscow sent a message to the United States and Europe: "Having any military force other than NATO's is very useful for the region because it will prevent the outbreak of armed conflict."[56] The disputes on the concept and applications of the Libyan case are reflected in Syria as well. Some parties oppose any comparison of Libya and Syria while others consider a second Libya case to have negative outcomes.

Conclusion

As pointed out at the beginning of this article, although the international community has taken some steps to avert humanitarian crises, it has been a mere spectator in most cases. This causes a duality even before disputes over the concept become part of the equation. Further, almost all the decisions regarding humanitarian intervention were controversial. The developing concept of R2P was also

influenced by these disputes. Humanitarian intervention had always been associated with military intervention until the emergence of this concept, which gives the impression that it was designed to change this perception of humanitarian intervention. As we have seen, the relevant reports and resolutions frequently highlight the importance of preventing a humanitarian crisis.

At this point, it is clear that the concept and future of R2P are being put to the test. However, a lack of harmony between theory and practice will only cause suspicion, and yet another unsettled, disputed, and complicated concept will be brought into international law. The poor records of organizations such as the UN and NATO in such matters may also be responsible for distrusting the concept. Besides, changing or transforming the perception that humanitarian intervention involves military intervention will not be easy.

The introduction of R2P to the Libya case—which, according to some parties, should not to be considered within the frame of this concept—immediately caused disagreement. Along with allegations that humanitarian intervention is a mere fig leaf for an effort to form a legal basis for intervention, it has also been suggested that the original purpose is regime change. Inevitably, suspicion will erode the concept of R2P.

The crisis in Syria is much more compelling and complicated than that in Egypt, Tunisia, and Libya. Syria's position in the area, its relationships with important states there, and the multifaceted structure of ethnicity and religion all affect the process. The coexistence of numerous factors complicates discontinuance of atrocities, but people are dying and suffering while we discuss concepts. That the international community, often said to take lessons from past experiences, is "helpless" about the situation is another curious case. To think or suspect that humanitarian, moral concepts are being made an instrument of violence is at least as painful as witnessing the atrocity itself—and it is a crime at least as great as the crime against humanity

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