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Post-UN Withdrawal: An Assessment of Peacekeeping in Chad.

Ray Murphy* **corrected version Final Version**

[I]n Darfur, in north-south Sudan, in the Democratic Republic of the Congo and in Chad, scale and politics multiply the challenges and dilemmas that peacekeepers face. Across vast terrains and amidst ongoing conflict, the UN is called upon to protect civilians and provide stability, often without critical capabilities at hand. The political processes that these missions accompany are troubled, stalled or simply absent, and in some cases missions operate with limited consent from key parties on the ground.¹

Recent international peacekeeping efforts in Chad and the Central African Republic (CAR) are a consequence of the long term unstable situation in both countries and the region as a whole. The conflict in Darfur has been a destabilising factor and the combined effect of the overall insecurity has created a humanitarian crisis that exacerbated tensions among the region's communities.² The deployment of parallel UN and European Union peace operations to Chad and CAR's borders with Sudan in 2008 was reported to have done little to improve the overall security and humanitarian situation in both countries.³ The security situation in the eastern part of Chad and parts of the CAR did not improve significantly during 2010. Despite this, the mission of the UN peacekeeping force, MINURCAT⁴, was revised in early 2010 as a prelude to withdrawal.⁵

UN peacekeeping missions may be established in accordance with Chapter VI or VII of the UN Charter.⁶ The two most important characteristics that distinguish traditional peacekeeping under Chapter VI from the more robust peace enforcement operations under Chapter VII are the use of force and the issue of host state consent. The issues of host state consent to a UN military presence raises difficult questions in the context of internal conflicts or civil wars. There were reservations about UN involvement in the Congo, Somalia, Lebanon and Kosovo for these very reasons.⁷ Despite invoking Chapter VII of the UN Charter, the UN/African Union

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¹ UN, *A New Partnership Agenda, Charting a New Horizon for UN Peacekeeping* (New York, UN Department of Peacekeeping Operations and Department of Field Support, 2009) iii.

² See: www.un.org/en/peacekeeping/missions/minurcat/background.shtml. See also L Ploch, *Instability in Chad*, CRS Report for Congress, Congressional Research Service 7-5700, 25 January 2010.

³ Center on International Cooperation, *Annual Review of Global Peace Operations, 2009* (Boulder, Lynne Rienner, 2009), 32. See also UN Doc S/2010/409, Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad, 30 July 2010.

⁴ The UN Mission in Central African Republic and Chad (MINURCAT), see www.un.org/en/peacekeeping/missions/minurcat/

⁵ S/RES/1923, 25 May 2010.

⁶ See B Simma (ed), *The Charter of the United Nations: A Commentary*, 2nd edn (Oxford, Oxford University Press, 2002) 648-700; N White, *Keeping the Peace*, 2nd edn (Manchester, Manchester University Press, 1997) 207-284; United Nations, *The Blue Helmets- A Review of United Nations Peacekeeping* 3rd edn (New York, United Nations, 1996) 3-9.

⁷ See generally R Murphy, *UN Peacekeeping in Lebanon, Somalia and Kosovo: Legal and Operational Issues in Practice* (Cambridge, Cambridge University Press, 2007).

mission (UNAMID) to Darfur requires the consent and cooperation of the government of Sudan.⁸ The situation was similar in respect of MINURCAT.

The past decade has witnessed the prioritizing of the protection of civilians in statements and resolutions emanating from the Security Council. The Secretary-General has issued regular reports on the issue⁹ and the mandates of peacekeeping operations have included express provisions dealing with civilian protection. This is expressed usually as being mandated to 'protect civilians under imminent threat of physical danger.'¹⁰ Any failure to fulfil this role undermines the purpose of the peace operation and the credibility of the UN as a whole.¹¹ This article examines the challenges confronting peacekeeping in Chad, in particular with regard to the protection of civilians, and the lessons to be learned from recent and past peace operations. It asks if the withdrawal of MINURCAT rendered refugees, internally displaced persons and humanitarian agencies on the ground more vulnerable. How will the UN ensure the security of these vulnerable groups in the aftermath of the withdrawal of its military component?

In early 2010, the government of Chad informed the UN that they wanted the military component of MINURCAT reduced and that Chad was ready to assume responsibility for the protection of civilians pending a complete withdrawal of the peacekeeping mission by the end of 2010.¹² However, according to the UN High Commissioner for Refugees, the humanitarian situation in Chad was expected to remain precarious.¹³ The security situation in eastern Chad continued to be 'unpredictable', while the situation in the MINURCAT area of operations in north eastern CAR were said to be 'volatile'.¹⁴

The security and protection of the civilian population was a central element in this mission from the start.¹⁵ In September 2007, UN Security Council Resolution 1778 approved the establishment of a multidimensional presence intended to create conditions that would facilitate a return of refugees and

⁸ UNSC Res 1769 (31 July 2007) S/Res/1769 (2007), para 15.

⁹ UNSC resolutions on the protection of civilians include UNSC Res 1267 (15 October 1999) S/RES/1267, UNSC Res 1296 (19 April 2000) S/RES/1296, UNSC Res S/RES/1674 (28 April 2006), and UNSC Res 1738 (23 December 2006) S/RES/1738. The President of the Security Council has issued statements on the protection of civilians: UNSC Presidential Statement 6 (2000) UN Doc S/PRST/1999/6; UNSC Presidential Statement 6 (2002) UN Doc S/PRST/2002/6; UNSC Presidential Statement 41 (2002) UN Doc S/PRST/2002/41; UNSC Presidential Statement 27 (2003) UN Doc S/PRST/2003/27; UNSC Presidential Statement 46 (2004) UN Doc S/PRST/2004/46; UNSC Presidential Statement 25 (2005) UN Doc S/PRST/2005/25 and UNSC Presidential Statement 1 (2009) UN Doc S/PRST/2009/1. The Secretary-General has submitted periodic reports on the protection of civilians, on 8 September 1999 (S/1999/957); 31 March 2001 (S/2001/331); 26 November 2002 (S/2002/1300); 28 May 2004 (S/2004/431); 28 November 2005 (S/2005/740), 28 October 2007 (S/2007/643), 29 May 2009 (S/2009/277) and 28 September 2010, (S/2010/498, on women, peace and security).

¹⁰ UN missions where this terminology was adopted include UNAMSIL (where it was expressed for the first time); MONUC; UNMIL; ONUB; MINUSTAH; UNOCI; UNMIS; UNIFIL; UNAMID; and MINURCAT. The UN Security Council also used similar language when approving missions approved under lead nations.

¹¹ According to the *Brahimi Report*, '[n]o failure did more to damage the standing and credibility of United Nations peacekeeping in the 1990s than its failure to distinguish between victim and aggressor.' UNGA, 'Report of the Panel on UN Peacekeeping Operations (Brahimi Report)' (21 August 2000) UN, Doc A/55/305-S/2000/809, ix.

¹² *Ibid*, at 2 and UN News Centre, 'Chad and UN officials agree on major downsizing in peacekeeping force,' 23 April 2010 and 'Security Council consults on cutting UN military force to Chad,' 7 May 2010

¹³ See www.unhcr.org/cgi-bin/texis/vtx/page?page=49e45c226. There are an estimated quarter of a million refugees from Sudan, over 60,000 from the Central African Republic and a further 68,000 displaced Chadians living in eastern Chad, UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and in Chad (MINURCAT)' (2010) UN Doc S/2010/217.

¹⁴ See also UN Doc S/2010/409, UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' (2010) UN Doc S/2010/409, paras 2 and 5.

¹⁵ On the question of protection of civilians and vulnerable groups generally, see V Holt, G Taylor and M Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations Successes, Setbacks and Remaining Challenges: Independent Study jointly Commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs* (New York, United Nations, 2009).

displaced persons.¹⁶ A European Union force (EUFOR) was authorized 'to take all necessary measures, within its capabilities and its area of operations' to contribute to protecting civilians in danger.¹⁷ The UN Security Council also reaffirmed the obligation of all parties to implement fully the rules and principles of international humanitarian law.¹⁸ Later, UN Security Council Resolution 1861 provided for the withdrawal of EUFOR and the creation of a military component of MINURCAT that would take over from EUFOR. It also provided for the security and protection of civilians, and decided that MINURCAT should be authorized to take all necessary measures within its capabilities and area of operations to fulfil this role.¹⁹ In 2010, the government of Chad called for the withdrawal of MINURCAT. After negotiations, the UN Security Council adopted resolution 1923 extending the mandate until 31 December 2010 when the mission ended.²⁰ In this way, the Chadian authorities assumed full responsibility for the security and protection of the civilian population in eastern Chad from May 2010.

Amnesty International expressed concern about the uncertain security situation that the reduced strength of MINURCAT would create.²¹ It cited the heightened risks for organisations delivering humanitarian aid into some areas and increased the risk of children being abducted and recruited as child soldiers. It was also critical of the UN Security Council resolution which transferred responsibility for the protection of civilians in Eastern Chad to the Chadian authorities.²² The resolution outlined the phased withdrawal of MINURCAT from 15 July, with full withdrawal starting in mid-October and scheduled to be completed by the end of 2010. It was planned that MINURCAT would have the capacity to protect civilians until October, but only if they are under imminent threat of violence and this was happening in the immediate vicinity of MINURCAT's bases.²³ Amnesty International was deeply concerned about the Security Council compromise that would see the force reduced to 1,900 troops and pass responsibility for protecting refugees to the Chadian Government despite the inability of the Chadians authorities to adequately protect the many thousands of vulnerable people in the region.²⁴

BACKGROUND AND KEY CHALLENGES

A fundamental underlying problem was finding a comprehensive solution to the conflict in eastern Chad, which would allow a sustained return of internally displaced persons (IDPs) and refugees.²⁵ Such a solution depends on the management of local conflicts between ethnic groups, improved relations between Sudan and Chad and improved security in Darfur.

¹⁶ UNSC Res 1778 (25 September 2007) S/RES/1778, para 1.

¹⁷ *Ibid*, para 6.

¹⁸ *Ibid*, para 17.

¹⁹ UNSC Res 1861 (14 January 2009) S/RES/1861, paras 3 and 6.

²⁰ UNSC Res 1923 (25 May 2010) S/RES/1923, para 1. www.un.org/en/peacekeeping/missions/minurcat/

²¹ 'UN hands protection of civilians over to Chad', Amnesty International Press Release, 31 May 2010 and 'UN pullout puts achievement of Irish troops in Chad at risk', Press Release, 10 May 2010.

²² *Ibid* and UNSC Res 1923 (25 May 2010) S/RES/1923, paras 10 and 11.

²³ *Ibid*, at , para 10.

²⁴ *Ibid*, see also, Amnesty International, *No Place for Us Here – Violence Against Refugee Women in Eastern Chad* (London, Amnesty International Publications, 2009) available at http://reliefweb.int/sites/reliefweb.int/files/resources/02EC0A96B39EF37B49257641000BC49D-Full_Report.pdf. See also Amnesty International, *Chad: 'We too deserve protection' – Human Rights challenges as UN mission withdraws* (London, Amnesty International, 2010) available at <http://www.amnesty.org/en/library/asset/AFR20/009/2010/en/ec05e3c9-67f9-4a0e-8338-e8d405b0e36e/afr200092010en.pdf>.

²⁵ See Internal Displacement Monitoring Centre, *National Outrage – Violence against Internally Displaced Women and Girls in Eastern Chad* (Geneva, Norwegian Refugee Council, 2010).

However, MINURCAT did not have a mandate to address the underlying political issues that precipitated the crisis. The absence of any comprehensive regional policy to deal with the inter-linked causes of instability in the Horn of Africa and surrounding region is the most significant impediment to achieving a sustainable solution to the situation in Chad.

The violence in Chad has its origins in the misrule, corruption, ethnic divisions, culture of impunity and disparities in levels of development from one region to another. It is characterized by clashes between government forces and rebel groups, combined with shifting alliances.²⁶ The conflict in eastern Chad has the capacity to destabilise the whole country and region.²⁷ However, the biggest threat to the civilian population, including refugees and displaced persons, is the widespread banditry and general lack of law and order.²⁸

In August 2006, the regional implications of the conflict in Chad were acknowledged when the UN Security Council recognized the need to create a 'multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in eastern Chad, including in internally displaced persons and refugee camps.'²⁹

It took a further year before the Security Council adopted Resolution 1778 authorizing the establishment of a multidimensional force to be deployed in eastern Chad and neighbouring CAR.³⁰ The UN mission, MINURCAT, would operate for an initial period of twelve months alongside a European Union military force, EUFOR, which would protect civilians in danger, facilitate the delivery of humanitarian aid and protect UN agencies.³¹ Even in the planning stages, it was evident that the EUFOR exit strategy was predicated on a handover to the UN after twelve months.³² Unfortunately, this did not seem to impact on those responsible for planning the UN military component. The UN wanted EUFOR to remain and tried to create the scenario where it might do so. It took the UN Security Council until January 2009 to adopt Resolution 1861³³ approving the deployment of a UN military component to follow up EUFOR. As this was a mere two months from the date for the transfer of authority, the time frame was too short for force generation and related issues. Following its initial deployment, MINURCAT's military component struggled to achieve full operational capability.³⁴ On 15 April 2010, the border between Chad and Sudan reopened after seven years. The two countries agreed on 5

²⁶ *Annual Review of Global Peace Operations, 2010*, above n 3, at) 35. Internal Displacement Monitoring Centre, *Internally Displaced in Chad: Trapped Between Civil Conflict and Sudan's Darfur Crisis* (Geneva, 11 July 2007). See generally JD Fage, *A History of Africa*, 3rd edn (London, Routledge, 1995); M Meredith, *The State of Africa: A History of Fifty Years of Independence* (London, Free Press, 2006); J Tubiana, *The Chad-Sudan Proxy War and the 'Darfurization' of Chad: Myths and Reality* (Geneva, Graduate Institute of International Studies, 2008).

²⁷ International Crisis Group, *Chad: Powder Keg in the East*, African Report No 149 – 15 April 2009 (New York, 2009) and P Berg, *The Dynamics of Conflict in the Tri-Border of Sudan, Chad and the Central African Republic* (Berlin, Friedrich Ebert Foundation, 2008).

²⁸ Interviews by author during May 2010 with Irish Defence Forces personnel returned from duty with MINURCAT. See also UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' (2010) UN Doc S/2010/409, paras 2-5.

²⁹ UNSC Res 1706 (31 August 2006) UN Doc S/RES/1706, para 9(d).

³⁰ See <http://www.un.org/en/peacekeeping/missions/minurcat/>

³¹ UNSC Res 1778 (25 September 2007) S/RES/1778.

³² EUFOR, *Operation EUFOR Tchad/RCA, Mid Mandate Review, Report of the Operation Commander*, 7 July 2008. Reference #1028 EU – OHQ, 2007 and UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad', (2008) UN Doc S/2008/601).

³³ UNSC Res 1861 (14 January 2009) S/RES/1861, para 4.

³⁴ UN Security Council Report Chad/CAR, May 2010 accessed at www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.5968921/k.8C00/May_2010brChadCAR.htm

February 2010 to deploy some 3,000 troops in a Joint Border Force along the frontier to end cross-border rebel attacks from both sides.³⁵

France has close relations with the Chadian government of Idriss Déby and it took the lead in the Security Council on Chad-related issues. Other members of the Council were cautious about any change in the mandate that might lead to deterioration in the overall security situation.³⁶ The government of Chad indicated that it wanted an end to the military component of the mission.³⁷ It argued that the force had served its purpose and that it had been a failure.³⁸ In addition, Chad concluded new agreements on border security with neighbouring Sudan and it claimed that MINURCAT did not possess sufficient strength to provide complete security in eastern Chad. In the changed circumstances, it was better for Chadian forces to take over and for the mission's mandate to be adjusted accordingly.³⁹ This self-serving analysis by the Chadian government reflected a changed security environment. The question is whether the decision to 'downsize' the military component as a prelude to withdrawal was justified? Does the UN have any choice when a government withdraws its consent? An orderly handover and transition from MINURCAT to Chadian authorities was essential. What was the plan for the handover and did the Chadian government provide any plan for the security of displaced persons and refugees? A High Level Panel and Joint Technical Working Group of UN officials and Chadian security forces were established.⁴⁰ If the Chadian security forces could be relied upon, it made sense to transfer responsibility for the security of vulnerable groups to them. However, it was by no means clear that Chad had the capacity or commitment for such a role. Even the veiled language of the Secretary-General's report refers to the involvement of Chadian security forces and officials in criminal activities, including kidnapping and carjacking.⁴¹ In the circumstances it is reasonable to ask what hope there is that these forces will protect civilians.

The Chad mission was regarded by many Irish personnel who served there as the most physically challenging mission Ireland has participated in to date. The security challenges were compounded by significant logistical issues. Getting enough water, food and fuel were major challenges to the day to day operations of the force. Could the UN have done more to sustain the military component, or was the time ripe for withdrawal? The UN and European Union peacekeeping efforts in Chad/CAR are not the first time a peacekeeping mission has been established there. Earlier efforts by the then Organisation for African Unity (OAU) were unsuccessful but the lessons of the past remain relevant today.

EARLY OAU'S INTERVENTION AND DEPLOYMENT OF PEACEKEEPERS

The security situation in Chad is characteristic of the overall level of political instability in that region of Africa. Although Chad became independent in 1960, the situation has remained

³⁵ *Ibid.* See also UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' UN Doc S/2010/409, para 23.

³⁶ UN Security Council Report Chad/CAR, May 2010 accessed at www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.5968921/k.8C00/May_2010brChadCAR.htm

³⁷ UN News Centre, 'Chad and UN officials agree on major downsizing in peacekeeping force,' 23 April 2010 and 'Security Council consults on cutting UN military force to Chad', 7 May 2010.

³⁸ J Karlsrud and R Solhjell, *An Honourable Exit for MINURCAT* (Oslo, Norwegian Institute of International Affairs, 2010) 1.

³⁹ Security Council Report, Chad/CAR, May 2010 available at http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.5968921/k.8C00/May_2010brChadCAR.htm.

⁴⁰ UN Secretary General Report, above note 35, at paras 25-27.

⁴¹ *Ibid.*, at para 28.

volatile and unpredictable.⁴² Similar to conflict zones elsewhere on the continent of Africa, the roots of the conflict can be traced to its colonial past under French control.⁴³ However, ethnic conflict predated colonialism and was exacerbated by socio-economic and political marginalisation of peripheral regions.⁴⁴ Chad, like its neighbour Sudan, is divided between a deeply 'African' south and an Arab-influenced north. The underpinning of the conflict is similar to that of neighbouring Sudan and is evidence of their common historical context.

In 1979 a peace accord led to the deployment of a Nigerian peacekeeping force. The challenges confronting the Nigerian military presence was a precursor to what the OAU's subsequent peacekeeping force experienced. It seemed that none of the parties to the conflict, and the Nigerians themselves, understood fully the role of peacekeepers. In particular, the factions failed to appreciate the constraints of peacekeeping and the implications of adopting a neutral role.⁴⁵ This was exacerbated by ambiguity surrounding the mandate and the issue of consent to the presence of foreign forces in Chad. The issue of host state consent was always likely to prove problematic in a civil war situation. Unsurprisingly, the peacekeepers became embroiled in the conflict and came to be perceived as part of the problem.⁴⁶ Over time relations between Nigeria and some of the factions deteriorated to the extent that the Nigerian contingent was viewed as an 'occupation army' and asked to withdraw.⁴⁷

A further reconciliation conference provided for an OAU neutral force to supervise the ceasefire and oversee the peace process.⁴⁸ In the event, only 500 Congolese troops arrived in January 1980 and these had to be withdrawn soon after when fighting escalated.⁴⁹ The troops had little impact on the ground and fighting continued unabated. Finding a solution under the framework of the OAU was proving increasingly difficult. Part of the reason for this may be that Nigeria was setting the agenda and the Nigerian and OAU efforts in Chad became indistinguishable.

During this period, Libya continued its involvement in Chad and in January 1981, both governments announced their decision to work towards achieving a merger of the two countries. This plan was greeted with hostility and Chad ultimately succumbed to pressure from other African leaders who made deployment of peacekeepers contingent on a Libyan withdrawal.⁵⁰ A further summit in Nairobi during 1981 provided for the deployment of African peacekeepers.⁵¹ From the earliest days of deployment, however, the peacekeeping operation was beset with problems stemming from financial and logistical weaknesses that

⁴² S Amoo, *Frustrations of Regional Peacekeeping: The OAU in Chad 1977-82* (Atlanta, The Carter Center, 2004).

⁴³ V Thompson and R Adloff, *Conflict in Chad* (Berkeley, University of California, 1981) 3-5, 11 and 21-22 and S Decalo, 'Regionalism, Political Decay and Civil Strife in Chad' (1980) 18 (1) *The Journal of Modern African Studies* 25.

⁴⁴ B Neuberger, *Involvement, Invasion and Withdrawal: Ghadafi's Libya and Chad 1969-1981*: Occasional Paper No 83 (TelAviv: Shiloah Center for Middle Eastern and African Studies, 1982) 12. G Prunier, 'Chad, the CAR and Darfur: Dynamics of Conflict.' *OpenDemocracy*, April 17 2007. Available at: www.opendemocracy.net/democracy-africa/democracy/chad_conflict_4538.jsp and 'Chad's tragedy', *OpenDemocracy*, September 7 2007; www.opendemocracy.net/article/democracy_power/africa/chad_tragedy

⁴⁵ H Wiseman, 'The OAU: Peacekeeping and Conflict Resolution' in Y El-Ayouty and I William Zartman (eds), *The OAU After Twenty Years* (New York, Praeger Publishers, 1984) 131-32. On neutrality and impartial see D Donald, 'Neutrality, Impartiality and UN Peacekeeping at the Beginning of the 21st Century' (2002) 9 (4) *International Peacekeeping* 21.

⁴⁶ According to Alex Rondo, Nigerian troops 'had to be withdrawn when it became obvious that they would be at even greater physical risk than the belligerents,' *West Africa*, 29 September 1980.

⁴⁷ *Keesing's Contemporary Archives* (London, Cartermill International, 1980) 30066.

⁴⁸ In August 1979, Nigeria hosted another reconciliation conference within the framework of the OAU, Keesing's, above n 47, at 30067.

⁴⁹ *Ibid.*

⁵⁰ UNGA 'Report of the Secretary-General on Chad' (1983) OAU Document AHG/109 (XIX) Part I, 2 and 3.

⁵¹ Nairobi Summit Resolution AHG/Res 102(XVII), para 5.

that had a serious detrimental effect on the operational capacity of the mission.⁵² Efforts to obtain UN funding were unrealistic and unsuccessful.⁵³ In 1982, the OAU peacekeeping force withdrew.⁵⁴ It had little option, apart from the inadequate logistical and financial support, the mandate was ambiguous and the parties to the conflict were unable or unwilling to reach any resolution.

The earlier OAU mission to Chad proved too ambitious for the limited resources of the Organization. The already impoverished troop contributing countries were burdened with the financial costs of the operation. This undermined logistical support and command and control mechanisms within the force. The net effect was to undermine the overall effectiveness of the force and its morale. Many of the weaknesses represented significant failures to adhere to best practice. These included too broad a mandate and loose terms of reference, lack of consent from the parties, and no real peace to keep compounded by a divided OAU.⁵⁵ When this was combined with an ill-conceived negotiation process⁵⁶ that did not take account of the reality on the ground and the root causes of grievance, the mission failed. This proved a significant blow to the prestige and authority of the OAU.⁵⁷

The OAU's peacekeeping attempt failed to have any positive impact on the conflict in Chad. It also resulted in institutional frustration and regional disillusion with the initiative.⁵⁸ The efforts at achieving a resolution were too piecemeal. Chad would have benefited from a peace-building strategy and an integrated and multi-dimensional approach to the peace operation. The OAU missions in Chad demonstrated the failure of regional peacekeeping. Had the mission been led by the UN and supported by the OAU with troop contributions from African states, then a sustained operation within the framework of the UN might have been possible

EUFOR⁵⁹ AND UN INTERVENTION IN CHAD IN 2008⁶⁰

A deteriorating security environment prompted the UN Secretary-General in December 2006 to propose the deployment of a peacekeeping operation to monitor movements along the border areas, protect civilians under imminent threat and improve security by facilitating political dialogue.⁶¹ This was rejected by Chadian president Déby, who feared the real focus was Darfur. He wanted a UN civilian police force but no UN military presence, however, after protracted negotiations it was agreed that an EU 'bridging force' of military personnel would deploy in eastern Chad and north-eastern Central African Republic. In essence,

⁵² Letter to the Security Council, 2 Dec 1981, circulated in Security Council Doc S/15011, 29 April 1982.

⁵³ The Security Council did adopt a consensus resolution calling on the UN Secretary-General to establish a voluntary fund to assist the mission, UNSC Res 504 (30 April 1982) UN Doc S/Res/504.

⁵⁴ See UNGA 'Report of the Secretary-General on Chad' OAU Document AHG/109(XIX) Part I, 12-13; and OAU Document AHG/ST/CTTEE/CHAD/Res 1(III).

⁵⁵ *Keesing's*, above n 48, at 31159-31163.

⁵⁶ See IW Zartman, *The Negotiation Process* (Beverly Hills, Sage Publications Inc, 1978) Chapter 4.

⁵⁷ See A Sesay, 'The Limits of Peacekeeping by a Regional Organization: The OAU Peace-Keeping Force in Chad' (1991) *Conflict Quarterly* 21.

⁵⁸ Amoo, above n 42, at 22.

⁵⁹ European Union Military Operation in Eastern Chad and North Eastern Central African Republic (EUFOR TCHAD/RCA) approved under Joint Action 2007/677/CFSP, 15 October 2008 and UNSC Res 1778 (25 September 2007) UN Doc S/RES/1778. The mandate authorised a mission for one year from date of reaching Initial Operating Capacity (March 2008). It reached full Operating Capability in September 2008.

⁶⁰ B Charbonneau, 'What Is So Special about the European Union? EU-UN Cooperation in Crisis Management in Africa' (2009) 16 (4) *International Peacekeeping* 546.

⁶¹ Annual Review of Global Peace Operations 2009, above n 3, at 32. 'Chad: Relying on Outsiders', *The Economist*, 31 May 2008, 52.

EUFOR was established to provide the military component of the UN mission (MINURCAT). The combined UN EU mandate was described as a 'new beast'.⁶² The EUFOR and MINURCAT were two separate bodies, both mandated under the same UN Security Council resolution. This was the first occasion that EU/UN cooperation adopted the model whereby a European Union military force and a United Nations mission were combined under a single UN mandate. A major risk in the circumstances was the likelihood of confusion in the eyes of the local Chadian population. This was exacerbated by the fact that although French troops had been stationed in Chad for more than two decades and supported the regime of President Déby, France would provide the bulk of the troops for EUFOR.⁶³ The deployment of EUFOR and MINURCAT indicated a renewed interest in the region. Maintaining stability in Chad was an integral part of the strategy to protect Sudanese refugees located there and other displaced persons in the region, including CAR and Darfur. UN Security Council Resolution 1778 (2007), which was adopted under Chapter VII of the UN Charter, mandated EUFOR to contribute to the protection of civilians in danger, establish wider security to facilitate the delivery of humanitarian assistance, and contribute to the protection of UN and humanitarian personnel.⁶⁴ Such a mandate was bound to bring EUFOR into conflict with both the Chadian authorities and rebel groups. It was not long before Déby accused it of cooperating with rebel forces that had seized towns in the east of the country.⁶⁵ Irish forces were involved in confrontations with rebel forces. An incident in June 2008 led to criticism of the alleged failure of Irish troops to protect UNHCR staff and premises from rebel forces.⁶⁶ Although later withdrawn, it is a good example of the uneasy relationship that sometimes exists between UN and other humanitarian workers and military personnel on the ground to protect them.⁶⁷ Unfortunately, such incidents and accusations also make headline news, but the retraction or correction receives much less attention.

FRANCE PLAYS LEAD ROLE IN EU FORCE

The EU deployment of a rapid reaction force in Chad/CAR marked the evolution of EU policy in relation to sub-Saharan Africa.⁶⁸ The appeal of the EU emanates from its political legitimacy, economic clout and perceived neutrality. It is also an established civil–military

⁶² Acting head of MINURCAT, Ousseni Compaoré, quoted by Integrated Regional Information Networks (IRIN), UN, 14 January 2008.

⁶³ See comments by Lt Col J Vall, Deputy Chief of the Military Liaison Officers, MINURCAT, quoted by Integrated Regional Information Networks (IRIN), United Nations, 14 January 2008.

⁶⁴ UNSC Res 1778 (25 September 2007) UN Doc S/RES/1778, para 6 and EUFOR *Op EUFOR TCHAD/RCA – Concept of Operations and the Provisional Statement of Requirements*, 7 Nov 2007, Reference #19749/07, 4. After a considerable delay EUFOR had deployed 3307 troops by October 2008. Annual Review of Global Peace Operations 2009, above n 3, at 34.

⁶⁵ *Aljazeera.net*, Tuesday 17 June 2008 and Mary Fitzgerald, 'Clashes in Chad under control, O'Dea told', *Irish Times*, 17 June 2009, p 7.

⁶⁶ C Lally, 'Irish troops criticised for failing to protect staff' *The Irish Times*, 18 June 2008.

The UNHCR subsequently apologised for the staff members remarks and 'misinformation' about the incident. See P Cullen, 'Matter of UN Chad remarks "closed"', *The Irish Times*, 21 June 2008 and C Lally, 'O'Dea says troops in Chad face greater risk' *The Irish Times*, 27 August 2008.

⁶⁷ M Fitzgerald, 'Aid agencies and EU Chad force learn trust in tense security zone' *The Irish Times*, 26 November 2008.

⁶⁸ G Lee, 'The EU and Conflict Management in African Emergencies' (2002) 9 (3) *International Peacekeeping* 87.

actor with a wide spectrum of its available means at its disposal giving it the potential to dominate integrated crisis management in the future.⁶⁹

The EU is seen as a unique organization, something more than what was envisaged under Chapter VIII of the UN Charter.⁷⁰ This uniqueness bestows on it an enhanced status and legitimacy. However, this can be overstated. The political interests of the EU will always be the driving force behind foreign policy decisions and a decision to deploy forces must be seen to serve the interests of the Union as a global actor.⁷¹ At the very least, 'the EU's conflict management policy towards Africa has first and foremost been motivated by European concerns, which consist of both common interests and French national interests in particular.'⁷² The French role is central to EU military operations on the African continent, both in terms of political leadership and the willingness to project military power. Nowhere was this more evident than in Chad, where France had to work hard to convince EU partners to support an initiative that all knew was in French interest.⁷³ A French led operation was viewed with less suspicion by the Déby regime. Rebel forces did not see EUFOR as an impartial mission.⁷⁴ Having France play a lead role suited the Chadian leadership. EUFOR provided Déby with some respite by shouldering part of the security burden of the Chadian military and allowing them to concentrate their efforts in defeating rebel forces.

CHALLENGES FOR EUFOR

The political expectations for EUFOR did not match the military capacity of the force and the range of obstacles that confronted it on the ground.⁷⁵ Although it did have adequate military capability, this was intended for deterrence, not combat. Deterrence became a key concept in the underlying strategy of the operation. The overall objective was to create a safe and secure environment in the area of operations. This is an undefined concept that presupposes the existence of a functioning state. EUFOR was a bridging operation to facilitate the simultaneous deployment of a UN police mission and other elements under MINURCAT. The concept was developed from previous UN/EU cooperation in crisis management. The premise seemed to be based on the assumption that Chad was a functioning state. However, the rule of law and related issues of governance within Chad were dysfunctional.⁷⁶ Unfortunately, MINURCAT was much slower becoming operational than originally envisioned. This was a significant impediment as EUFOR was configured for dealing with military threats while MINURCAT was intended to train police to deal with criminality and banditry. In the circumstances, it was hard for the refugees or internally displaced persons to see any tangible benefit from the presence of EUFOR. Apart from the delay in

⁶⁹ B Giegerich, *European Military Crisis Management: Connecting Ambition and Reality* (London, International Institute for Security Studies, 2008) 24.

⁷⁰ K Graham and T Felicio, 'Regional Organisations and Collective Security: The Role of the European Union' in M Ortega (ed), *The European Union and the United Nations: Partners in Effective Multilateralism* (Paris, EU Institute for Security Studies, 2005) 92.

⁷¹ Lee, above n 68, at 87-102.

⁷² G Olsen, 'The EU and Military Conflict Management in Africa: For the Good of Africa or Europe?' (2009) 16 (2) *International Peacekeeping* 257.

⁷³ Charbonneau, above n 60, at 556.

⁷⁴ P Fletcher, 'Chad rebel attack aimed to spoil EU mission' Reuters, 4 February 2008.

⁷⁵ A Mattelaer, *The Strategic Planning of EU Military Operations – The Case of EUFOR TCHAD/CAR*, IES Working Paper 5/2008 (Brussels, Institute for European Studies, 2008) 6.

⁷⁶ Personal interview, former senior EUFOR officer, Dublin 2010.

deployment, EUFOR was considered a success.⁷⁷ It would have been preferable had EUFOR not announced its date of deployment in advance, thereby undermining its impact and precipitating a rebel offensive. Although operational capability was declared somewhat prematurely in mid-March 2008, it was mid-September when EUFOR was fully operational. Once on the ground, patrolling, destroying unexploded ordnance and showing a military presence around sensitive areas contributed to the civilians feeling safer. Despite this, many NGO's did not perceive EUFOR as adopting a high visibility role and a policing deficit, with a consequent culture of impunity, still reigned.

The EUFOR operation built on the premise that the UN would assume its role within a relatively short time frame. The bridging operation concept has much to recommend it from an EU perspective. There are the obvious public relations benefits of intervention during a crisis, but avoiding the long term danger of trying to formulate an exit strategy before the crisis has been resolved. The main danger is that spoilers, aware of the time frame, will just sit it out until the force withdraws. This presented the UN with the burden of ensuring the follow up operation has sufficient deterrent capability to assume responsibility for the security situation.

The EUFOR operation highlighted shortcomings in EU common security and defence policy. The EU did not deploy an existing Battle Group. The Nordic Battle Group had become operational from 1 January 2008 and was well placed to fill the role of the EU expeditionary force. While a number of states expressed reservations, Sweden refused to participate.⁷⁸ In Ireland, there was some opposition to the participation of defence force personnel in a 'French dominated' international force and there were calls to deploy with the AU/UN force in Darfur.⁷⁹ Eventually a number of member states agreed to contribute troops to make up this force. Each contributing state assessed the training requirements for participation and then completed the training programme in their respective national territory. In this way, there did not appear to be a European Union assessment exercise or training programme for this operation. The planned strength of EUFOR had to be reduced from 4000 referred to in the crisis management concept to 3700 when no more troops were made available despite five force generation conferences.⁸⁰ Furthermore, unlike pre-existing Battle Groups, the contingents involved did not complete training exercises beforehand and, in some cases, may not have worked together in an operational environment before deploying. In the case of the Chad mission, this does not appear to have caused any significant operational or other problems on the ground. However, it does mean that European Union integrated training for crisis management operations has a long way to go before it becomes a reality. Furthermore, it is not the optimum way to conduct an operation and makes an EU integrated training programme more virtual than real.

An unfortunate consequence of any military intervention is that it can preserve the status quo and indirectly assist those with most power. This may be unavoidable, but awareness of the unforeseen and often unintended consequences should guide the tactics and strategy of any such operation. The EUFOR mission did help to create a secure environment in the east, but it did not create conditions sufficient to see internally displaced persons and refugees return home. Its presence, dominated by France, facilitated the Chadian military in dealing

⁷⁷ Oxfam Briefing Paper, *Mission Incomplete: Why Civilians Remain at Risk in Eastern Chad* (London, Oxfam International September 2008) 2 and 12-15.

⁷⁸ Interview, EU military official, Brussels, June 2010.

⁷⁹ See E Horgan, 'Army tied into questionable peace missions' *The Irish Times*, 8 August 2008. In contrast see T Kinsella, 'Chad Mission to EU military's peaceful role' *The Irish Times*, 9 March 2009.

⁸⁰ HG Ehrhart, *Assessing EUFOR Chad/CAR* (Hamburg, Institute for Peace Research and Security Policy, 2008) 1 and A Mattelaer, above n 75, at 17.

with rebels and compromised the impartiality of the force.⁸¹ The absence of government forces compounded EUFOR's inability to deal with criminal gangs.⁸² Most of all, EUFOR was a vehicle for French policy that suited other states as it disguised the inadequacy of the international response to the regional issues at the heart of the conflict in Chad, CAR and Sudan.⁸³

PLANNING DEFICIENCIES

The planning process for the joint, multidimensional presence of EUFOR and MINURCAT was described as 'instructive, as separate planning processes were said to have yielded different points of concern and challenges to creating shared objectives.'⁸⁴ Owing to the simultaneous deployment of both EUFOR and UN in Chad and the CAR, joint planning and close coordination was required between the two organisations.⁸⁵ This proved more difficult than anticipated. First, the EU priority was internally displaced persons, while the UN focused on the security of refugees. This led to different priorities on the ground and differences in risk assessment. Second, differences in organisational structures and planning exacerbated contrasting expectations. Another lesson for EUFOR is that force generation and planning should be simultaneous and part of a single process. Concurrent activity is not enough if the processes are separate.⁸⁶

EUFOR operational planning had set an end date from the outset.⁸⁷ In contrast to that of EUFOR, planning, or the lack thereof, was seen as a major flaw in the UN operation. Nowhere was the lack of planning more apparent than in the logistical arrangements for the follow up UN military force.⁸⁸ Given the remoteness of the location and the harsh climate and environmental conditions, this was a serious flaw.

Threat assessment and obtaining accurate intelligence also proved problematic. Initially rebel groups and Janjaweed⁸⁹ forces were deemed to pose the greatest threat, while on the ground banditry and criminality presented the greatest threat to security. Although well

⁸¹ See generally D Donald, 'Neutrality, Impartiality and UN Peacekeeping at the Beginning of the 21st Century' (2002) 9 (4) *International Peacekeeping* 21.

⁸² Human Rights Watch, *The Risk of Return: Repatriating the Displaced in the Context of Conflict in Eastern Chad* (Human Rights Watch, 2009) and 'Aid groups face dilemma over EU protection', *Integrated Regional Information Networks (IRIN)*, 16 May 2008.

⁸³ H Van Dijk, 'Briefing: Political Deadlock in Chad' (2007) 106 *African Affairs* 697 at 699. S Massey and R May, 'Commentary: The Crisis in Chad' (2006) *African Affairs* 106, 420 and 443–9. An analysis of the French role in the Chad/Darfur crisis can be found in B Charbonneau, 'France' in D R Black and P D Williams (eds), *The International Politics of Mass Atrocities: The Case of Darfur* (London, Routledge, 2009).

⁸⁴ Annual Review of Global Peace Operations, 2010, above n 3, at 19 citing Internal UN Document, After Action Review: UN-EU Planning for EUROR Chad/RCA, 29 April 2008. On the logistical challenges see B Seibert, *African Adventure? Assessing the European Union's Military Intervention in Chad and the Central African Republic: Working Paper* (Cambridge, MIT Security Studies Program, 2007). On the EU's military planning process, see Council of the European Union, *EU Concept for Military Planning at the Political and Strategic Level*, Doc 110687/08, 16 June 2008.

⁸⁵ EUISS Report, *Lessons from EUROR TChad/RCA*, EUISS Seminar, 18 March 2010, IESUE/SEM(10)02 14 April 2010, 3.

⁸⁶ Mattelaer, above n 75, at 32.

⁸⁷ UNSC Res 1778 (25 September 2007) UN Doc S/RES/1778, paras 6 (a) and 6(b) indicated a one year duration.

⁸⁸ Interview by author, senior Irish army officer who served in Chad at the time, 27 April 2010.

⁸⁹ *Ibid.*

resourced and trained, the EUFOR mission did not have the mandate to deal with the day to day realities of criminality that were prevalent. The force was configured for a military role in the protection of vulnerable civilians and was not organised for internal security or policing operations.⁹⁰ An assessment in 2008 indicated that the security situation required an international military presence with the capacity for rapid deployment and the ability to project itself quickly and effectively to deal with the continuing cross-border violence. The strategy involved deterrence, a long established principle of UN deployment. The harsh environment and size of the area of operations meant helicopter support and threat assessment or intelligence gathering capability was needed. Close coordination with NGO's who have been on the ground for a prolonged period can help in this regard. Good civil military relations (CIMIC) can facilitate exchange of information and enhanced cooperation. The UN force was to comprise some 6000 personnel with reserve or 'over the horizon' forces for emergencies.⁹¹

The EU High Representative for Foreign and Security Policy, Javier Solana, claimed that the operation demonstrated how the EU has become a global provider of security and stability and how deployment was achieved 'quickly and decisively.'⁹² The EU did prove a valuable partner to the UN in providing a bridge to facilitate the deployment of the follow-on UN peacekeeping force. It was another example of the EU's ability to mount an autonomous military operation without United States support. The deployment also gave substance to the EU's commitment in the joint EU-Africa Strategy.⁹³ Although contributions from non-EU states were welcome, these are often agreed after protracted negotiations and delays. For this reason, reliance on EU contributions are preferable, at least in the short term until more structured arrangements are put in place for third state participation.

The logistical achievement of building major camps and construction at airports to facilitate deployment was considerable. It can also be said to have been an efficient and cost effective operation. However, EUFOR was not a showcase for EU rapid deployment. Furthermore, when EUFOR withdrew, civilians in eastern Chad were still in need of the same protection as before.⁹⁴

DEPLOYMENT OF MILITARY COMPONENT OF MINURCAT⁹⁵

The prevailing security situation in Chad involved a complex mix of banditry and attacks by armed groups.⁹⁶ In many cases it is difficult to identify those responsible; they may be armed opposition groups, soldiers, armed groups from Sudan, ordinary criminals or even members of the local police.⁹⁷ Communal tensions can also spill over into violence. While the military are trained to deal with internal security and related issues, soldiers are generally not suited to

⁹⁰ UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' UN Doc S/2008/601.

⁹¹ UNSC Res 1861 (14 January 2009) UN Doc S/RES/1861.

⁹² J Solana, 'Chad mission shows EU is effective in giving stability' *Irish Times*, 13 March 2009.

⁹³ *Ibid.*

⁹⁴ E Ford, Head of Oxfam, quoted in 'EU mission in Chad ends amid tensions' euobserver.com, 12 March 2009.

⁹⁵ 'Refugee Women Raped and Assaulted Despite UN Presence,' Amnesty International Press Release, 2 October 2009 and 'No Place for Us Here – Violence Against Refugee Women in Eastern Chad,' Amnesty International September 2009, Index: AFR 20/008/2009.

⁹⁶ The UN reported that there were at least 152 security incidents against humanitarian workers in eastern Chad in the first five months of 2009. UNGA 'Report of the UN Secretary-General' 14 July 2009, para 19.

⁹⁷ Personal interview, former humanitarian aid worker, Dublin, Ireland, June 2010.

tasks involving policing. With this in mind, the Security Council decided that there should be a significantly increased national and international police presence in eastern Chad.⁹⁸

In his report to the UN Security Council in December 2008, the Secretary-General outlined the continuing precarious security situation and the previously reported trend in banditry, and crimes targeting humanitarian workers, refugees and Chadian citizens.⁹⁹ Recognising this, the Security Council decided to transfer the military component of the mission from the EU to MINURCAT with effect from 15 March 2009.¹⁰⁰

MINURCAT encountered other significant obstacles in becoming fully operational. From the outset, Chad sought to dictate the strength, force structure and composition of the force.¹⁰¹ Transfer of critical assets was delayed when the Chadian authorities prevented direct transfers from EUFOR to the UN and insisted on separate agreements with the government. The Force Commander and Deputy Force Commander were appointed late in the day and had no input into the formulation of the MINURCAT concept of operations (CONOPS).¹⁰² From an early stage there was evidence of a lack of commitment to the UN's concept of operations and that it might prove problematic generating the necessary personnel.¹⁰³ The UN seemed wholly unprepared for assuming responsibility and some members of the Core Planning Team were too inexperienced for the job.¹⁰⁴ While the Office of Military Affairs at the Department of Peacekeeping Operations made a real effort, it was hampered by a lack of a common Operational Planning Design. Geographic diversity and varying standards of training are familiar challenges on such missions. The adoption of the EUFOR Guidelines to Operational Planning Module and NATO Combined Task Force (CJTF) procedures put non-European troop contributing countries at a disadvantage. Even the Rules of Engagement were copied from those of MONUC. These referred to the militias and other groups in the DRC and were not amended for Chad. This was inexcusable for something so fundamental to military operations. Similarly, the initial strategic military documents of MINURCAT Force were based on

⁹⁸ UNSC Res 1778 (25 September 2007) UN Doc S/RES/1778, para 5. The intended force was initially called the Chadian Police for Humanitarian Protection, *Police tchadienne pour la protection humanitaire* (PTPH) but was later officially named the Integrated Security Detachment, *Détachement Intégré de Sécurité* (DIS).

⁹⁹ UNGA 'Report of the Secretary-General into the United Nations Mission in Central African Republic and Chad' (2008) UN Doc, S/2008/760, paras 11-15.

¹⁰⁰ UNSC Res 1861 (14 January 2009) UN Doc S/RES/1861. Paragraph 7(a) provided, *inter alia*, that MINURCAT

shall be authorised to take all necessary measures, within its capabilities and its area of operations in eastern Chad to fulfil ... (i) to contribute to protecting civilians in danger, particularly refugees and internally displaced persons, (ii) to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations, (iii) to protect UN personnel, facilities, installations and equipment and to ensure the freedom of movement of its staff and associated personnel.

¹⁰¹ UNSC 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' S/2008/760 (4 December 2008) para 42.

¹⁰² UN, *Military Strategic Concept of Operations for the United Nations Mission in the Central African Republic and Chad* (MINURCAT), Number 0269, 5 February 2009.

¹⁰³ HG Ehrhart, *Assessing EUFOR Chad/CAR* (Hamburg, Institute for Peace Research and Security Policy, December 2008) 3.

EUFOR precedents, with the necessary amendments. By June 2009, it had still not reached 50% of its authorised strength of 5,225 and member states were slow to make pledges of more troops.¹⁰⁵ Where it is envisaged that the UN will take over the mission, provision for such an event should be included in the UN mandate. Troop contributing states can be identified at the outset and other key appointments made well in advance. Obtaining essential military equipment also proved problematic.¹⁰⁶

Like EUFOR, MINURCAT also encountered problems deploying helicopter support. In mid-April 2009, the Secretary-General reported that the mission had only received ‘pledges’ for six of the 18 military helicopters deemed necessary.¹⁰⁷ Helicopters are essential for tactical airlift and medical evacuation. They also provide visibility, mobility and flexibility to cover a large area of operations, and where appropriate, fire support. MINURCAT lacked 14 of the required 18 military utility and reconnaissance helicopters called for in the concept of operation. Consequently, the Force lacked the ability to monitor incidents as they occurred and was unable to deploy a reserve force that possessed the necessary mobility to react swiftly to events on the ground.¹⁰⁸ Helicopters also act as force multipliers, crucial when there are too few troops to cover a large area with a poor or non-existent infrastructure. UN air assets were also civilian led and constrained by regulations which significantly restricted operational capacity.¹⁰⁹

A core activity of MINURCAT was the commitment to strengthening and training the Chadian police and reform of the justice sector, especially in the east.¹¹⁰ This reflected the threat assessment from criminality and banditry on the ground. However, the UN and EUFOR did not have the right to investigate crimes or arrest suspects. Resolution 1861 directed that MINURCAT ‘select, train, advise and facilitate support to elements of the Détachement Intégré de Sécurité (DIS).’¹¹¹ The UN was to train 850 DIS police whose task was to provide security in refugee and displaced persons camps and key towns.¹¹² The UN had no authority or command over the police force and did not oversee recruitment.¹¹³ The DIS received mixed assessments. Some reports found that they had a positive impact on

¹⁰⁴ The Core Planning Team is usually comprised of personnel from the major staff cells within a force headquarters, eg Personnel (J1), Intelligence/Information (J2), Operations including Air Operations (J3), Logistics (J4), and Plans (J5). Delays meant the Core Planning Team was also too late in forming up.

¹⁰⁵ UNGA ‘Report of the UN Secretary-General into the United Nations Mission in Central African Republic and Chad’ (2009) UN Doc S/2009/359, para 22. UNSC Res 1861 (14 January 2009) UN Doc S/RES/1861, para. 4 provided that ‘MINURCAT shall include a maximum of 300 police officers, 25 military liaison officers, 5,200 military personnel, and an appropriate number of civilian personnel.’

¹⁰⁶ UNSC ‘Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad’ (2009) S/2009/359 (14 July 2009) para 71. In mid-April 2009, the Secretary-General reported that the mission had only received ‘pledges’ for six of the necessary 18 military helicopters.

¹⁰⁷ UNGA, ‘Report of the Secretary-General into the United Nations Mission in Central African Republic and Chad’ (2009) UN Doc S/2009/199, para 30. The Force strength was 2079, 40% of its authorised strength of 5200.

¹⁰⁸ UN Security Council, 6121st meeting, 8 May 2009, Doc S/PV 6121.

¹⁰⁹ Capacity to fly at night was important and lacking. This also created deficiencies in medical evacuation capacity. The latter was resolved when an aero-medical team from Sri Lanka and a Bangladeshi aviation unit deployed into the mission area. UNGA, ‘Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad’ (2010) UN Doc S/2010/217 29 April 2010. Interview by author with senior MINURCAT officer, Dublin May 2010.

¹¹⁰ UNGA ‘Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad’ (2010) UN Doc S/2010/409, paras 29-56. MINURCAT mandate also provided for human rights, gender, child protection, civil affairs, HIV/AIDS and mine action.

¹¹¹ UNSC Res 1861 (14 January 2009) UN Doc, S/RES/1861.

¹¹² UNSC Res 1778 (25 September 2007) UN Doc S/RES/1778.

¹¹³ The DIS was under the command of the Coordination Nationale d’Appui à la Force Internationale à l’est du Tchad (CONAFIT) which was the responsibility of the Chadian Ministry of the Interior.

camp security, while others argued that a false picture of their training and expertise was presented in order to make the UN look good.¹¹⁴ In reality, many were not up to the task and contained criminal elements that were responsible for attacks on refugees and displaced persons.¹¹⁵ Furthermore, most people did not distinguish between the DIS and the UN, and consequently the UN was tarnished by the unprofessional conduct of the DIS. This ranged from extortion, abuse of power, and general lack of discipline. Rule of law and judicial reform remain major hurdles that compound the policing deficit. Security Sector Reform remains a serious challenge and a pre-requisite for the creation of a sustainable secure environment. The major funders, including the EU, are reluctant to finance such activities given the level of corruption in the country.¹¹⁶

CONCLUSIONS

The early interventions in Chad provide some important lessons for contemporary operations. Peacekeeping efforts are more likely to achieve positive results in Africa if they are UN initiatives planned as integrated multilateral missions within the framework of the UN, with the African Union or other regional organizations playing a complementary but subordinate role.

The earlier OAU's attempts at peacekeeping failed and resulted in regional disillusion with the initiative. Interventions by the UN, African Union or EU demonstrate that piecemeal efforts will not resolve such intractable conflicts. Chad would have benefited from a UN peace-building strategy and an integrated multi-dimensional approach to the peace operation. Had the mission been led by the UN in the early stages and supported by the OAU with troop contributions from African states, then the outcome might well have been different.

While the EU can claim qualified success, in reality it set itself limited goals and did not commit to the long term mission in Chad/CAR. Similar to Operation Artemis in the Democratic Republic of the Congo, EUFOR did succeed in improving the overall security situation in its area of operations pending relief by UN forces. The delays in deployment by both EUFOR and MINURCAT did undermine operational effectiveness. This in turn had an adverse impact on the work of humanitarian agencies who considered the force was there to serve their interests and ensure humanitarian assistance was delivered.¹¹⁷ The EU needs to address the strategic mobility deficit apparent in the deployment of EUFOR. The operation did not have an impact on the proxy war between Chad and Sudan, nor the border area between both countries as this was outside the EUFOR area of operations. The largest security gap remained inside the refugee camps, where the UN trained Chadian police were supposed to deploy. EU bridging was a good idea. However, it was premised on the subsequent deployment of a credible UN military force that could maintain a safe and secure environment. Even a relatively uninformed observer should have appreciated the political and military challenges that a follow up UN operation would confront. Nor can any intervention

¹¹⁴ Personal interviews, military and NGO personnel who worked or were deployed in Chad during this period, Dublin, July 2010.

¹¹⁵ Interviews by author with Irish Defence Forces officers, Curragh Camp, 22 April 2010. For a contrary view see J Karlsrud and R Solhjell, *An Honourable Exit for MINURCAT: Policy Brief* (Oslo: Norwegian Institute of International Affairs, 2010) 2.

¹¹⁶ Karlsrud and Solhjell, *An Honourable Exit for MINURCAT*, above n 115, at 3.

¹¹⁷ Interview, former UN Civil-Military Co-operation (CIMIC) officer with the Irish battalion during 2009 and 2010, Galway, December 2010.

be truly impartial.¹¹⁸ Like the UN force that succeeded it, EUFOR did not improve the overall political and security situation in the region. The fact that this was not part of the mandate is irrelevant. The EU, its member states and others should have taken the opportunity to address the fundamental issues at the heart of the conflict. The lack of planning and mechanisms for a smooth transition from EUFOR to the UN proved a serious handicap. The experience demonstrated the need to implement the UN's principles and guidelines for integrated planning outlined in the 'Capstone' and 'New Horizon' doctrines.¹¹⁹ Logistics, administration and lack of coordination between the UN Department of Peacekeeping Operations and Department of Field Services proved especially problematic. Training and experience still count for a great deal among the military, and some UN staff failed to appreciate the concept of 'force projection' involving high visibility patrols and mobility required by the MINURCAT concept of operations.¹²⁰

Déby's unwillingness to co-operate with the UN in a meaningful way was a major obstacle.¹²¹ MINURCAT found its freedom of movement restricted as Chad began to withdraw cooperation. The UN sought to address the Chadian concerns and it sent a number of teams to examine options.¹²² UN officials are on record as opposing withdrawal. UN Head of Peacekeeping, Alain Le Roy, was reported to have said it was 'very hard to imagine at that moment' that Chadian forces could protect civilians.¹²³ The UN plan to train the Chadian police force does not appear to have worked. A more comprehensive institutional and security sector reform programme was required. An EU police mission and security sector reform mission in Chad could have complemented UN efforts. The EU has a particular responsibility to foster reform and support for civil society. It should also be at the forefront of UN efforts. France has a special relationship with the regime in Chad. As a member of the EU and the Security Council it had an onerous responsibility to use diplomatic leverage to secure concessions from Chad.

The UN Secretary-General emphasised the mandate of EUFOR and MINURCAT dealt with the consequences but not the root causes of the conflict.¹²⁴ What is most needed is a comprehensive plan to deal with Chad and the region as a whole. Such a regional strategy must engage national, regional and international actors. The International Crisis Group recommended revival of political dialogue to facilitate a national pact to deal with comprehensive reform of the whole body politic, including decentralisation and distribution of oil revenue.¹²⁵

A precursor to any meaningful dialogue is a cease fire agreement between government and armed opposition. The history of the region points to the UN being the only

¹¹⁸ R K Betts, 'The Delusion of Impartial Intervention' (1994) 73 (6) *Foreign Affairs* 20.

¹¹⁹ United Nations Peacekeeping Operations, *Principles and Guidelines* (New York, United Nations Department of Peacekeeping Operations, 2008) 53-57. UN, *A New Partnership Agenda*, above note 1, at 24-25.

¹²⁰ Personal interview, Irish officer serving with MINURCAT, December 2010.

¹²¹ Note verbale from the Chadian government dated 15 January 2010 requested that the UN commence negotiations to determine the modalities for a withdrawal. Report of the Secretary-General on the United Nations Mission in the Central African Republic and in Chad (MINURCAT), UN Doc S/2010/217, 29 April 2010, para 12.

¹²² UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' (2010) UN Doc S/2010/217. Three missions to Chad were led by the former military adviser to the Secretary-General, Major General (retired) P Cammaert.

¹²³ P Worsnip, 'UN wants to keep Chad peacekeepers, gov't says no' Reuters, 17 February 2010.

¹²⁴ UNSC 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' (2008) UN Doc, S/2008/444.

¹²⁵ See International Crisis Group, *Chad: A New Conflict Resolution Framework*, Africa Report No 144, 24 September 2008.

organization with the capacity to put in place the mechanics to make this successful.¹²⁶ However, the UN is overstretched and it is likely that the debate will be dominated by financial and personnel issues while the primary causes of instability remain unaddressed. When a host state such as Chad calls for withdrawal, does the UN have many options? A narrow legal interpretation might well refer to the provisions of the UN Charter establishing and deploying the force. A resolution adopted under Chapter VII of the Charter may be sufficient justification for intervention in the internal affairs of a state. However, the political realities in the Security Council and the military reality on the ground required the adoption of a more consensual approach. This is essentially what happened in relation to UNAMID, where despite adopting a resolution under Chapter VII, the UN was reliant on the government of Sudan in order to be able to deploy the peacekeeping force. It is not at all evident that the UN Security Council took sufficient account of the needs of displaced persons and refugees. There has been much written in recent years about the responsibility to protect civilians at risk.¹²⁷ The international response is in contrast to the responsibility to protect principle outlined, *inter alia*, in the Brahimi Report, the High Level Report on Threats, Challenges and Change¹²⁸ and endorsed in less forthright terms at the World Summit in September 2005.¹²⁹ Although the 2008 UN Capstone Doctrine on principles and guidelines adopts the protection of civilians as a 'cross cutting' issue, it offers no definition or insight to inform planning and preparation for specific missions.¹³⁰ A further issue is how to secure the humanitarian workers on the ground and the delivery of humanitarian aid. Despite protestations to the contrary, the international community under the guise of the UN effectively abandoned vulnerable groups and humanitarian workers in Chad. In CAR, there was concern that the withdrawal would embolden armed groups and increase lawlessness and insecurity.¹³¹ MINURCAT had not lived up to expectation in CAR and was seen as risk averse.¹³²

The situation presented a challenge for the Security Council and constituted something of a 'Hobson's choice.' It had no option and needed to reach agreement on a revised resolution that accommodated the Chadian government's demands while also responding to the realities of the security situation. Linked to this was the question whether the Chadian government possessed the will or capacity to protect civilians given the security challenges in the east. National forces are more likely to concentrate on fighting rebels than on protecting

¹²⁶ These should include an international multi-dimensional peace operation to create a joint monitoring system, a process of disarmament, demobilisation, repatriation, reintegration and resettlement (DDRRR).

¹²⁷ See S Wills, *Protecting Civilians – The Obligations of Peacekeepers* (Oxford, Oxford University Press, 2009) and V Holt, G Taylor and M Kelly, *Protecting Civilians in the Context of UN Peacekeeping Operations Successes, Setbacks and Remaining Challenges: Independent Study Jointly Commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs* (New York, United Nations, 2009). UN, *A New Partnership Agenda*, above n 1. International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa, International Development Research Centre, 2001). W Zartman, *Preventing Identity Conflicts Leading to Genocide and Mass Killings* (New York, International Peace Institute, 2010); and JL Holzgrefe and R O Keohane (eds), *Humanitarian Intervention* (Cambridge, Cambridge University Press, 2003).

¹²⁸ United Nations, *Report of the Panel on UN Peacekeeping Operations (Brahimi Report)*, UN, A/55/305-S/2000/809 of 21 August 2000, and 'A more secure world: our shared responsibility', Report of the High-level Panel on Threats, Challenges and Change, UN Doc A/59/565, 2 December 2004.

¹²⁹ A/RES/60/1, 24 October 2005, para 139.

¹³⁰ United Nations Peacekeeping Operations, *Principles and Guidelines* (New York, United Nations, Department of Peacekeeping Operations, 2008) 16 and 24.

¹³¹ UN Doc S/2010/409, UNGA 'Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad' (2010) UN Doc S/2010/409, para 68.

¹³² *Ibid*, at para 70

civilians.¹³³ Humanitarian actors providing assistance to displaced persons and refugees are also vulnerable and in need of protection.

It is difficult to see the result as other than a failure. The UN was handicapped from the start and even before the mission was established the government of Chad set clear limitations on what could be undertaken and ultimately demanded its premature termination. Noble principles in UN reports and the provisions of the UN Charter itself took second place to 'realpolitik.' Overall, the UN mission was not characterised by good planning and this was reflected in the withdrawal and handover to Chadian forces. A joint senior level Working Group or so called 'humanitarian dialogue forums' was unlikely to address, let alone resolve, the inept and corrupt Chadian security apparatus to protect civilians. In the absence of an international military presence, who will provide security? It is difficult to obtain reliable information on the plight of the internally displaced and refugees. An independent international monitoring presence is needed.¹³⁴ The UN should continue to engage with the issue and provide support while the Security Council puts pressure on Chadian authorities to put in place a viable plan for civilian protection.

¹³³ 'Developments in Chad have international analysts, aid groups and the UN on the edge', *Diplomacy and Power Politics*, 6 February 2010.

¹³⁴ Amnesty International, *Open Letter to all members of the Security Council- Protection of Civilians in Eastern Chad: Security Council must remain 'actively seized of the matter'*, AFR/20/005/2011, 20 April 2011. Human Rights Watch, *World Report 2011- Chad* (New York, Human Rights Watch, 2011).