

FROM CONDITIONALITY TO OPERATION ARTEMIS HUMANITARIAN INTERVENTIONS IN SUB-SAHARAN AFRICA AND LOCAL AGENCY

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'It is particularly important to deconstruct the sovereignty/human rights debate in relation to who, whom, for what, that is, identifying claims, actors, interests and values in context.' Richard Falk²

Sub-Saharan Africa is back on the international agenda. Considering the many attempts and the many failures of the past 45 years, this seems the right time to wonder whether the renewed interest is good news or bad news for the continent.

In what follows, I formulate a rather critical assessment of the Euro-African encounter by presenting it as a humanitarian intervention of Europe in sub-Saharan Africa. In this study I deconstruct the relation into mechanisms that enable and characterise humanitarian interventions and hint at a potential link with the humanitarian failure.

My theoretical argument is concretised through the example of the Cotonou Partnership Agreement between the EU and the African Caribbean and Pacific (ACP) countries. This chapter is structured with the following four questions in mind: a) what is a humanitarian intervention and to what extent does the Euro-African encounter account for one? b) What is the goal of a humanitarian intervention (in sub-Saharan Africa)? I develop a universal and parochial concept of the humanitarian telos; c) How are humanitarian interventions possible in an international setting ruled by the principle of formal state-sovereignty? In other words: What mechanisms enable and characterise integrated and far-reaching European interventions in sub-Saharan Africa? In this regard, I present the two mechanisms that enable and characterise humanitarian interventions and consider their conflictuous relation with the essential humanitarian telos. d) How do humanitarian interventions affect the space for local agency and how is this subsequently related to the African failure or success on the ground? I consider the role of the regional actors and the position of civil society.

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¹ I warmly thank: Mehreen AFZAL, Nadia FADIL, Rita ABRAHAMSEN, Kunibert RAFFER, Gorm RYE OLSEN and Tony EVANS for reviewing this paper and providing me with most useful comments. The views expressed in this paper do not necessarily reflect their positions or suggestions and I therefore take full responsibility for its content.

² FALK, R., *Sovereignty and Human Rights: The Search for Reconciliation*, *Issues Of Democracy, IIP Electronic Journals*, vol. 5, No. 1, May 2000, p. 35. <http://usinfo.state.gov/journals/itdhr/0500/ijde/ijde0500.pdf>.

In conclusion I discuss the dangers and the merits of the critical approach and I hint at both theoretical as practical alternatives. With the achievement of the humanitarian end-goal or telos in mind, I make a case for a renewed respect for agency and sovereignty as an inalienable right, both on the individual as on the state level. By presenting the Euro-African encounter as a humanitarian intervention I aim at expanding the debate in that field by applying it on the rather unchallenged international mobilisation in the name of human rights.

1. THE EURO-AFRICAN ENCOUNTER: A HUMANITARIAN INTERVENTION

Humanitarian interventions are usually associated with ad-hoc actions responding to emergencies or mass violations of human rights³. In this study, — building on Vincent's definition of 1974⁴ —, intervention is understood in its broadest sense, namely, all actions that fall under: '... activity undertaken by a state, a group within a state, a group of states, or an international organization which interferes coercively in the domestic affairs of another state.'⁵ An intervention is then considered humanitarian when it is 'dans le but de faire cesser des traitements contraires aux lois de l'humanité.'⁶ In line with the above, European actions towards sub-Saharan Africa would then account for an intervention if the criteria of 'coercion' and 'interference in the domestic affairs' is met.

1.1 Intervention: a Coercive Interference

The relations between the EU and the countries of sub-Saharan Africa are highly institutionalised through the EU-ACP relations on the basis of the Cotonou Agreement which was signed in 2000. A first Agreement was signed between the two parties in 1957 in Yaoundé. The current Cotonou Agreement of 2000 differs substantially from the earlier Agreements in two seemingly contradictory ways.

³ Richard Falk presents the link between human rights and humanitarian interventions as: 'Human rights, and its war-like step-child, "humanitarian intervention," ' (...) FALK, R., *op. cit.*, p. 29.

⁴ Recent writings show that the general understanding of interventions has not changed drastically over the years despite the fact that the international context has changed considerably since the seventies. In 2005, Fierke states that 'in international relations intervention is most often understood to be an act undertaken by states, usually involving some kind of coercion, that impacts on the territorial integrity or political independence of another state.' FIERKE, K. M., *Diplomatic Interventions, Conflict and Change in a Globalizing World* (Basingstoke, Hampshire, New York: Palgrave Macmillan, 2005).

⁵ VINCENT, R. J., *Non-Intervention and International Order* (Princeton: Princeton University Press, 1974).

⁶ Definition from *Dictionnaire de terminologies de droit international (1960)*, quoted in The Millenium Conferences, *Humanitaire Acties: Naar Een Evenwicht Tussen Nationale Soevereiniteit En Mensenrechten* (Brussel: Koning BoudewijnStichting, 1993).

Firstly, in fear of being mistaken for neo-colonial, the early Conventions were mainly restricted to economic assistance; today, the Cotonou Agreement interferes in all aspects of society, the political, economic, social, environmental and cultural sphere.⁷ This shift towards a total and integrated relationship accounts for the part of the definition referring to ‘interference in the domestic affairs’.

Secondly, the current Agreement puts a greater emphasis on agency, partnership⁸, sovereignty of and equality between the parties and ownership by the ACP states over their own development⁹. This second shift seems to indicate the absence of a ‘coercive’ element in the relation. But if one considers coercion a situation in which there is no real choice, then the extreme power inequality, expressed in a one-way financial dependency, and the merely declaratory ‘partnership’ that flows from this¹⁰, account for a situation in which there is no real choice.¹¹ Expressed differently, one could say that given that a) the Cotonou Agreement allows for the EU to substantially interfere in the domestic affairs of the ACP group, that b) the domestic affairs of the EU are hardly the object of the Agreement¹², and c) given that the economic reality of the ACP countries does not allow for real choice, this encounter can be considered an intervention of the EU in the domestic affairs of the ACP group.

⁷ Article 1 Cotonou Agreement.

⁸ As noted — with certain irony — by Raffer, in less than 100 articles, the term is mentioned 52 times and nine times in the annexes. RAFFER, K., Cotonou: Slowly Undoing Lomé’s Concept of Partnership, *EDPSG Discussion Paper*, 21(2001), p. 3, www.edpsg.org.

⁹ Article 2 Cotonou Agreement.

¹⁰ In light of the extreme power-inequality present in the humanitarian intervention, Abrahamsen observes that in the literature ‘even commentators supportive of the general thrust of partnerships frequently draw attention to the difficulties in achieving ‘genuine’ partnership based on equality and mutual respect in a context where one party is in possession of the purse and the other the begging bowl.’ ABRAHAMSEN, R., The Power of Partnership in Global Governance, *Third World Quarterly*, vol. 45, No. 8, 2004, p. 1454.

¹¹ Hurt asserts that from a neo-Gramscian perspective ‘the nature of the new EU-ACP agreement has significantly shifted the relationship from one of co-operation to one of coercion.’ HURT, S. R., Co-Operation and Coercion? The Cotonou Agreement between the European Union and ACP States and the End of the Lomé Convention, *Third World Quarterly*, vol. 24, No. 1, 2003, p. 161.

¹² Maxwell and Christiansen speak of an asymmetrical accountability, meaning that ‘the conditions in aid relationship tend to apply more to the recipient country than to the donor, . . . this in practice is closer to traditional conditionality than to genuine partnership.’ MAXWELL, S. and CHRISTIANSEN, K., Negotiation as Simultaneous Equation: Building A New Partnership with Africa, *International Affairs*, vol. 78, No. 3, 2002, p. 480.

1.2 The Humanitarian Goals: from Survival to Bringing the Good Life

What makes this encounter a humanitarian intervention?

Over the years, actions known as ‘humanitarian’ have shifted from a needs-based approach to a rights-based focus.¹³ Relief efforts used to have the goal to meet ad-hoc and short term needs, indiscriminately and neutral to the political context of the situation. In recent years though, international organisations take into account the context in which they operate. They therefore project, for themselves and the policy makers concerned, long-term strategies for having human rights respected by the receiving states. As I indicated before with the first shift, a similar process of ‘broadening’ and ‘deepening’ the agenda¹⁴ can be found in the foreign policies of the EU towards sub-Saharan Africa.

If we turn again to the previously mentioned definition, we see that on a theoretical level, the ‘humanitarian’ is understood as a (re)action to violations of the ‘law of men’, to be understood as human rights. Given this original link between humanitarian interventions and human rights, and the recent shift in the practice of humanitarian interventions towards a more rights-based approach, I conceptualise that what the humanitarian intervention tries to achieve on the basis of human rights, rather than strictly on the basis of human needs like food, shelter and medical assistance.

In line with this, I propose a dual concept of humanitarian end-goal or telos: a) the universal or essential humanitarian telos (which is closest to the concept of human *needs*) and b) the parochial humanitarian telos (which is related to the contemporary discourse on human *rights*, namely a collection of human aspirations). These two distinct *teloi* are respectively based on a minimal understanding of human rights and on their translation in practice.

The Universal Humanitarian Telos: Human Life in Dignity

A *minimal* understanding of human rights is:

‘... commonly understood, literally, as the rights we have because we are human and from this flows their universality. They must be equal rights because either one is a human being, and therefore entitled, or not. It also follows that human rights are inalienable, as one cannot stop being a human being, and they cannot be denied, or put aside.’¹⁵

Firstly, human rights differ from other rights in that they are rights that every human being has by default and are thus *inalienable*. This means that no one’s actions, origins, preferences, wealth or poverty can alter this fact or revoke these

¹³ See chapter 2, pp. 21-52 of CHANDLER, D., *From Kosovo to Kabul, Human Rights and International Intervention* (London: Pluto Press, 2002).

¹⁴ *Ibid.*

¹⁵ CHANDLER, D., *op. cit.*, p. 99.

rights. Secondly, the idea of inalienable human and therefore universal rights is derived from a perceived similarity between all human beings. This similarity has philosophically evolved into the normative equality between humans. Thirdly, in its most minimal and undisputed form, the normative equality between humans is first of all derived from people's physical similarity. The human rights that are derived from this include the right to life and its preconditions in view of agency: the right to physical security, the right to be free from torture and the right to food. I call them undisputed in the sense that there is no doubt that we all are subject to death, physical pain and hunger. Fourthly, the mere acceptance of the existence of human rights implies that the understanding of what minimal human rights are cannot be restricted to the physical or material similarity between people. From the normative equality between humans flows an immaterial principle, namely the principle of self-determination. The idea is that, since we are all human, there is no a priori reason why some should decide for others or rule over others. It is on this principle that the political human right of democracy¹⁶ in its most minimal understanding, — i.e. the rule of the people by the people — , is based.

If we want to derive a universal humanitarian telos from this, we have to wonder what we expect to be the minimal fundamental aspirations of every human being. From the aforementioned fundamental human rights, an essential or universal humanitarian telos of 'life in dignity' can be derived. Dignity refers both to the material aspects as the immaterial aspects of the fundamental human rights, achieved through the respect for the minimal physical rights, which are a prerequisite for agency. Moreover, since we are not just alive but also human, the immaterial principle of self-determination is an integral part of the telos of human life in dignity.

The EU's discursive commitment to this goal in sub-Saharan Africa is reflected in the preamble of the Cotonou Agreement: '... asserting their resolve to make ... a significant contribution to ... the greater well-being of their populations.'

In the preamble it is the collectivity that is presented as the beneficiary of the co-operation. In the rest of the Agreement though, it is stressed that the co-operation is centred on the human person, 'who is the main protagonist and beneficiary of development'.¹⁷ The individualistic approach of the Cotonou Agreement is a first example of the concretisation of the universal humanitarian telos of human life in dignity¹⁸.

¹⁶ Article 21 Universal Declaration of Human Rights.

¹⁷ Article 9§1 Cotonou Agreement.

¹⁸ Minimal universal human rights do not a-priori define whether the goal that follows from this should be pursued for the individual or the collectivity.

A Parochial¹⁹ Humanitarian Telos: Liberal Market Democracy

Once translated in real terms, the essential humanitarian telos loses its universal character, because the choices that are made to attain the telos are geographically, historically, socially and culturally bound. I therefore identify the concretised essential humanitarian telos as a distinct humanitarian telos, namely the parochial humanitarian telos. This implies that there are different versions of parochial humanitarian *teloi* and there is also a variation in the level of concreteness. The present-day dominant parochial humanitarian telos is the one originally formulated in Western Europe and Northern America and globally diffused from there, namely the concept of liberal market democracy. The immaterial universal humanitarian telos of self-determination has been translated into liberal representative democracy, comprising of procedural (e.g. elections) and substantial (fundamental freedoms such as freedom of expression, association, religion, etc...) elements. Liberal market democracy has a well-defined view on how the material and immaterial humanitarian telos can be achieved. First of all, capitalist market economy is believed to be the best model for economic growth and hence development, because it gives the largest group of people the possibility to provide in their subsistence. Article 1 of the Cotonou Agreement states: '... reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.' This is believed to be achieved through regional integration, liberalisation of trade, privatisation, and pursuing economic growth.²⁰ The Parties 'recognise that the principles of the market economy ... contribute to achieving the objectives of the partnership'.²¹ Conflict prevention and management, concretised in the practices of peace-building, peace-keeping and peace enforcement, are supposed to ascertain human security in practice. The Agreement says that 'the Parties shall pursue an active, comprehensive and integrated policy of peace-building and conflict prevention and resolution within the framework of the Partnership.'²² On the immaterial aspect of the humanitarian telos, the Agreement states that '[r]espect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.'²³ They make out the essential elements (human rights, democracy and rule of law) and the fundamental element (good governance) of the Agreement, on which basis, in case of significant breach, the Agreement can be suspended.

I have thus argued that the Euro-African encounter is a) an *intervention* because of its coercive character and because of its interference with the domestic affairs of the receiving countries, and b) that it is a *humanitarian* intervention because as

¹⁹ Baaz uses the word 'particularist', see e.g. BAAZ, M. E., *The Paternalism of Partnership* (London: Zed Books, 2005), p. 46.

²⁰ Chapter 2 section 1 Cotonou Agreement.

²¹ Article 10§2 Cotonou Agreement.

²² Article 11§1 Cotonou Agreement.

²³ Article 9§1 Cotonou Agreement.

its proclaimed goal is the achievement of the well-being of the receiving populations. The EU has translated this ‘well-being’ into its parochial humanitarian telos of liberal democracy, presented it as a universal humanitarian telos and built its policies towards sub-Saharan Africa on this model. The result is an Agreement that comprises of far-reaching, all-encompassing integrated policies, aiming at a profound transformation of the African societies. In this sense we could label the Euro-African encounter a *total humanitarian intervention* of the EU in the societies of the African countries of the ACP group. The fact that, according to writers like Francis Fukuyama, history ended with the fall of communism and the victory of liberal democracy, indicates that what in reality is merely a parochial humanitarian telos is being presented as universal. This explains the presence of punitive measures and conditionality in an Agreement concluded between two equal partners.

‘... knowledge of the mechanisms that obliterate sovereignty allows us to resolve the enigma of power in international relations and to understand how certain political models travel, spread, and take root in other countries – in other words, how they can emigrate from the countries that dominate the international order.’²⁴

Considering that we still live in a world in which the global order is designed around the concept of state-sovereignty and the principles of non-intervention, one could wonder how this universalising process and hence these total humanitarian interventions have been possible, of what it concretely consists, and, as I will discuss in what follows, what its consequences are on the ground.

Richard Falk²⁵ identifies two sets of considerations that would explain the rise and the possibility of human rights and humanitarian interventions in an international order based on sovereign states. He firstly mentions the Western guilt and ‘never again’ feelings after WWII. Secondly he draws the attention to the fact that at the moment of their rise, power was still firmly concentrated at the state level, and human rights norms were not expected to be implemented in practice. These explanations are strongly historically dependent and constitute therefore a rather limited explanation for the phenomenon of interventions, which in itself is not new, nor revolutionary²⁶. Forms of interventions for bringing ‘the good’ have always existed; it is therefore useful to look for a-historical elements to explain the phenomenon in spite of the detrimental international order.

In what follows I will deconstruct humanitarian interventions by presenting two mechanisms that enable and characterise the integrated humanitarian interventions of our contemporary world.

²⁴ BADIE, B., *The Imported State. The Westernisation of the Political Order* (Stanford: Stanford University Press, 2000), p. 9.

²⁵ FALK, R., *op. cit.*, pp. 31-32.

²⁶ Before the contemporary ‘global’ aspirations of spreading freedom, human rights and democracy, similar ‘civilizing’ attempts have been made by the Greeks, the Romans, and more recently by the western rulers and missionaries in the colonies.

2. THE TWO MECHANISMS OF HUMANITARIAN INTERVENTIONS

The analysis of the mechanisms serves to make a meaningful link between humanitarian interventions as such and the humanitarian failure on the ground. I will do this by demonstrating the theoretical and practical contradictions between humanitarian interventions and the essential and parochial humanitarian telos of human life in dignity.

The two mechanisms have to be considered as analytical tools and will not be criticised as such. I will therefore only judge them in so far as they clash with the essential or universal humanitarian telos and constitute as such the humanitarian contradiction. Let me furthermore stress that with the analysis of these mechanisms, I do not mean to indicate any intentionality on the part of the intervener. This intentionality might be there at times but is not relevant to this analysis or to the outcome of humanitarian interventions. The relevancy lies in their occurrence regardless of the intervener's intention. I call the characteristics of humanitarian interventions *mechanisms* because they are the result of certain actions and choices and as such not an essential feature of international relations. My approach might suggest a believe in a deterministic relation between the mechanisms and humanitarian interventions. But in reality, the perspective of the 'deconstructing outsider' is an attempt to enable the imagination of alternative international humanitarian interactions.

2.1 The Inequality Mechanism

While discussing the EU-Africa relations with a colleague, I expressed my scepticism on the interventionist nature of that relationship. The automatic answer that followed upon that statement was: 'what should we do then, leave them alone and let them be? Do you really believe they are capable of handling things by themselves?'

The *inequality mechanism*, of which this conversation is an example, explains how far-reaching interventions have been made possible in a world that was and still is organised along the lines of state sovereignty and non-intervention. It is the mechanism through which the intervener is fundamentally different from the receiver.

The intervener is the benevolent actor that comes in order to alleviate the receiver's suffering, usually inflicted by a malevolent local actor. This local actor is often identified as the state, and even in case the wrongs are carried out by rebels, the (failed) state is held accountable for not being able to guarantee the security of its citizens. The receivers are meanwhile understood as the less capable or incapable actor, in need of help, training, and education towards development. The intervener on the other hand, is by default the capable actor, proved by the success of his own development. In both cases the mechanism puts the intervener in a superior position which creates a relationship, comparable to that of a teacher/pupil or parent/child. This type of relationship presupposes a knowledge advantage of one party over the other, and hence, in combination with the pre-

supposed good-will of both the parent as the teacher, in an educational spirit, it allows for punishment and conditionality.²⁷

In the Cotonou Agreement, there are two main sources of the inequality mechanism. One is conditionality and can be found in Articles 96-97. They provide for a (temporary) suspension of the Agreement in case of a systematic violation of the essential elements and the fundamental element of the Agreement²⁸ (respectively human rights, rule of law, democracy and good governance). The other one is related to the capacity of the receiver. The recurrence of the concept of ‘capacity building’ in almost all areas of the Agreement, indicates that the capacity is not believed to be there yet and will only be reached through assistance or an intervention by the intervener.

Humanitarian interventions are thus made possible by means of a derogation of the principle of state sovereignty for a greater good, usually in the name of human rights. The Solidarist School of International Relations (IR) Theory formulates this principle as following:

‘States that massively violate human rights should forfeit their right to be treated as legitimate sovereigns, thereby morally entitling other states to use force to stop oppression.’²⁹

How is this now in conflict with the humanitarian telos? In light of the suffering that many states are known to have inflicted on their citizens, the derogation of sovereignty might seem logic and even natural in view of achieving the humanitarian telos. But if we view this process from a human rights based approach it becomes clear that the derogation is not that self-evident. There is namely an analogy with the process of transforming a human, inalienable right into a right based on merit. Just like human beings do not cease to be humans on the basis of their capabilities or behaviour, one could argue that states do not cease to be states when they do not deliver according to expectation. Both cases are then not a ground for a derogation of their fundamental rights. In case of the state, — this is as long as the state system continues to be the universal organising principle of international relations — , this consists of its absolute right of sovereignty. Given that the ACP countries are a priori lacking on these principles (to a certain extent this is why the Partnership Agreement was set up in the first place) the Agreement could be considered a *carte blanche* for legally overruling the ACP states’ sovereignty in practice. Herein lays the first fundamental tension or con-

²⁷ Sedogo mentions that: ‘conditional aid is a questionable practice since it tends to reduce the recipient to the status of a child.’ SEDOGO, P.F., *Civil Society in Sub-Saharan Africa, How Can Western Societies Help Civil Society in Africa?*, in BERNARD, A., HELMLICH, H., *et al.* ed., *Civil Society And International Development* (Paris: OECD, 1998) p. 117.

²⁸ Article 9§1 Cotonou Agreement.

²⁹ WHEELER, N., *Saving Strangers, Humanitarian Intervention In International Society* (Oxford: OUP, 2000), p. 13.

tradition between the humanitarian intervention and the humanitarian telos of self-determination.

It would be erroneous to pretend that the EU-ACP encounter never addressed the critiques raised here. The humanitarian business' new buzzword: 'partnership'³⁰ is an example of this. The partnership trend is not just rhetorically as it has been translated in practice in an increased inclusion of civil society and other non-state actors in decentralised forms of governance.

Several critics argue that the introduction of the partnership principle has been unsuccessful to overcome the shortcomings. Raffer does not even perceive the Agreement as a partnership at all, and he argues that it has evolved towards less partnership. He analyses this by noting that there is now more place for arbitrariness in the Agreement because '[the EU] has embraced the word 'partnership' fully – although not necessarily the underlying concept of equality.'³¹ In fact, the restored concept of partnership means for the EU the 'power to decide flexibly and on short notice, as well as allocating aid according to "merit" ... rather than according to contractually fixed entitlements.'³² 'Ultimately, the Commission thus has absolute *carte blanche* to allocate money. Arbitrariness has de facto become part and parcel of the "Partnership Agreement".'³³ According to Raffer 'the present "partnership" is an Orwellian relation where one partner has no rights at all, the other perfect arbitrariness.'³⁴

Another criticism is the fact that the partnership, the equality and the ownership remain something granted by the intervener implies that the fundamental inequality remains.³⁵ Crawford formulates the unchanged nature of the relations as follows: 'Contrary to the official discourse of partnership as encouraging locally formulated reform strategies, the notions of 'partnership' and 'local ownership' simultaneously disguise and legitimise the interventions of international agencies in domestic reform processes, serving to mystify power asymmetry.'³⁶

In all these critiques, there is one factor that cannot be overlooked though. This 'granted' partnership is namely not without consequences. In spite of their 'unequal' position, the receivers are not merely the objects of the intervention anymore. Through the renewed attention for partnership and ownership, they are, at least formally, 'transformed' into the subject of the intervention. Here lays a potential for a fundamental transformation of interventions as well. Ideally,

³⁰ See Cotonou Agreement and IMF and WB discourses.

³¹ RAFFER, K., Cotonou: Slowly Undoing Lomé's Concept of Partnership, *EDPSG Discussion Paper*, No. 21 (2001) p. 17, www.edpsg.org.

³² *Ibid.*

³³ RAFFER, K, *op. cit.*, p. 19.

³⁴ *Ibid.*

³⁵ COOKE, B, A New Continuity with Colonial Administration: Participation in Development Management, *Third World Quarterly*, vol. 24, No. 1, 2003, p. 47.

³⁶ CRAWFORD, G., Partnership or Power? Deconstructing the 'Partnership for Governance Reform' in Indonesia", *Third World Quarterly*, vol. 24, No. 1, 2003, p. 139.

from this ‘transformation’ of the receiver, a situation could follow in which the inherent inequality and domination of the intervener is not anymore accepted and legitimised. This could then, as a result of an internal power struggle, amount to a fairer EU-ACP encounter.³⁷

In light of the above one could conclude that more intervention in sub-Saharan Africa on the basis of the ‘partnership’ principle has the potential to be good news for the continent in the long run. But interventions are more than just formally or procedurally transformative interactions as they come with a specific content. Whereas the form of the intervention (partnership) holds a potential positive outcome, the parochial content, presented as universal, and in complete disregard of the clashing interests of intervener and receiver, almost ensure a negative outcome for the latter. The *intervener-centric mechanism* will show how even humanitarian interventions based on partnership perpetuate the intervener’s agenda-setting powers. As the incapacity of the receiver in relation to the proposed objectives can somehow not be ignored (the so-called humanitarian failure of Africa or the African malaise) the *intervener-centric mechanism* will explain how the receiver ended up in this position in the first place and how this is also being perpetuated in time.

2.2 The Intervener-Centric Mechanism

The *intervener-centric mechanism* consists of two components. The first aspect is related to the occurrence of the intervention and the second to the substance or content of the intervention.

The occurrence of the intervention depends on the intervener and not on the reality of the receiver; the decision to intervene, apart from the international moral and legal provisions that constrain or enable the action, is taken by the intervener, with the calculation of the own capabilities, interests and gains, costs and losses.

³⁷ Critics of the ‘partnership’ trend in international relations, indicate that such an evolution is unlikely because it is not only the receiver’s formal position that is being transformed by the intervention. In a power-process described by Nye as ‘soft power’ and praised by Leonard as the receipt that will make Europe run the 21st century, the intervener also transforms the receivers’ preferences and eventually identity. The initial dependency position of the relation in combination with the intervener’s prestige and the attractiveness of his message, favours an internalisation process by the receiver of the intervener’s interests. Lukes describes this as ‘the most insidious exercise of power’ as it works to shape people’s ‘perceptions, cognitions and preferences’ in ways that may be contrary to their own interests, making people accept the existing order of things, including their own domination.’ Lukes quoted in ABRAHAMSEN, R., *The Power of Partnership in Global Governance*, *Third World Quarterly*, vol. 45 No. 8, 2004, p. 1458.

This mechanism is a reality of the political game, and should in itself not be condemned or praised.³⁸

In terms of the content of the intervention, the *intervener-centric* mechanism firstly indicates that the intervention consists of measures that are similar in form to the solutions applied in the intervener's own reality, i.e. the *isomorphic* aspect of humanitarian interventions. Secondly, the measures put forward generate an *outward* directed transformation of the intervener's society and a perpetuated need for the intervener's involvement. This mechanism describes how the humanitarian goal shifts from attaining 'human life in dignity' into 'becoming the intervener' and is the process that clarifies how the receiver internalises policies that are likely to be against his own interests.

*The Occurrence of the Humanitarian Intervention: a Versatile International Community*³⁹

The most likely first association one makes in relation to the occurrence of humanitarian interventions is that of emergency situations or cases of (sudden) gross and systematic violations of human rights which require an immediate military humanitarian intervention. History has extensively demonstrated that the death of thousands or millions does not automatically trigger an expected humanitarian intervention. Whereas the death of 3000 in NY does trigger an intervention to liberate the people of Afghanistan and Iraq⁴⁰, — and whomever is next —, the death of several millions in the African Great Lakes region has (luckily) not provoked the same reaction. The inconsistencies surrounding humanitarian interventions are generally explained by a variance in the intervener's material

³⁸ It is even more dangerous that, out of normative wishful thinking, this reality is dealt with as 'something that should not happen'; we tackle it by advocacy and pressuring interveners to act. In consequence, the analyses and legislation is built around the presumption that the advocators eventually will succeed, and that the interveners in the long run will be socialised into acting for the sake of the emergencies at the receivers' end.

³⁹ Marchal calls it "la versatilité de la communauté internationale", MARCHAL, R., *Le conflit au Darfour, point aveugle des négociations Nord-Sud*, *Politique Africaine*, No. 95, 2004, p. 145. OLSEN, G. R., CARSTENSEN, N. (Funding Humanitarian Crises: Media Attention is as Fickle as a Holiday Romance, *Humanitarian Affairs Review*, Spring 2003, <http://www.humanitarian-review.org>) focus on a similar versatility when they write on media attention and funding for humanitarian crises.

⁴⁰ The interventions in Iraq and Afghanistan are easily unveiled as undertaken first and foremost for US security reasons and not humanitarian reasons as such. Nevertheless, I use them in comparison, as the humanitarian situation and the violation of human rights in those countries have had a considerable role in legitimising these interventions.

and immaterial interest⁴¹; his capabilities, knowledge and the outcome of prior (recent) humanitarian interventions.⁴² All these factors together form the political will to act in the face of a perceived humanitarian crisis. In the example of the Euro-African encounter, sub-Saharan Africa is often a case of both an undisputable humanitarian emergency⁴³ and a humanitarian military (non)-intervention by the EU in this regard.

It is obvious that, the longer we go back in time, the more likely, and the more convincingly, the argument of incapacity can be invoked. At the time of the Rwandan genocide in 1994, the EU, as one actor, did not have the capabilities to intervene militarily. Individual European actors had their own list of reasons for their (in)-action. In 2003, the EU turns out to have the capabilities to carry out a military intervention, and proves it by setting up Operation Artemis in the DR Congo. Whereas the EU congratulates itself for the successful outcome of the intervention, other voices focus rather on its limited scope and on the clearly self-serving motives⁴⁴ that pushed the EU into action. Gégout notes that ‘the EU acts after evaluating the costs and benefits of an intervention, and not merely because of the humanitarian crisis in the DRC.’ ... Moreover ‘the Artemis mission can be considered a one-off mission and not as the first EU military intervention of a series of interventions⁴⁵. In 2005 the EU does indeed not have the same inclination towards the massive killings in Darfur Sudan. A Council declaration on 7 February 2005 reads that: ‘The EU resolutely condemns these crimes [crimes against humanity and war crimes] and stresses the importance of putting an immediate end to impunity in Darfur. ... In this context, the EU reaffirms its constant support for the International Criminal Court, and reiterates its common position on the ICC, while *noting that it is for the United Nations Security Council to take a rapid decision on this matter* [my emphasis].’⁴⁶

⁴¹ On Sudan, Marchal observes that : ‘... sur fond de campagne électorale américaine, la polémique sur le génocide avéré ou non au Darfour laisse béante la question de la citoyenneté de la géographie politique de l’État pétrolier au Soudan. La volonté de conclure un processus de médiation sur le Sud-Soudan avant les élections présidentielles américaines est un facteur important, notamment parce que le Soudan est devenu une question de politique intérieure.’ MARCHAL, R., *op. cit.*, p. 145.

⁴² The US reluctance to intervene in the Rwandan genocide is usually understood in the light of the failures and losses in the humanitarian intervention in Somalia.

⁴³ The casualties of the conflict in the Democratic Republic of Congo was in 2003 estimated to equal an 11th September for 666 days. GEDDA, G., *Congolese War Called ‘9-11 Every Day*, Yahoo!News, Fri, June 27, 2003, <http://News.Yahoo.Com>.

⁴⁴ Such as enhanced immaterial power, status and international leadership. See GÉGOUT, C., Causes and Consequences of the EU’s Military Intervention in the Democratic Republic of Congo: A Realist Explanation, *European Foreign Affairs Review*, No. 10, 2005, pp. 427-443 and OLSEN, G. R., The EU and Conflict Management in African Emergencies, *International Peacekeeping*, vol. 9, No. 3, 2002, pp. 87-102.

⁴⁵ GÉGOUT, C., *op. cit.*, p. 429.

⁴⁶ EU Council, CFSP Statements, Declaration by the Presidency of the European Union on the Report by the International Commission of Inquiry on Darfur, Press19 Nr: 6072/2/05 Rev 2, http://Ue.Eu.Int/Cms3_Applications/Applications/Newsroom/Loadbook.Asp?Target=2005&Infotarget=&Max=141&Bid=73&Lang=1&Cmsid=359.

Several valid objections are easily made to the presentation of these three humanitarian crises on one line and criticising the military (non)-intervention. A first objection would be that military action is not the only or the best option. Secondly one could argue that the EU is not the only, and certainly not the best qualified military actor on the international scene and that often other actors like the UN are already on the ground⁴⁷. The EU has indeed, given its limited military capabilities, specialised in other forms of mediation and intervention. Both in the case of DR Congo as in the Sudanese case, the EU has financially, technically (e.g. civilian crisis management) and diplomatically promoted and supported peace negotiations and monitored their implementation. The EU has moreover, in line with its commitment to partnership and ownership, actively changed its humanitarian policies by relying on and supporting local actors like the African Union. A third objection could be that in the face of a serious humanitarian crisis such as massive killings, the motives of the intervener are not relevant as such.

With the analysis of the *intervener-centric* mechanism, I want to highlight that the motives as such are indeed not directly relevant for the outcome of the humanitarian intervention, but that the fact *that* humanitarian interventions are invariably dictated by the intervener's motives, is. This relevancy is less obvious and might even be morally irrelevant in the face of a situation of great human loss, especially if the motives have pushed the intervener into action (e.g. Operation Artemis). In case of non-action though, when a large amount of people are 'left to die', the relevancy of highlighting the *intervener-centric mechanism* is much more obvious. Additionally, in cases of humanitarian interventions in the broad sense, i.e. non-military, long-term assistance, it is clear that the intervener-centric aspect of the intervention has significant consequences for the achievement of the humanitarian telos.

In the Cotonou Agreement, we find traces of the versatility or arbitrariness when we consider the procedure for starting consultations under Article 96 and 97. These consultations are applied when a serious breach of the essential elements (Article 96) or the fundamental element (Article 97) is being perceived by one of the parties. Given that the elements are respectively human rights, democracy, the rule of law, and good governance, the consultation procedures can be considered a humanitarian intervention. The initiation of such a procedure is considered by the ACP group as punitive because their domestic affairs are clearly the ones under scrutiny, and not that of the EU countries. The Agreement generally tries to balance out the obligations and rights of both parties, at least formally. Throughout the whole text, the subjects are invariably labelled as 'the Parties', without putting clearly the EU at one side and the ACP group at the other side⁴⁸. Articles 96-97

⁴⁷ In case of Artemis, the EU had indeed been asked by the UN to set up a military operation. One could argue that the EU puts itself under UN authority given its advocacy for global multilateral actions.

⁴⁸ I say formally, because, in case of e.g. human rights, good governance and democracy obligations, both parties are bound to this equally. In practice this is obviously more challenging for the ACP countries than the EU, which overall has attained the obligations domestically.

though, — the instance in which the Agreement legally puts down the procedures and conditions for the suspension of the Agreement or the adoption of ‘appropriate measures’ — , respectively start and end with the following paragraph:

‘Within the meaning of this Article, the term “Party” refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.’⁴⁹

In concrete terms this entails the fact that the ACP members have no formal say in when and how and why to initiate such procedure, because the procedures are obviously directed to them. Raffer notes: ‘As all demands subsumed under political conditionality are fairly opaque, and the EU is largely free to decide what it considers a breach of obligations with regard to essential elements, this introduces an element of arbitrariness in favour of the EU.’⁵⁰ The complaints of the ACP group on this matter have been addressed recently during the negotiations for the revision of the Cotonou Agreement. The ACP group has proposed a reinforcement⁵¹ of the political dialogue between the partners under Article 8. This procedure provides for initiative by both sides and the matters that can be discussed ‘cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub-regional interest.’⁵² In that sense there is no a-priori antagonism between the two parties and the dialogue in itself has not the aim to see whether a particular (punitive or rewarding) measure is at hand.

Given that this evolution does not alter anything about the obvious power inequality between the two parties, one could indeed wonder to what extent a shift towards more dialogue will fundamentally change anything about the nature of the relation. The power inequality has namely generated a situation in which the EU has been able to liberate itself from most of its contractual obligations (cf. Stabex and Sysmin) while raising the threshold for the ACP countries to meet ‘the standards’.⁵³ This brings me to the second aspect of the *intervener-centric mechanism*, namely aspect through which the intervener is also the centre of the contents of the intervention.

⁴⁹ Article 96§1; Article 97§4

⁵⁰ RAFFER, K., *op. cit.*, p. 16.

⁵¹ The ACP Group has asked for a more systematic and formal application of the political dialogue. BRADLEY, A., An ACP Perspective and Overview of Article 96 Cases, *Discussion Paper 64d*, August 2005, European Centre for Development Policy Management, p. 1, www.ecdpm.org.

⁵² Article 8§3 Cotonou Agreement.

⁵³ See RAFFER, K., Rolling Back Partnership: An Analysis of the Commission’s Green Paper on the Future of Lomé, *DSA European Development Policy Study Group Discussion Paper*, 9 (1998), www.oneworld.org/euforic/dsa/dp9.htm.

The Agenda-Setting Intervener: Isomorphic Solutions and Outward Focus

The chicken, the duck, the turkey, the pheasant, the quail and the partridge were summoned and went down to the summit. The chef of the king welcomed them: 'I have summoned you,' – he explained – "so that you can tell me with which sauce you would want to be eaten." One of the birds had the courage to say: 'I don't want to be eaten in any way' The maître of the king specified: 'This is irrelevant to this discussion.' – E. Galeano

This metaphor of the international community by Galeano is, — if one disregards the implied bad intentions — , an illustration of the agenda setting powers that the superior intervener acquires through the aforementioned *inequality* mechanism. This has two distinct consequences for the intervention, namely an *isomorphic* aspect and an *outward* focus.

The *isomorphic* aspect consists of the fact that the solutions that the intervener will come up with, come from a limited pool of choice, invariably similar in form (= *isomorphic*) to the solutions that were proven successful to the problems once faced by the intervener. The receiver is in consequence invariably supposed to evolve towards the stage attained by the intervener⁵⁴, — in the intervention no modification of the intervener is a-priori expected — , to the point that the humanitarian goal transforms into 'becoming the intervener'.

A second aspect of this mechanism is the *outward* focus produced by the intervention. Both the receiver and the intervener have their role in this. The receiver will, given his fundamental dependency position, shape his domestic or regional policies in view of pleasing the intervener and keeping him interested and involved. The intervener, confronted with the malevolence or incapacity of the receiver, will create a situation in which his participation is indispensable and consolidate it over time.

In combination with the *inequality* mechanism, which allows for the superior intervener to present his solutions as universal, this mechanism is in conflict with the humanitarian telos of self determination and agency.

The language of the Cotonou Agreement shows that, although on almost every other page it is stressed that the ACP group is owner of its own development, this aspiration is annihilated by all the precise objectives and approaches of which the Agreement consists, especially on the economic organisation of the ACP societies. Privatisation, liberalisation and market economy are suddenly the only way forward to which both parties subscribe.⁵⁵ The *outward* focus is accounted for in Article 10§2 where it says that the aim of the Agreement consists of "the gradual integration of the ACP countries in the world economy"⁵⁶

⁵⁴ This idea is contained in the word development. Towards what...?

⁵⁵ Amongst others: Chapter 2 section 1 Cotonou Agreement.

⁵⁶ Article 10§2 Cotonou Agreement.

The new Economic Partnership Agreements (EPA's), set up to organise the trade relations between the EU and the ACP in the future, are the most speaking of all the aforementioned aspects of the *intervener-centric* mechanism. At the moment, the terms of EPA's are still being negotiated, but the fact that such potentially damaging Agreements have been tabled, clearly shows who pulls the agenda-setting strings and which direction the EU-ACP encounter is going. In an interview with two EC officials in DG Trade, the *isomorphic* mechanism of the Euro-Africa encounter was expressed most clearly and most simply by one of them while we were debating the EPA's. He explained that the model of preferential trade agreements had not been satisfactory, and mostly not so for the ACP countries themselves, since they have been worse off over the years. "So," he said, "let's try something else. Basically let's try the system that worked for us. I do not mean to say that that Europe has the best model, but lessons can be learned."⁵⁷ If the Agreements will be agreed upon, this means the opening of both the African as the European markets for the free trade of each other's products. The debate on the EPA's in large and does not fit in the scope of this study. Here I will just give one example of some of the problems that will be generated by the EPA's.⁵⁸ One of the many concerns that have been raised is the fact that the European markets have a whole list of (rapidly and constantly changing) requirements and standards for the products to be sold on their market. The best known example of that is that concerning the EU's food safety measures, namely the Sanitary and Phytosanitary (SPS) measures. It is clear the African producers face a structural disadvantage as the cost of meeting the European standards is very high. The EU addresses this by promising aid, both financially as technically, for the African technology to attain the same level, and the same standards of production. At first sight this can only seem beneficial for the ACP markets in the long run. The clash with agency and self-determination though, lies in the *outward* focus, namely the fact that the African development is thought of, and designed around the needs and the reality of the European and global market. African needs will (or are believed to) only be accommodated once the African markets catch up with the European reality. The catching up became the telos in itself. A whole bulk of money and effort is being channelled at a particular (early) stage of the reform to be able to participate in the European game, whereas there might be other concerns that would be identified as more urgent, or more beneficial for the local game that do not receive that amount of attention as a matter of priority. UN Economic Commission for Africa (UNECA) notes that 'the sequencing of policy reforms by Africa is critical to the success of EPA.'⁵⁹

How deterministic can we be about the *intervener-centric* mechanism? Like I noted in the case of the *inequality* mechanism, the receivers are not just the passive recipients of the intervention, and the European humanitarian intervention contains genuinely transformative elements that could alter the validity or the

⁵⁷ Interview on September 15th, 2003, EC Charlemagne building Brussels.

⁵⁸ for info on the EPA see: www.epawatch.net.

⁵⁹ UNECA, The Economic and Welfare Impacts of the EU-Africa Economic Partnership Agreements, *Trade Negotiations Inside*, Sept-Oct 2005, p. 5.

perpetuation of the *intervener-centric* mechanism. In this light I come back to the enhanced attention for partnership and the inclusion of the local actors like the AU. Europe's insistence on an intra-African regionalisation of trade and politics, also gives the impression that the verticality of the dependency relation as described by Badie⁶⁰ belongs to the history-books. A closer look though, shows that even these efforts do not seem to escape both the *isomorphic* as the *outward* aspects of the *intervener-centric* mechanism.

A first aspect is that, with the benevolence of the intervener in mind, one seems to ignore the likelihood of clashing interests between receiver and intervener. The Common Agricultural Policy (CAP) of the EU is only one example of how the European interests alone are an impediment to humanitarian telos. In November 2005, News Africa writes: "There is little doubt that the summit's great failure was the lack of movement on trade. The industrialised world has long hoped Africa would be able to trade its way out of poverty and yet has conspired to prevent the continent from seriously competing in many agricultural sectors. Agriculture does not attract the multi-billion dollar investments of the oil and gas sector but it employs infinitely more Africans and represents one of the continent's major strengths."⁶¹ But the clash in interests is not enough to explain the persistent humanitarian failure. There are namely a whole range of parallel interests, especially ever since the well-being of poor countries has been linked to the West's security interests. It is in this light that Tony Blair and his Commission for Africa have labelled the African malaise 'Our Common Interest'⁶². In what follows, I therefore consider in terms of the mechanisms the phenomena that at first sight contradict my critical position, namely the rise of regional actors and the civil society.

3. THE HUMANITARIAN CONTRADICTION: LOCAL AGENCY, SELF-DETERMINATION AND THE HUMANITARIAN FAILURE

'As a result, there appears to be little opportunity for those in whose name intervention is conducted to participate fully in determining the conditions that will shape their lives.'⁶³

Focusing on the mechanisms and insisting on self-determination would make no sense if there were no connection with a humanitarian failure on the ground. The mechanisms have so far only lightly touched upon the conflictuous relationship between humanitarian interventions and the humanitarian telos of agency and self-determination. In 2002 civil society representative Nancy Kachingwe says,

⁶⁰ BADIE, B., *The Imported State. The Westernisation of the Political Order* (Stanford: Stanford University Press, 2000).

⁶¹ FORD, N., One Step Forward, *NewsAfrica*, (November 2005), www.newsafrika.net.

⁶² Commission for Africa, *Our Common Interest: An Argument* (London: Penguin Books, 2005).

⁶³ ORFORD, A., *Reading Humanitarian Interventions, Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003), pp. 126-127.

in a speech for the 28th EU-ACP Council of Ministers: “If it is true that we have better governance in ACP countries, why is there more poverty? How is it that we have more democracy, and yet somehow have less choice?”⁶⁴ In what follows I will illustrate the importance of self-determination by analysing the effects of the humanitarian interventions on local agency. I therefore stand still at the two groups of actors that are actively promoted and on the rise in international relations: the regional actors and civil society.

3.1 Regional Actors

The rise of successful and credible regional actors like the African Union and mechanisms like NEPAD and the Peer Review Mechanism (PRM) seem to form a counter example to the argument made as to whether interventions are a priori in conflict with the principles of self-determination and local agency. The point I will make again here is not that the receivers are passive beings, incapable of interacting and reinventing themselves inside the global order. I merely underline how this reinvention is shaped along the expectations of the interveners, in the intervener’s way. These new structures therefore, do not seem to overcome the *isomorphic* aspect of the *intervener-centric* mechanism. The analogy, to give an example, between the EU and the AU are more than obvious. The insertion of a PRM can be both seen as a way to accommodate the donor community and as a means to avoid a future interference⁶⁵, but this might be in vain. NEPAD has been labelled by some critics as a ‘western wolf in African sheepskin’⁶⁶ and Amuwo bluntly states that ‘by appropriating, almost hook, line, and sinker, a paradigm of Western hegemony that, in various changing forms and guises, has *mainly* been responsible for the continent’s underdevelopment, *NEPAD*, does not, and cannot, be *the* Plan of Action to save Africa both from the outside world and from itself and this notwithstanding the good intentions of its proponents.’⁶⁷ Perrot, in her analysis of new intra-African interventionism, notices that even the emergence of the “African power” or leadership is to some extent preconditioned by a ‘west’ identifying them as a ‘relais’, through which to channel their policies or ideas on how to organise conflict management on the continent.⁶⁸ The above gives reason to

⁶⁴ Presentation at the 28th session of ACP-EU Council of Ministers, May 16th 2002 as speaker for MWENGO, member of ACP Civil Society Forum.

⁶⁵ Quoting de WAAL, ABRAHAMSEN notes that: ‘The rationale of the PRM is to make donor-imposed conditionality superfluous, hoping that donors will eventually abandon their own monitoring process and accept the outcomes of the African peer review.’ ABRAHAMSEN, R., The Power of Partnership in Global Governance, *Third World Quarterly*, vol. 45, No. 8, 2004, p. 1461.

⁶⁶ Adebajo quoted in ABRAHAMSEN, *op. cit.*, p. 1454

⁶⁷ AMUWO, K., Globalisation, NEPAD and the Governance Question in Africa, *African Studies Quarterly*, vol. 6, No. 3, 2002, p. 2, <http://web.africa.ufl.edu/asq/v6/v6i3a4.htm> consulted 21 October 2005.

⁶⁸ PERROT, S., Les nouveaux interventionnismes militaires africains. Une redéfinition des conditions de la puissance au Sud du Sahara, *Politique Africaine*, No. 98, 2005.

be weary about expecting the benefits of self-determination from these ‘regional’ players.

3.2 Civil Society

‘An important new priority is to strengthen outreach to civil society, . . . , to foster practical partnership to further the goals and the mandates of the Organization.’⁶⁹

The presence of a flourishing civil society is believed to be important to the realisation of the universal humanitarian telos of self-determination in the framework of representative democracy.⁷⁰ In this role, and given the reality of globalisation, civil society has increasingly become a group of focus in the framework of humanitarian interventions in general and more concretely in the Euro-African encounter.

A reading of the Cotonou Agreement on the non-state actors, shows the extent to which the humanitarian mechanisms jeopardise the original telos of civil society, namely to contribute to development and the emergence of a pluralistic accountable democratic environment. In line with the principles of ownership, partnership and dialogue, the importance given to non-state actors is noticeable throughout the whole Agreement. Article 2, spelling out the fundamental principles of the Agreement, reads: “The partnership shall be open to different kinds of other actors in order to encourage the integration of all sections of society, including private sector and civil society organisations, into the mainstream of political, economic and social life.” In Article 6 §1 the non-state actors are clearly defined as integral members of the Partnership, but §2 specifies that their recognition as actors shall depend on the extent to which they address the needs of the population, competences and democratic and transparent management. Herein one can easily draw a parallel with the conditional validity of state-sovereignty.

Another problematic aspect is the origin of this sudden increased importance of the non-state actors. Their involvement in the humanitarian enterprise has not been inspired in the first place on a re-appreciation of the roots of democracy and sovereignty, namely “power to the people”. Civil society has entered the scene following a negative appreciation of the African state system, by labelling them ‘failed states’. This labelling is another example of the *inequality mechanism* in so far that it made the ‘global’ interveners and civil society suddenly indispensably for the attainment of the humanitarian telos. Given the natural link between ‘the people’ or civil society and self-determination and democracy, identifying them as necessary for the attainment of the humanitarian telos is logic and desirable. In the African case though, civil society was not believed ‘pre-existing’ and in

⁶⁹ United Nations, *Basic Facts about the United Nations*, New York: UN Department of Public Information, 1998.

⁷⁰ For a clear account on this see CHALLAND, B., *The Power to Promote and to Exclude: External Support for Palestinian Civil Society* (Florence: European University Institute, 2005), pp. 53-57.

that sense invariably tied to capacity building activities. In consequence, apart from being given importance out of a negative reasoning (incapacity of the state), the fact that ‘the people’ were not identified as a functioning civil society, even ‘the people’ have been shaped according to the blueprints of the interveners’ understanding of what civil society is.⁷¹

Hurt draws attention to another problematic aspect of the inclusion of non-state actors. He stresses the importance gained by the private sector, and he notes that their inclusion, given that they are democratically unaccountable non-state actors, in some cases might even contribute to a weakening of the democratic process.⁷² He identifies this development as a result of the neo-liberal triumph⁷³, and as such it can be considered an example of the *isomorphic* aspect of the *intervener-centric* mechanism.

3.3 Local Agency and the Humanitarian Failure

‘If they are to be accountable to their own citizens, African governments have to be allowed the space to make their own decisions.’⁷⁴ ‘The Ugandan government does not need to be accountable to its citizens because it does not depend on their income tax. Conversely it is accountable to the donors.’⁷⁵

The external interference and pressure on the local society, in combination with the more or less ‘authentic’ pledges of that society internally, has, more often than usually assumed, instigated the violent conflicts and instabilities in the last decades. A recent study by Hironaka indicates that in general, interventions have increased the length of civil wars since 1945.⁷⁶ The ‘ethnic’ and ‘barbaric’ form in which these conflicts manifest themselves bring us to merely identify them as conflicts comparable to ‘the ones we used to have in the Middle Ages’. The only remedy is hence pulling these countries into modernity through development. This move entails a complete transformation of the affected societies. Rita Abrahamsen, in her book on development discourse and good governance⁷⁷ shows how the policies by IMF and WB, which

⁷¹ See CHALLAND, B., *op. cit.*

⁷² HURT, S. R., Co-Operation And Coercion? The Cotonou Agreement between the European Union and ACP States and the End of the Lomé Convention, *Third World Quarterly*, vol. 24, No. 1, 2003, p. 172.

⁷³ HURT, S. R., *op. cit.*

⁷⁴ Commission for Africa, *Our Common Interest: An Argument* (London: Penguin Books, 2005), p. 22.

⁷⁵ VAN KESSEL, I., De toekomst van de democratie in Afrika, *Internationale Spectator*, vol. 58, No. 1, January 2004, p. 20.

Translated from Dutch: “De Oegandese regering hoeft geen verantwoording af te leggen aan haar burgers, want ze is niet afhankelijk van de belastingcenten van die burgers. Ze moet daarentegen wel verantwoording afleggen aan de donoren”.

⁷⁶ HIRONAKA, A., *Neverending Wars: The International Community, Weak States, And The Perpetuation Of Civil War* (Harvard: Harvard University Press, 2005), p. 130.

⁷⁷ ABRAHAMSEN, R., *Disciplining Democracy: Development Discourse And Good Governance In Africa*, London: Zed Books, 2000.

erodes the sovereignty of the receiving states in practice, can be directly linked to violence, political instability and the violation of fundamental freedom. She extensively illustrates how the humanitarian intervention as I have been describing here, is in itself an impediment to the rise of qualitative democracy. The *outward* focus of the humanitarian intervention works as such that a) the governments are not in the first place accountable; b) by consequence policy decisions are more likely not to deal with the citizen's first concerns, often i.e. distributive demands; c) this gives rise to social unrest, instability and conflicts; d) insurgencies are then crushed in ways violating people's basic freedoms and human rights, in an attempt to maintain the power status quo. Similar observations are made by Orford and Amuwo. The latter states that : 'Expressed provocatively, we can, in a fundamental sense, trace the lack of crucial resources for nation-building and economic development as well as the proliferation of intra and inter-state conflicts that this often engenders, to crucial decisions taken in the inner recesses of the IFIs (International Financial Institutions).'⁷⁸

It is not just the long-term, transformative interventions that have this destabilising effect. A reading of the crisis in Sudan indicates how the mere mediation and interpretation by the international community of the conflict, has invariable facilitated an escalation of the conflict into 'never-seen-before', inhumane violence. Marchal makes in June 2004 a lengthy historical analysis of the conflict in Darfur, mostly highlighting the internal and regional elements that contributed to the conflict (involvement of Chad, Libya and Egypt). By doing so, he also stands still at the two internationally represented (and simplified) antagonists, namely the 'Arabs' and the 'Africans', and how their 'difference' is surely not in the first place ethnical but rather to be traced back to social differences.⁷⁹ Although Marchal's analysis is thus mainly based on the internal and regional elements of the conflicts, he concludes by noting that: "... la médiation américaine suivie par les autres pays occidentaux a repris nombre de thèses développées par les islamistes. Elle a essentialisé un conflit, reconstruit l'identité des protagonistes et donné aux religions universalistes un rôle dans le conflit dont les croyants, de part et d'autre, se seraient sans doute bien passés. ... En reconduisant un gouvernement et en lui redonnant symboliquement un quitus pour les années les plus dures, la médiation a également indiqué que, sauf à parier sur des élections libres et transparentes, il n'y avait pour des contre-élites d'autre choix que de jouer le *spoiler* dans la situation actuelle."⁸⁰

This international misunderstanding is painfully similar to the mis-interpretations and the misrepresentations that have surrounded, both in the past and in recent years the meaning of Hutu and Tutsi in the Great Lakes Region. The story of the Rwandan

⁷⁸ AMUWO, K., *op. cit.*, p. 5.

⁷⁹ MARCHAL, R., Le conflit au Darfour, point aveugle des négociations Nord-Sud, *Politique Africaine*, No. 95, 2004, p. 130.

⁸⁰ MARCHAL, R., *op. cit.*, pp. 145-146.

genocide is in my opinion, less a product of the non-intervention⁸¹ of the international community, than of a very profound intervention many decades before '94. Its origins⁸² can be traced back directly to the colonial times, when the Belgian administrator was faced with a socio-political organisation of society he did not understand. The *isomorphic* mechanism was brought to its most literal version when a complicated power-system of check and balances was simplified into: "the 'rulers' are surely those who look most like us", namely the Tutsi minority. In a second move, as principles of democracy and the rule of the majority were finding a consensus in Belgium and more specifically in Flanders, the same ideas were transposed to the Rwandan reality at the end of the '50s (note the analogy with today's discourse). This meant a sudden and forced transfer of power from a disproportionately and artificially advantaged minority to an exploited and enraged majority. The potential inhumane consequences of such far-reaching transformation of society do not need to be spelled out. The real tragedy of this story is that the international community does not seem to have learned the lessons of the potential inhumanity of good intended humanitarian interventions.⁸³

CONCLUSION

'He who sleeps on a borrowed mat, in fact sleeps on the ground.'⁸⁴ (Mossi proverb)

This Mossi proverb expresses the fundamental link between autonomy and the humanitarian telos. The mat, as this study has demonstrated, can be taken away, or not given at all for a whole array of reasons. Sedego argues that 'only true autonomy can shelter us from humiliation'.⁸⁵ This brings us back to the humanitarian telos of human life in dignity.

In this study I have tried contribute to the debate of global politics by presenting the EU-Africa relations in the framework of humanitarian interventions. In anal-

⁸¹ In 1998, Kofi ANNAN asserts that "Rwanda is in many respects that intervention that did **not** happen..." ANNAN, K., Peacekeeping, Military Intervention, and National Sovereignty in Internal Armed Conflict, in MOORE, J., Ed., *Hard Choices: Moral Dilemmas In Humanitarian Interventions* (Lanham: Rowman And Littlefield Publishers, 1998), p. 61.

⁸² For accounts on the Rwandan genocide and background see DESFORGES, A., *Leave None To Tell The Story* (New York: Human Rights Watch, 1999); PRUNIER, G., *The Rwandan Crisis 1959-1994: History of a Genocide* (London: Hurst and Co., 1995); De Belgische Senaat, *Parlementaire commissie van onderzoek betreffende de gebeurtenissen in Rwanda*, Zitting 1997-1998, 1997, pp. 1-611; BRAECKMAN, C., *De wortels van het geweld. Burundi, Rwanda, Congo* (Berchem: Epo, 1997); REYNTJENS, F., *L'Afrique des Grands Lacs en crise* (Paris: Karthala, 1994); MELVERN, L., *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Zed Books, 2000).

⁸³ I do not mean to label the Belgian colonial rule as such a 'good intended humanitarian intervention'. I refer here to the democratic turn that has been imported in good faith (by 'de witte paters' missionaries) to create a more just society.

⁸⁴ SEDOGO, P. F., Civil Society in Sub-Saharan Africa, How Can Western Societies Help Civil Society in Africa?, in BERNARD, A., HELMLICH, H., et al. ed., *Civil Society and International Development* (Paris: OECD, 1998), p. 117.

⁸⁵ *Ibidem*.

ogy with the new trends in this encounter and most current bilateral or multilateral 'the West and the rest'- relations, I have opted for an integrated approach rather than a single focusing on trade, development, politics or security. I aimed at underlining the inherent dangers of the international evolution towards more 'partnership'- intervention in the name human rights. Both concepts, partnership and human rights, grant the intervention with a disproportionate legitimacy, and conceal its direct link to the humanitarian failure.⁸⁶

The intervener might have come out as the 'bad guy' of the story. This was surely not the purpose since this analysis was not intended as a study of the intervener's intentions. The analysis of the mechanisms enabling and characterising humanitarian interventions, conversely shows that the intentions of the actors are rather irrelevant. Besides, if one looks at the efforts of the humanitarian 'industry' there can be little doubt of those individuals' and institutions' good intentions. The humanitarian mechanisms describe a human fallacy that occurs at any time in interaction: one can only go as far as imagining the other's needs, and this process usually goes according to one's own preferences. In favour of cosmopolitanism I would say that there are most certainly traits that unite all human beings. In suffering we are indeed all the same, the solutions we come up with are not.

Against atrocities and suffering on the ground, theoretical accounts like presented in this study are sometimes rightfully labelled as futile or even obscene, especially accounts that advocate rather less than more intervention.

I would argue that one of the greatest humanitarian crisis of the last decades, the Rwandan genocide, sheds a light on the validity of criticising interventions as such, and how it is more than a theoretical exercise. The Rwandan genocide is just one example of how the *isomorphic* and the *intervener-centric* mechanisms alone have facilitated the occurrence of such a tragedy. This brings me to conclusion that no intervention can be legitimised by its contents or its good intentions.

What is the alternative then? No action? Does the international community have to stay away or suddenly pull out of Africa? Recommending this would be completely disregarding reality and history. The interdependence and the further globalisation of the world is a fact, whether we like it or not. The critique I have formulated here would have no value if it did not take this reality into account. A first answer is that the choice is not limited to action or non action.⁸⁷ Ideally, regardless of whether globalisation is a given or not, nothing prevents us from shifting our frameworks of thinking by fighting the homogenising tendencies of

⁸⁶ CRAWFORD observes that the reinforcement of the 'partnership' principle in development is 'part of a trend (...) by which their intervention in political and economic reforms in sovereign states is disguised and simultaneously accorded greater legitimacy, free of the criticism that conditionality has attracted.' CRAWFORD, G., Partnership or Power? Deconstructing the 'Partnership for Governance Reform' in Indonesia, *Third World Quarterly*, vol. 24, No. 1, 2003, pp. 156-157.

⁸⁷ ORFORD, A., *Reading Humanitarian Interventions, Human Rights and the Use of Force in International Law* (Cambridge: Cambridge University Press, 2003).

today's version of 'globalisation'. An effort for real pluralism on global scale would be a first priority. This entails a genuine belief in the equality of cultures and societies, not on the basis of preferences or understanding, but just because they exist. Secondly, in the face of inhumane atrocities, decisions to protect individuals and societies should be removed from the political sphere as much as possible by turning the 'political will' to intervene into a juridical obligation, backed by minimal and clear criteria and real capabilities. A more concrete step would be for us 'interveners' to move away from any reflex of thinking in terms of 'educating' the receivers. We should aim towards an attitude in which *space* to decide on one's own organisation of society in all freedom and sovereignty, is not *given* nor *granted*, but simply not *taken* or *occupied* by us. Today, as the interference in Africa is still a fact, one has to concentrate on how to alter these interferences to enhance the achievement of the essential or universal humanitarian goal instead of obstructing it. Concretely I would turn to the evidence we find in today's Euro-African encounter, directly linked to this essential humanitarian telos, namely the discourse on ownership, partnership and dialogue. Describing 'real' partnership and ownership, Crawford speaks of a 'sovereign process where national actors direct and control a reform programme which is then implemented jointly as a shared goal by internal and external actors.'⁸⁸ In my opinion, the use of too detailed benchmarks is contradictory to the idea of consolidating an own reality or country specific experience of democracy. The Partnership aspect of this Agreement should be preserved and reinforced at all times where possible, because it is only under this pretext that the EU's right to intervene so substantially in internal matters of the ACP countries can be legitimate according to international law and politics; not because we give money.

In order to give this discourse any chance of becoming reality, it is in my opinion vital that we, the interveners, are re-educated in the principle of sovereignty as an inalienable right. I would even argue that, in the world as it exists today, self-determination on an individual level will not be reached in sub-Saharan Africa if the respect of state-sovereignty as an inalienable right of the state, — and not something that needs to be earned —, is not restored. Advocates of the restoration of state sovereignty are often accused of being foolishly nostalgic for an era of national simplicities. A similar naivety could be detected in the uncritical advocates of the (global) civil society that seem to disregard the fact that the noble actions of 'dialogue' and 'deliberation' do not happen in a power vacuum. In the end, having a voice is not the same as being heard, and in this sense civil society will for the time being not be able to adequately replace state sovereignty at the global level. This suggestion does not come from a normative position on today's global order. My position is more descriptive. I believe that on the present-day international scene, states remain to a large extent the most decisive factors in end decisions, whether this is unilaterally, bilaterally or multilaterally. I argue that any attempt to address the humanitarian failures should acknowledge this reality, and not dismiss it on normative grounds or wishful thinking.

⁸⁸ CRAWFORD, G., *op. cit.*, p. 155.