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Reconsidering European Contributions to Global Justice

The (In)Justices of Peacekeeping EUFOR Tchad/RCA

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Abstract

The goal of this paper is to assess conceptions of justice in the European Union's (EU) military mission (EUFOR Tchad/RCA). In January 2008 the EU launched this 'bridging' military operation in Chad in accordance with the mandate set out in UNSCR 1778 (2007) and alongside the installation of the United Nation's own MINURCAT mission. EUFOR Tchad/RCA's 12 month mission came within the framework of the Union's Common Security and Defence Policy (CSDP). The paper will assess the mission's intent and execution in the light of distinct models of global justice and will offer conclusions as to its relative success, most especially in the eyes of local stakeholders.

Keywords

Central African Republic, Chad, CSDP, EUFOR, humanitarian intervention, peacekeeping

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Introduction

The European Union's (EU) stated goal is to play a significant part in global security governance. The Lisbon Treaty (Art.42.1) provides that the Common Security and Defence Policy (CSDP) will create an 'operational capacity drawing on civilian and military assets' to be deployed on 'missions outside the Union for peacekeeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter'. The nature of this capacity is more precisely defined (Art 43.1) as being 'joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peacekeeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation'.

The Union's ambitions in the field of security and crisis management have been variously ascribed (Forsberg 2006; Pohl 2012) to an attempt to balance against the preponderance of US power, to create a clearer political identity for the Union and/or as a pragmatic attempt by member states to address proximate security challenges. The Union has created a substantial bureaucratic and policy making infrastructure to sustain its efforts to apply civilian and military resources to the management and resolution of international security crises. While the preponderance of these efforts has been civilian, the military contribution has not been insubstantial.

The EU has a by now significant track record in the deployment of military forces in support of international security. The old claim that the Union was an economic giant, political dwarf and military worm no longer applies (New York Times 1991). Since 1999 the Union has deployed on 34 operations and missions through the Common Security and Defence Policy (EEAS 2017). Of these, ten have been wholly military in character and these have entailed the deployment of a total of more than 20,000 military personnel.¹ These missions have ranged from crisis management missions with coercive tasks/potential (e.g. physically to protect vulnerable populations or to threaten/intimidate adversaries) to capacity-building efforts designed to strengthen local actors facing security threats.

In these military operations, the Union has been circumspect and cautious, even 'modest' (Tardy 2015: 21). While structures have been created, they have not always been used – as in the case of EU battlegroups which have been available as a crisis management tool since 2007, but have not yet been deployed. Moreover, crisis management as practiced by the EU to date has evidenced clear characteristics which place it at the minimalist end of a spectrum of engagement. First, EU crisis management has always entailed the consent of all state parties to a dispute. The potential use of military force has thereby been limited to non-state third parties. Second, the use of force has never been central to an EU crisis management operation.

¹ Concordia, Artemis, EUFOR Althea, EUFOR DR Congo, EUFOR Tchad/RCA, EUNAVFOR Atalanta, EUTM Mali, EUFOR RCA, EUMAM RCA, EUNAVFOR MED Sophia.

The military force deployment has always been part of a much wider political/strategic effort which is directed towards specific political/diplomatic goals ostensibly as part of a conflict resolution strategy. Most often, this entails the use or threatened use of military force in support of the security of local actors or to forestall threats from hostile non-state actors. Finally, such military operations are generally presented as being impartial in as much as they are not *parti pris* to the dispute itself but are seen as offering support to the parties in pursuit of dispute resolution. Cumulatively, then, the traditional picture of any military component to EU crisis management to date is that of consensual, non-coercive and impartial intervention.

The critical question for this paper is the extent to which, if at all, these crisis management principles are consistent with the principles of justice and whether they have actually pertained in the field. Even in principle, the line between crisis management and warfare can be permeable. In the field, that line is even less visible as troops face hostile combatants threatening them or the vulnerable local populations that they are mandated to protect. As EU military operations have developed over time, they have operated within well-defined institutional and decision making structures, but they have also generated their own informal practices and norms. While the processes giving rise to EU force generation do not easily lend themselves to the creation of institutional memory, the underlying structures of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (HR/VP), the Political Security Committee, the European External Action Service (EEAS), the EU Military Committee and EU Military Staff etc., are generating key sets of assumptions and norms deriving from the practice of EU crisis management. A key corollary question is thus whether these too are consistent with considerations of international justice.

The EU is frequently presented – and often presents itself – as a global actor promoting universal values and international justice. In crisis management this is frequently adduced as resting on the aforementioned three principles of consent, non-coercion and impartiality. However, whether these principles, individually or in concert, truly represent justice is open to interrogation and this can perhaps be well illustrated in looking at the case of the EU's 2008-2009 intervention in Chad and the Central African Republic. This was one of the largest EU military operations to date, inter alia deploying combat units in support of its mission objectives which included those of protecting civilians in danger, improving local security to facilitate the delivery of humanitarian aid and the free movement of humanitarian aid workers, protecting United Nations (UN) personnel, premises, installations and equipment, and ensuring the security and freedom of movement of its own personnel.

This paper will first outline a model for the consideration of justice in security and crisis management that derives from the GLOBUS research programme. Three understandings of justice are considered; justice as non-domination, justice as impartiality and justice as mutual recognition. In each case, the paper will briefly map out the implications of each of these understandings of justice for security and crisis

management operations; highlighting necessary assumptions and implications in each case for EU military operations. The paper will then move on to a detailed consideration of the 2008-2009 EUFOR Tchad/RCA operation and therein to identify which, if any, of these assumptions/implications are evident. To finish, the paper will offer conclusions as to how, in what degree and to what ends this EU military operation might be considered to have been just, and what lessons might have been learned – and which might yet be learned – in the pursuit of international justice through the use of military forces.

GLOBUS and three understandings of justice

Of course, determining what is 'just' is problematic from the outset (Tomić and Tonra 2018). As noted above, this paper follows Eriksen's (2016) three conceptions of global justice: justice as non-domination, justice as impartiality and justice as mutual recognition. These are grounded in an understanding of global justice which is rooted in questions of power and structure: where obvious asymmetries of status give rise to dynamics of domination. Each of the aforementioned understandings of global justice highlight different paths to what might be understood as 'just' outcomes and offers a degree of internal consistency in modelling what a 'just' international system might look like. Each, however, also reveals serious dilemmas and – while not mutually exclusive in their application – poses stark political and ethical choices.

Justice as non-domination

Eriksen (2016: 7), defines injustice as 'subjection and rule without justification' with inequality, vulnerability and humiliation all key indicators of dominance. When applied to the global community of states, such justice concerns arise both within and between states and centre on the (ab)use of power in unequal relationships. Justice in this context can then be understood as non-domination of one by another (Petit 2010), giving rise to a security of status or 'standing' arising from the mutual agreement of equal actors. At the international level then, justice implies 'a claim to respect the integrity and sovereignty of states and their [respective] systems for protecting rights' (Eriksen 2016: 14). Such an understanding of global justice necessarily leads to a focus on strengthening the system of Westphalian states and underpinning structures of global governance which reinforce state sovereignty. Critically, it obviates the notion of states having rights, responsibilities or obligations beyond their own borders. Non-interference in the sovereign affairs of other states also becomes an over-riding principle but leaves open paths to collective action in support of states' rights and sovereignty.

In terms of security and crisis management, what does such an approach to global justice imply? Clearly, support of state sovereignty is central and therefore collective security arrangements and effective global structures to address threats to state sovereignty are relevant. Where states face internal security threats from third parties,

the capacity and willingness of the international community to come to the aid of a state so threatened would also be significant. Beyond these basics there is also scope for significant action in offsetting inequalities in power. There could, for example, be attention given to designing global structures dedicated to strengthening state capacity and addressing structural inequalities so as to empower the weak and bind the strong. Legitimisation of crisis management and other international security interventions would also be a central consideration. Were such an understanding of justice to apply to EU crisis management operations one might expect to see:

- Absolute precondition of UN or other multilateral authorisation/legitimisation of crisis management operations.
- Operation with the full and active consent of all state parties.
- Dedication to the strengthening and security capacity building of other state actors.
- Coordinated and cooperative engagement with other multilateral actors.
- Absence of normative assumptions/goals within operations (e.g. on gender, human rights, etc.).
- Absolute respect for local customs and values.

This understanding of justice creates a model of crisis management almost wholly centred on guaranteeing state security. Issues of justice at the sub-state level are left to the state to resolve at its discretion. Issues of trans-border justice, such as climate, migration and trade etc., are left as a function of interstate bargaining among equal partners – without precondition or expectation of shared norms/values. Such a vision of justice is also remarkably static in temporal terms, leaving little or no space to address historic injustices – the goal of which would be to ameliorate the effects of such historical injustices in terms of power asymmetries, rather than an effort to ‘right’ historical ‘wrongs’. These lacunae are addressed in part by a second understanding of global justice.

Justice as impartiality

Transitioning from a state-centric view of justice as non-domination to a view of justice grounded in shared and transcendent values entails a change of logic. While non-domination presupposes the sovereign equality of states, justice as impartiality entails an equality in rights and freedoms – which runs across and through state borders. Dominance remains the injustice to be addressed, but in terms of justice as impartiality, its resolution rests in the ‘need for a law-based order beyond the state’ where ‘justice should be the content of an agreement that would be reached by rational people under conditions that do not allow for bargaining power to be translated into advantage’ (Barry 1989: 7, cited in Eriksen 2016: 13). In sum, the sovereign equality of states cannot, in and of itself, deliver justice. States must themselves – equally and fairly – be

held to the requirement to deliver freedom to all. This serves to ‘trump not merely collective goals but also national sovereignty understood in particular way’ (Dworkin, 2011: 333, cited in Eriksen 2016: 14). This is achieved through [...] ‘authoritative institutions that interpret and enforce valid norms’ (Eriksen 2016: 15).

Such institutions also construct a corpus of norms and expectations of state behaviour grounded in the key value of freedom. Justice as impartiality sees obstacles to freedom as problematic infringements of individual autonomy and therefore countenances intervention (which is itself of course a form of dominance) to vindicate that right to freedom for all people. As Eriksen (2016: 14) puts it, ‘Freedom can only be restricted for the sake of freedom itself’. These are the grounds from which humanitarian intervention and the doctrine of responsibility to protect have evolved with ‘justice’ presented as a ‘context-transcending principle’ that can over-ride state sovereignty (Eriksen 2016: 14).

In terms of security and crisis management this conception of justice has enormous and obvious implications. States are now not only responsible for the stability of the international system of sovereign states, but have obligations to defend freedom throughout – even at the expense of individual state sovereignty where deemed necessary. Critically, of course, such judgements as to what constitutes an obstacle to freedom are not left to the judgement of any individual state or group of states, but must be determined by impartial global institutions. Even so, it presupposes universal agreement on the meaning and implications of ‘freedom’ as an over-riding value – which we know to be contested. For an actor such as the EU, this approach would have profound implications for the shape of crisis management:

- Emphasises the role of international institutions and multi-lateral global governance in ensuring the equal and undifferentiated adjudication of contested claims to freedom and justice.
- Active defence and promotion of universal values, international law and cosmopolitan norms among states and within international institutions.
- Active engagement in operations dedicated to the vindication of rights to freedom – and where necessary without the consent of all state parties.
- Support intervention (through supranational/multilateral channels) in other states’ affairs in case international norms are not respected.
- Sustained support for concepts such as human security and the responsibility to protect.

Justice as impartiality widens our perspective on justice beyond the state and opens the door to addressing injustice at a number of different levels. As an abstract principle it adds nuance and multiple layers to our understanding of justice but necessarily also poses challenges in its practical application, not least because it ‘increases the risk of glossing over relevant distinctions and differences’ (Eriksen 2016:17). The focus/risk of domination may shift from individual states to multinational institutions or hegemonic states or

consortia of states which could result in 'monological moralism and/or authoritarianism in the form of a world state' (Eriksen 2016: 17-8). The critical question of course is who defines justice and freedom? Whose 'justice' thereby dominates?

Justice as mutual recognition

In respect of both of the preceding conceptions of justice, there is a profound absence of reflection on sources and definitions. In respect of justice as non-domination and its focus on state sovereignty, there is an absence of thought given to the model of the Westphalian state placed at the centre of our conversation and more especially on the ways in which that model of political organisation has been historically determined and applied. In respect of justice as impartiality, there is an absence of reflection on the definition and application of the value of 'freedom' and any clear or decisive means of adjudicating on contested understandings thereof – other than relying on multilateral institutions and historically contingent international law. It is this absence of reflexivity that our third conception of justice – justice as mutual recognition – seeks to address. Consideration must begin with an acknowledgement that the 'requisite sameness, the substantial equality necessary for citizens to see themselves as members of a 'community of obligations', is not in place' at a global level (Eriksen, 2016: 18). Moreover, many of the 'differences' with which a putative global community is faced, can be traced to multiple 'injustices' executed over time. Such injustices, *inter alia* slavery, (de) colonisation, despoliation, exploitation and expropriation go some way, in and of themselves, to explaining contemporary material and ideational asymmetries between states and peoples. It is for this reason that the view of justice as mutual recognition 'cannot be grounded in our common humanity or abstract principles of equal freedom' (Eriksen 2016: 18) but rather has to start with concrete agents in concrete circumstances.

The critical issue of who determines what equality, freedom and justice mean are central to a conception of justice as mutual recognition. Global justice as mutual recognition problematises structural forms of injustice that derive from '[...] the unconscious assumptions of well-intentioned people, cultural stereotypes, market mechanisms, and other processes of ordinary life' (Eriksen 2016: 19). To that end, all voices must be heard, acknowledged and empowered equally to forestall the prospect of unintended injustice since 'we cannot know what is just unless all affected are heard' (Eriksen 2016: 18).

With these issues in mind, justice as mutual recognition must advocate for tangible developments in ideology, institutions and material capabilities, which would allow for real mutual recognition. In terms of security and crisis management this would entail a significant shift of emphasis. 'Resolving' crises would extend well beyond the proximate management of conflict to the adjudication – through deep and intensive structured dialogues – of long-standing and contested claims to justice. No external arbiter could mandate intervention and all parties to dispute – whether state or non-

state actors – would hold equal voice and legitimacy. As regards, the EU's engagement in this field, it would likely entail:

- Open and equal dialogue and reciprocity with a wide variety of security 'partners' – both state and non-state actors.
- Creation of deliberative security fora which relied wholly upon consensus-driven outcomes.
- Within crisis management operations, full accommodation and inclusion of cultural differences and uniqueness of other parts of the world without judgement, without hierarchy and without preference.
- Demonstrate respect and reciprocity in dealing with disenfranchised parts of the world and deploy wide range of policy tools to address underlying disequilibria giving rise to inequality and conflict.
- Profound retooling of crisis management operations to ensure local ownership of security activities with its partners wholly in line with local preferences and priorities.

The three views of justice offer a systematic framework for analysis, which sets out the main hypotheses of what EU security and crisis management could look like were it to be consistent with any one of these.

EUFOR Tchad/RCA

The European Union's 2008-2009 military operation in Chad was the Union's largest and most complex ever undertaken in Africa and remains exceptional in several respects (Seibert 2010). First, EUFOR Tchad/RCA was the first autonomous military operation of the EU. Second, the sheer geographic size of the operation's mandate was extraordinary, covering an area roughly the size of continental France. Third – and significantly – the operation arrived 'cold' to theatre. In other words there had been no associated mission from which EU forces were adding or taking over (as, for example, in the case of Bosnia). The EU therefore had to build, insert and maintain over a period of just 12-18 months, a substantial military force of over 3,500 from scratch in a uniquely challenging environment. Fourth, the operation was designed to hand over to an unspecified replacement UN force – the first of a so-called 'bridging'-type operation, which was argued to offer a new and useful model for constructing international security operations in partnership between the UN and other multilateral organisations.

Context and set up

The Union's operation in Chad was the direct result of the crisis in the Darfur region of western Sudan. Darfur had been a longstanding flashpoint of tribal conflict, sporadic and contested government intervention, weapons proliferation, Arab-African tension, porous borders, regional power struggles and shifting loyalties, creating a multi-dimensional regional conflict (Flint and De Waal 2008). The Darfur crisis was also interwoven within a geopolitical contest engaging France, Chad, Sudan and Libya. In 2003 new rebel coalitions emerged and long-standing, low grade conflict escalated as a political modus vivendi between Chad's Idriss Déby and Sudanese President Omar al-Bashir collapsed. By 2004/2005 the conflict had emerged as a major humanitarian crisis with hundreds of thousands fleeing Darfur for neighbouring countries and up to one million reliant on food aid for survival. This humanitarian crisis also worsened the interstate security crisis, directly engaging Sudan and Chad (and at the margins the Central African Republic and Libya). Rebels, based in Sudan, attacked the Chadian capital, N'Djamena in April 2006 and the President, Idriss Déby, only narrowly – and with active French support – managed to maintain control.

The combination of a massive humanitarian conflict and the threat to the security of people and states in the region, put the Darfur conflict close to the top of the international agenda. In Europe, the French Government was anxious to seal Chad off from the Darfur conflict in Sudan and the associated rebel pressures. Popular opinion in several European states was effectively mobilised by NGOs to address the associated humanitarian crisis. For its part the UN Security Council, in June 2006, sent a fact finding mission to the region and recommended a security mission. Subsequent peace negotiations in Abuja collapsed and the Sudanese Government rejected the idea of any UN intervention, frustrating efforts to implement United Nations Security Council Resolution (UNSCR) 1706 which proposed a dedicated UN peacekeeping mission to the region.

With no prospect of addressing the Darfur conflict directly – due to Sudanese objections – the only possibility was a humanitarian effort directed to address its destabilising consequences in neighbouring Chad. In November 2006, the UN's Department of Peacekeeping Operations (DPKO) argued that a minimum force of 11,000 would be required for effective protection of refugees and security for their return home. A further 600 police personnel would be required for security within refugee camps. According, however, to the UN Secretary General, the situation on the ground meant that 'the conditions for an effective UN peacekeeping operation do not, therefore, seem to be in place as of the time of writing of the present report'. This reflected the absence of a ceasefire and any substantive political process. In February 2007 the UN returned to the region and now suggested the installation of up to 16,000 troops in eastern Chad. This was in turn rejected by Chad's President, fearful that such a UN force would constrain his ability to prosecute his proxy conflict with Sudan and to deal with Sudanese-based Chadian rebels.

The Darfur crisis became a significant issue in the French presidential election in 2006 – not least through the effective political mobilisation of a number of Non- Governmental Organisations (NGOs). Several presidential candidates – including the two final candidates - signed the pledge of ‘Urgence Darfur’, an umbrella NGO to address the crisis immediately on election. The new French President, Nikolas Sarkozy, moved swiftly on this pledge to prioritise a response to the Darfur crisis, launching a vigorous multilateral diplomatic effort to engage the UN and EU and appointing leading Socialist personality and NGO activist Bernard Kouchner (who had also co-founded Médecins Sans Frontières (MSF) as his foreign minister (Marchal 2009; Weissman 2010).

The first fruit of French effort was a paper in May 2007 seeking EU consultations on options for an international humanitarian mission. On 10 June bilateral talks between France and the Chad Government agreed in principle on an international mission and noted the potential role of the EU in such an operation. Déby’s support for an EU as opposed to UN intervention appears to have been predicated on his assumption that the central French role in such a force would buttress his position. Kouchner’s efforts to announce an EU role ‘in principle’ were roundly rejected by the German EU Council presidency and reflected profound reservations in both Berlin and London as well as a general reluctance in many other capitals. Germany, the United Kingdom (UK) and others ultimately conceded the point and it was agreed in July that an EU Operational Plan would be finalised in October. The options paper drawn up in July identified France as the framework nation for the operation but identified no substantial roles for either Germany or the UK.

As framework nation France was entitled to hold operational command or field command, but not both. Prioritising field command, the operational command was thus available to another contributing EU partner. Swedish interest in the mission initially suggested that the 1,500-strong Swedish-led EU battlegroup, which was then on stand-by for deployment, might be utilised and that therefore a Swedish officer might undertake operational command. However, following a regional visit by Foreign Minister Carl Bildt – and reports of a bitter disagreement over human rights between Bildt and Chad’s President Déby, the Swedes either decided against engagement (Dijkstra 2010) or Déby vetoed the idea of a Swedish commander. In either event, a Swedish command role was no longer on the table in August following that meeting. Meanwhile, both the EU and UN were attempting to finalise details of their respective, interlocking operations. An EU study visit to Chad and the Central African Republic in August brought Council Secretariat and Commission officials together to look at policy, planning, logistical and intelligence issues. For its part, the overall UN mission concept was revised to provide that the Sudan/Chad border was to be excluded from the operational area of both MINURCAT and EUFOR and that policing of the refugee camps was to be removed from UN to local Chadian command and control with UN support and training. On 25 September 2007 UNSCR 1778 defined the UN’s MINURCAT twelve month mission as being to facilitate the return of refugees and internally displaced persons, to support Chadian police training and engage in human rights monitoring and authorising an EU military support mission.

For its part, the EU Council agreed in October on a Joint Action to deploy four battalions alongside the UN operation and to provide a bridging function to a possible follow-on UN mission at the end of the MINURCAT mandate. From the EU side this was to have a strict 12 month duration from the declaration of initial operating capacity (IOC). This duration was stipulated by the EU, with the UN envisaging only a ‘mid-term joint review’ with a view to reporting on the possibility of a subsequent UN mission. As a result, the EUFOR operation was the very first to have an end date, as opposed to an end state – significantly complicating operational planning. The EU’s mandate for its military operation stipulated its role as protecting endangered civilians – most especially refugees – and facilitating the return of internally displaced persons, improving security for humanitarian aid delivery and protecting UN personnel and operations on the ground. The Joint Action’s common costs – born by the EU – were initially estimated at 99 million, rising eventually to 140 million. The balance of the total one billion euro budget was to be carried by contributing states. French costs included millions in support of the participation of Polish, Albanian, Russian and Ukrainian forces for equipment, accommodation, logistical support etc. (Giscard d’Estaing and Olivier-Coupeau, 2009).

The initial set up of the operation was marked by the reluctant engagement of many EU partners. The Operational Command was ultimately assigned to an Irish Lieutenant General, Pat Nash at an informal defence ministers’ meeting 28-29 September. President Sarkozy had personally to intervene with other heads of state and government to secure contributions of troops, equipment and specialised units. An unprecedented five force generation conferences had to be held to address major gaps in enabling forces in tactical air transport, medical facilities and logistics, before General Nash was in a position to propose to the EU Political and Security Committee to launch the operation ‘at the edge of acceptable capacity’ in late January 2008. Even so, the force had no strategic reserve, having to rely instead on ‘a nod and a wink’ from several member states that in extremis they would assist (author’s interview, 2017). Of the 26 contributing countries (included three non-EU states), France provided more than half of the 3,700 troops with 13 countries offering fewer than ten individuals each.

From the outset, the EU mission struggled against perceptions that it was an essentially a French effort designed to buttress the Déby government (Tull 2008; Marchal 2009). Certainly, the operation served to stabilise the region and thereby the Chadian state. Indeed the French force commander, Jean-Philippe Ganascia, was subject to domestic French criticism that the operation did not dovetail more effectively with the parallel French military establishment of nearly 1,200 troops already operating in Chad from 1986 as *Opération Épervier*. Ganascia and Nash insisted upon a strict distinction between French forces and EU forces with Ganascia declaring that EU forces would maintain a distance from the French military stationed as part of the bilateral Franco-Chadian defence accord. He insisted that, ‘There is not a single common point between [the French troops] mission and ours’ (The Irish Times, 11 February 2008).

At the same time, those lines had to be underscored on occasion. Both the deputy force commander, Irish Colonel Derry Fitzgerald and the Operation Commander, Pat Nash, had to underline the neutrality of the EU operation in the face of repeated attempts to draw EU forces alongside their Chadian counterparts. President Déby went so far as to insist that he review the draft final concept of operations (CONOPs), that he would assign – by prior agreement with France – up to 1,000 Chadian troops to the EU force and that he would determine the location of the command headquarters. Similarly, General Nash twice countermanded orders that EU forces would jointly patrol with Chadian military and police units. He also insisted on multiple redrafts of the EU force's initial CONOPS – having been presented with a French-language draft as a *fait accompli* even before taking up operational command at the French military headquarters at Mont Valérien, Paris (OHQ) in October 2007. A critical issue here was the repeated French insistence on the creation of a 'Land Forces Command' as part of the mission. This would have served to insert the French General – originally a nominee as Operations Commander – as number two in the command structure thus 'relieving' the Irish Operations Commander of significant responsibility. At Irish insistence, this structure did not emerge.

The initial deployment of EUFOR Special Forces to Chad was further delayed by several weeks as nearly 4,000 rebels launched an attack on the Chadian capital in late January 2008 following a 1,000 km dash from eastern Chad to N'Djamena. Their advance was swift, and within days they were besieging the presidential palace. The attack was only barely repulsed with the support of French national forces stationed in Chad and the arrival of additional armour and weapons airlifted by France from Libya. Advance EU Special Forces (French and Austrian) were already on the ground to provide protection for incoming EUFOR forces. Strictly speaking, such forces were unauthorised but were a necessary precondition for effective deployment. With the rebel attack, these forces were suddenly very vulnerable and while the Austrian forces kept their heads down, the French Special Forces engaged alongside their national compatriots to defend the airport from rebel control.

Operation and impact

Initial Operational Capacity was declared on 15 March 2008. This was preceded and followed by a herculean logistical effort to provide for over 3,500 troops across a 350,000 km² theatre of operations without a single kilometre of paved road. This entailed moving thousands of tonnes of equipment and material from the Cameroon coast at Douala, across thousands of miles of desert via 21 rail and 140 road convoys and over 500 strategic airlifts to airfields and unpaved airstrips newly built/reconstructed for the purpose (Harvey 2015). In terms of resupplies – which included bottled water airlifted from the Chadian capital – each container took two weeks to travel from Europe to Cameroon, two weeks to reach N'Djamena and a further week to get to the forward command headquarters at Abéché. Full operating capacity was reached on 18 September 2008. The deployment included a rear Force

Headquarters (FHQ) at N'Djamena, the main FHQ at Abeche and three battalions stationed in the eastern Chad areas of Iriba (North), Forchana (Centre) and Goz Beida (South), as well as a detachment in Birao (Central African Republic). The mission lacked sufficient tactical airlift and there were ongoing limitations with medevac support which for some time restricted the extent and range of the patrols used to give effect to mission goals.

Over the course of the 12 month operation, EUFOR's focus was in providing wide area security. This was pursued on the ground through extensive local intelligence gathering, consultations with local and tribal leaders and extensive security patrolling as well as rapid response to specific threats. This entailed over 250 long range patrols of between 10-15 days' duration each as well as nearly 2,500 short range daily patrols. Special Forces and other elements remained on standby as quick reaction forces.

Once fully operational, the mission faced engagement with four key sets of stakeholders on the ground which may provide a clearer picture of how issues pertaining to justices were handled – both officially and in terms of actual practice. This engagement, with the Government of Chad, with rebel and other armed forces, with NGOs and with the local population, allows us to begin to map this effectively.

Engagement with Chad Government and security forces

Across multiple elite interviews, it is clear that the EUFOR's engagement with the Government of Chad and its security forces was problematic. President Déby agreed to an EU force largely because he felt that such a force would be easier to manage than an exclusively UN operation. He had greater confidence that the central role of France in EUFOR Tchad/RCA would give him a central decision making role and allow him to exploit its engagement as he prosecuted his battle with rebel forces. From the outset, he pressed the EUFOR commanders – at both operational and field levels, to agree to joint patrols between Chad and EUFOR troops to pursue shared security objectives. He assured commanders that Chad troops would provide local knowledge, effective cover and – where necessary – robust intervention to fulfil the EUFOR mandate. At operational level, these offers were not taken up with EU commanders insisting that the neutrality of the EU mission was critical to its credibility and success. At field level, however, and with significant pressure from Paris and locally-based French diplomats, joint patrols were ordered by the French Force Commander, formally countermanded from EUFOR headquarters and then reissued locally in writing. This provoked a direct demand from the Operations Commander that unless the orders for joint local Chad-EUFOR patrols were formally countermanded by the French authorities, he would publically resign. Those assurances were delivered and the orders not repeated.

Chad security forces were responsible for policing. While it was authorised to intervene in situations where civilians were immediately at risk, EUFOR's overall responsibility was for wide area security, undertaking patrols to demonstrate its presence and to deter criminal activity. Under its status of forces agreement it had no policing role or judicial powers, being unable to conduct investigations of criminal activity or punish guilty

parties. In particular, EUFOR had no jurisdiction over what went on inside refugee camps or more informal Internally Displaced Person (IDP) settlement sites with EUFOR personnel allowed to enter camps only unarmed except in extreme circumstances.

Even within these narrow parameters, there were tensions with local government officials. In one reported incident in May 2008 the governor of Abeche refused to allow EUFOR even to patrol the town at night (a normal operational role undertaken at the time in other areas) even after an International Committee of the Red Cross (ICRC) staff member was shot two months later.

Engagement with rebels and armed groups

According to senior military interviewees the formal 'centre of gravity' of EUFOR was the protection of refugees, ensuring delivery of humanitarian aid and to protect NGOs and UN personnel and infrastructures. What came quickly to be understood on the ground was that the focus of these efforts would not be the larger rebel groups, but rather the wide number of even more informal militia groups which, periodically and according to the wet/dry season, would temporarily coalesce into rebel formations.

It was these informal, small militia groups that posed the far greater danger both to NGOs and UN personnel as well as local populations. Impoverished young men and boys – sometimes forcibly recruited – were acculturated 'almost as a rite of passage' into violence and theft. NGOs and UN personnel were obvious targets of such efforts as were refugees who had access to resources (food, fuel, healthcare etc.) through the UN-managed and NGO-supported refugee camps.

Extensive cultural analysis – by military staff officers – had provided some situational awareness to the incoming EUFOR troops and commanders of cultural norms and practices, but this had not effectively identified the cycle by which these small armed groups – often operating from one or two armed pickup trucks and self-sustained in the field – would operate snatch and grab criminal activities. Periodically, these units would come together for larger mobile quasi military operations.

There were some direct engagements with rebel forces. The June 2008 rebel attack on the town of Goz Beida – the location of the Irish EUFOR base in the central region – was the highest profile of these. The town is 70 km from the border of Sudan's Darfur region and was at the time surrounded by UN refugee camps and IDP encampments with a substantial presence of NGOs. A heavily-armed column of up to 100 rebel vehicles entered the town and for a time, maintained a running engagement with Chad government troops.

As they monitored the clash of rebel and government forces, an armoured Irish patrol from the 97th Infantry, received incoming fire and replied in kind. The Irish troops maintained their presence at the camps for Sudanese refugees and displaced Chadians, interposing themselves between their camps and the rebel forces. They were also

reported as having actively deterred looters and evacuating nearly 250 humanitarian staff. Medical workers said at least 24 people were hurt in the attack on the town. Government officials later bitterly criticised the EUFOR troops for not assisting Chad troops in repelling the attack.

In their summation of EUFOR's impact on rebel groups, the International Crisis Group concluded that 'the presence of European forces has [...] obliged players in the Chad conflict to act with greater prudence, because they now feel themselves to be under scrutiny' (International Crisis Group 2009). Certainly, no large rebel operations – on the scale of the 2006 or 2008 efforts – occurred during the EUFOR deployment.

Engagement with NGOs

The relationship between EUFOR and more than 70 NGOs on the ground in the region could reasonably be argued to have been among the most problematic of all EUFOR's key stakeholders. According to force commanders, painstaking effort was put into first establishing and then developing relationships with these organisations and their staffs – both international and local. The mandate of the operation included protection of humanitarians, their facilities and the delivery of humanitarian assistance. Security had been and was a very serious issue with NGO compounds being looted, vehicles carjacked and international and local staff being beaten, kidnapped, shot at and receiving death threats. Relationships were ultimately successfully established with 71 NGOs operating in the region. These were based on a range of mechanisms and standard operating procedures designed to ensure effective communication between the NGO's and EUFOR and to facilitate EUFOR support when and where necessary. Six NGO's refused to engage with EUFOR at any level.

Tensions between the two sides reflected contrasting roles. According to one senior military interviewee many NGOs were reluctant to be seen with, or supported by, EUFOR. While EUFOR could not substitute for effective local policing, investigation and prosecution, EUFOR could deliver the wide area security it was designed to supply, but only with a level of basic cooperation and engagement. For example, NGOs were asked to advise EUFOR about their personnel movements and aid shipments if they wanted resources to be assigned to their security. Several refused. For their part NGOs were determined to preserve and protect their 'humanitarian space'. Only this would allow them to be able to assess needs, deliver aid and control its use while respecting the basic humanitarian principles of impartiality, neutrality and independence. Reliance upon – or even engagement with – EUFOR was seen by some as compromising those key principles.

Over time, relationships did successfully develop, illustrated as when rebel activity near the town of Kerfi in July 2008 threatened NGO staff and facilities. EUFOR troops helped evacuate NGO staff and remained on the ground for several days until tensions subsided. By contrast, the previous May, the project director of Save the Children in Chad, Pascal Marlinge and his driver Ramadan Djon were shot dead by armed men who stopped their three-car convoy near the town of Forchana, just 20 km from a EUFOR

base. To square the circle, EUFOR began to share information with NGOs as to some of its own patrol movements on major routes, thus allowing NGOs to synchronise their own movements with, or against, those of EUFOR as they chose. This did not provide military escorts *per se*, but it served to open routes for the flow of aid shipments. EUFOR thus 'went out of its way to adapt to the situation within its mandate and, through creative ways of patrolling and the provision of area security, helped the humanitarian community to operate in eastern Chad and northeastern CAR' (Kollies and Reck 2011:155).

There was positive engagement in the other direction too. EUFOR's mandate included the facilitation of the return of both refugees and Internally Displaced People (IDP) to their homes and this was a high political priority, especially in Paris. On initial deployment in March, EUFOR thus preoccupied itself with encouraging IDPs to return to their homes before the start of the rainy season and sought to focus its efforts on securing the areas of origin of some of these IDPs. These efforts were put on hold when NGOs shared their local knowledge and experience of what was going on the ground in these areas and the inadvisability of trying to move populations prematurely or under pressure as some specious indicator of operational success. This was an argument that EUFOR defended with some resilience in Brussels in the face of significant political pressure.

An area of tension, however, was in the field of civil-military cooperation (CIMIC). For some NGOs the 'humanitarian' nature of the EUFOR operation was problematic in principle and in practice, creating confusion and duplication. NGOs demanded, for example, that EUFOR launch an information campaign, using local languages and radio, to explain the difference between the role of EUFOR and that of NGOs. They also criticised EUFOR's use of white vehicles in some areas and two white helicopters in Goz Beida which, they insisted, potentially blurred the distinction between NGOs and the military. More substantially, there were initial objections to bilateral civilian assistance projects of some EUFOR contingents. These projects (such as building schools, sports facilities and other infrastructures), undertaken with funds earmarked by EU member states, were seen as potentially blurring the lines between humanitarian and military entities. In the end cooperation was secured by agreement that such projects would be complementary to, and coordinated with, existing humanitarian operations and be focused towards those outside the formal refugee camps and IDP sites.

By operation's end, structures had delivered greater security to NGOs and their clients, with monthly CIMIC meetings, weekly security briefings and exchange of security-relevant information and communication channels for requesting EUFOR presence in certain areas at certain times were in place. At the same time, the determination of some NGOs to remain distanced from EUFOR were respected with agreement that EUFOR would not visit some NGO compounds (Feichtinger and Hainzl 2011).

Engagement with local populations

EUFOR's intent with respect to providing security to local populations was differentiated by varying security priorities in the regions of its operational area. In the north, Polish and Croatian troops' primary role became the interdiction of rebel forces (formal and informal) from refugee camps. The goal here was to stop rebel recruitment and interference within the refugee camps. In the central sector, French, Irish, Dutch and Slovenian troops were focused on interposing themselves between vulnerable populations (local and NGO) and rebels travelling across traditional routes from the Sudanese border. In the south sector (Central African Republic) the deterrence of Sudanese tribal militias from attacking local populations was key (author's interview, 2017).

Of course the policing issue was critical across all sectors and here EUFOR's perceived performance was problematic. The 300-strong UN MINURCAT operation had been tasked with police training and local security with EUFOR providing a wider security umbrella. Six months into the operation, MINURCAT had not yet deployed any of the promised 850 police officers and had managed to train less than half of that number. Critically, EUFOR was not mandated to enter refugee camps - other than in extremis. While they could respond to incidents of criminality that happened in their presence, they had no ability to conduct investigations or to pursue arrests. Multiple NGO reports insisted that the security situation within the formal refugee camps and more informal IDP encampments was poor with domestic violence, theft, extortion and banditry ongoing issues.

With channels of communication open to most NGOs, EUFOR had success in ensuring local populations had access to incoming humanitarian supplies. Frequent and increasingly far reaching patrols of the primary humanitarian routes and vulnerable areas had a powerful deterrent effect on bandits. Moreover, the presence of EUFOR troops was reported to have had an impact on Chadian national army and gendarmerie forces resulting in more professional behaviour. Oxfam reported that 'EUFOR has made many civilians feel safer through its activities, which include patrolling known dangerous routes, destroying unexploded ordnance, making contact with local leaders, and positioning itself defensively around civilians during rebel and government fighting'.

Another success claimed by senior EUFOR commanders and reflected in reports on the ground, was in the area of gender. The Operation Commander had made a point of seeking out gender advisors to the operation and placing them in the core Command Group meetings. While this generated antipathy on the part of some senior male officers he insisted that this was 'very important within CSDP and EU policy and (emblematic of) where we are coming from'. The role of the two consecutive Swedish officers so assigned was to implement European obligations under UNSCR 1325 for the protection of women and girls' human rights in conflict areas, to increase women's participation on peacebuilding and reconstruction and to increase numbers of females participating on international security and peace making operations.

EUFOR issued gender guidelines and addressed gender issues within operational planning. This included a focus on the training and pre-training of incoming EUFOR troops and in disseminating information on EUFOR to target populations. One of the critical issues identified early on in the operation was that close liaison with traditional tribal leaderships was not connecting with local women. This was identified as a major problem and was addressed by the assignment of female French Muslim troops to the EUFOR operation. They were tasked in theatre of engaging directly with local women and advising them of EUFOR's role and responsibilities. This generated significant and adverse political opposition from some countries for undermining local cultural norms.

In sum, the perception of greater safety contributed to a positive local assessment of EUFOR's impact. In interviews conducted by Oxfam with IDPs and refugees in Goz Beida, for example, people spoke positively of EUFOR's engagement in protecting civilians and said that they personally felt safer with the arrival of EUFOR, feeling reassured by military patrols and asking for an extension in both the frequency and range of such patrols. Of particular note was the role played by the operation's three Level Two military hospitals (two French and one Italian) and associated medevac capacity. Over the course of the operation more than 3,000 local patients were seen and 65 major surgeries conducted. In all interviews conducted, mention was made of informal and non-mandated medical assistance provided to local populations.

Handover to MINURCAT II and operation close

The EU-UN handover at the conclusion of EUFOR Tchad/RCA was problematic at a number of different levels and was rooted in the failure to agree on a follow-up mission at the outset of the EUFOR 'bridging operation'. The Operations Commander repeatedly complained that the 'bridge' was being built from one bank of the river without any clear identification of what it was being built towards. This meant that an end date – rather than an end state – to the operation left many critical questions unanswered until very late in EUFOR's mandate. Thus, the final handover to the UN was late, confused and failed to build on the limited security successes which the EUFOR operation had managed to achieve.

The delays in MINURCAT training and deployment of the 850 police officers in the refugee and IDP camps – as well as the effective absence of state authority across much of EUFOR's area of operations – meant that insecurity for the civilian population remained a critical issue throughout. When and where present, EUFOR exercised effective security, but this was limited in scope and scale and could not fill the vacuum of law and order which was by now endemic. Several senior NGO critics of the operation insist that the EU's military operation had partially mitigated the impact of the Darfur crisis in western Chad and the CAR, but had never approached a meaningful contribution to conflict resolution. Indeed it has also been argued that the EU operation exacerbated the underlying crisis, by giving President Déby the strategic space within which to conduct a political crack down at home (following the 2008 attack) as well as a foundation which allowed him to fund and supply other armed militias which he saw

as leverage against the Sudanese government (Berg 2009). For most EU interlocutors this was an acknowledged effect of the EUFOR engagement, but not its purpose.

Nor, of course, did the EUFOR operation achieve any meaningful return of internally displaced persons or refugees to their places of origin. While the security situation for such people had been ameliorated to some extent it did so only for a limited time period within a limited context. In the absence of a broader process of political reconciliation and peace building, the EUFOR operation was incapable of achieving more.

At the close of the operation, the extensive EUFOR-built infrastructure was handed over to the Chadian authorities rather than the UN. The UN's MINURCAT II mission subsequently rented these facilities from the government. The UN was not well prepared for the handover – with late political decision making exacerbating poor planning structures and limited UN resources. In part this can be ascribed to UN assumptions that the EU operation would likely be extended – a prospect repeatedly and publically disavowed by EU officials and diplomats. In the event, a small group of experienced UN officials, working flexibly and sometimes well past the margins of their formal mandates, were able to get MINURCAT II off the ground. This was only really possible with the extensive 're-hatting' of EUFOR soldiers into MINURCAT II. The final EUFOR detachments were rotated home in July 2009. For several months following the formal handover, EUFOR supported MINURCAT II with Special Forces, medevac and administrative/legal support with one author noting the overall 'benevolent mentoring of the new force by EUFOR Force Headquarters' (Aherne 2009:141).

Conclusions

In reviewing this operation with a view to assessing how, if at all, it served the cause of global 'justice', it is important to bear in mind that this was a unique effort in scope and scale and, significantly, one that we have not seen repeated. Nonetheless it offers us perhaps a useful litmus test on the Union's centre of gravity as regards the pursuit of justice in the operation of CSDP.

On key signifiers there is some clarity as to where the EU and its EUFOR operation stood as regards justice. First and foremost – and regardless of bureaucratic disagreements (most especially on the very problematic (and late) handover from the EU to the UN) – there was scrupulous EU adherence to the principle of UN legitimisation of the operation and active engagement with it and other regional and multilateral actors. Second, while agreement with state actors was a precondition of the operation – and there was some support for strengthening state security – EUFOR privileged impartiality. This occurred to the extent of generating President Déby's ire for effectively allowing anti-government rebels free passage across EUFOR's area of operations. Of course counter arguments have also been raised in as much as it has been argued that EUFOR gave the Chadian government critical security support and the opportunity to regroup following its near collapse in early 2008. As a result, EUFOR has been characterised as having served as a visible instrument of the Chad government

to suppress the rebellion (Berg 2009). Third, the operation pursued, and at least in part fulfilled, objectives as regards universal norms and values. While cultural training was a focus of the operation's situational awareness, explicit priority was given to UNSCR 1325 and integrating gender issues within operational planning. This generated critical commentary from within and without EUFOR's own command structures.

If we try to synthesise these very outline conclusions with respect to the specified expectations of the three models of global justice presented above, we identify an outline of the operation's centre of gravity.

Table 1: Justice as non-domination

Absolute precondition of UN or other multilateral authorisation/legitimisation of crisis management operations	Yes
Operation with the full and active consent of all state parties.	Qualified
Dedication to the strengthening and security capacity building of other state actors	Y
Coordinated and cooperative engagement with other multilateral actors	Y
Absence of normative assumptions/goals within operations (e.g. on gender, human rights)	N
Absolute respect for local customs and values	N

Table 2: Justice as impartiality

Emphasises the role of international institutions and multi-lateral global governance in ensuring the equal and undifferentiated adjudication of contested claims to freedom and justice.	Y
Active defence and promotion of universal values, international law and cosmopolitan norms among states and within international institutions.	Qualified/ Partial
Active engagement in operations dedicated to the vindication of rights to freedom – and where necessary without the consent of all state parties	N
Support intervention (through supranational/multilateral channels) in other states' affairs in case international norms are not respected	Qualified
Sustained support for concepts such as human security and the responsibility to protect	Y

Table 3: Justice as mutual recognition

Open and equal dialogue and reciprocity with a wide variety of security 'partners' – both state and non-state actors.	N
Creation of deliberative security fora which relied wholly upon consensus-driven outcomes	N
Within crisis management operations, full accommodation and inclusion of cultural differences and uniqueness of other parts of the world without judgement, without hierarchy and without preference	N
Demonstrate respect and reciprocity in dealing with disenfranchised parts of the world and deploy wide range of policy tools to address underlying disequilibria giving rise to inequality and conflict.	N
Profound retooling of crisis management operations to ensure local ownership of security activities with its partners wholly in line with local preferences and priorities	N

The EUFOR Tchad/RCA operation was one which served several constituencies. It sought to address a visible humanitarian crisis within very tight political/strategic parameters and without directly tackling any of the underlying socio-economic, political, tribal or ethnic causes of that crisis. Significantly, the operation was initiated and driven by a single EU actor with deep and ongoing strategic interests in the region. The integrated military command structure, which accorded operational command to a non-French general, visibly tempered the pursuit of French strategic interests. To some extent it reinforced EU declarations of impartiality and neutrality with practical effect. The operation also delivered significant – if limited in scope and duration – security benefits to local populations and to international humanitarians. Within a very limited scope, it also brought issues of gender-justice into the operational frame.

On the other hand, the operation's absolute reliance on state consent – reinforced by that state's existing strategic relationship with the major military sponsor of the operation (France) – can at best be reconciled with a position of 'non-domination' in its narrowest sense. The Chadian state – and its autocratic regime – certainly benefited from the temporary wide-vector security delivered by the 18 month installation of European military forces and the associated infrastructure that these forces bequeathed to the Chadian state on their departure. The subsequent UN operation to which the EU forces were offering a 'bridge' also delivered capacity building to Chadian security forces. That strengthening of the Chadian state – in both short-run strategic and in tactical terms – cannot, however, be said to have delivered on wider justice claims either towards a resolution of the underlying conflict (in terms of mutual recognition) nor substantively towards the inculcation of wider universal human rights norms (in terms of impartiality).

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