Breaking the habit in risk analysis
Thinking through risks of foreign military interventions

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Summary
This thesis is a study into the conceptual development of risk of foreign military interventions and subsequently into the development of a risk analysis framework for foreign military intervention that is sensitive to prevailing complex military operational areas and interventions. Here, risk is not reserved to interventionist military actors and their mission alone but refers also to associated stakeholders and their activities in various domains. At the same time, foreign military intervention is not limited to large-scale, hostile and coercive actions. Accordingly, the thesis demonstrates the versatility of both foreign military intervention and risk as concepts. In the end, the risks analysis framework shows that any foreign military intervention always involves some kind of balancing act between what an interventionist state desires, what military resources it has available and the risks it estimates to encounter when putting the intended intervention into practice.

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BREAKING THE HABIT IN RISK ANALYSIS: PREFACE

"We can predict with certainty that we will be surprised." – Fukuyama, F. (2008), p. 172

A long time ago, during one of my internships, I ran into the subjects of risk and context analysis in the pre-deployment or pre-decisional phase of (foreign military) interventions. It opened up a whole new analytical world for me with a strong multidisciplinary nature which I enjoyed, though perhaps a bit too long. In other words, this thesis brought me insights from conflict and development studies, political science, human geography, psychology, business studies and international public law.[1] At the same time, the subject for my thesis demonstrated to be a topical matter given the heated discussions I had with some of the respondents, the expert meeting I organised and publication I wrote, but also given the many foreign military interventions carried out globally during the period I was occupied with the present research project. A number of them appeared better thought-through in advance than others. For instance, the 'covertly' civilian evacuation by the Dutch armed forces in Libya had probably a surprising and embarrassing interventionist result for the parties involved due to a lack of proper intelligence and risk analysis in advance.

With this thesis I do not question the justifications for or (il)legitimacy of anticipated foreign military interventions, nor whether these should take place after all. After all, as Rosenau (June 1969) asserts, "intervention is not in and of itself either good or bad. A double standard prevails: most interventions may be undesirable for a variety of reasons, but some are eminently desirable for equally compelling reasons."[2] Since anticipated foreign military interventions can become highly complex and costly (from either a human or financial point of view) potentially putting armed forces and civilians under severe risk in complex and demanding operational areas, I plea that these interventions should be planned and designed more realistically *in advance* of the military deployment with the help of a risk analysis framework that is sensitive to local ground realities and the multiplicity of actors in the entry state. In addition, this risk analysis has also to take into account the potential (unintended) interventionist military effects on other parties. This would increase the potential for success (depending on how one defines success), foster a more coherent (joint) interventionist approach by promoting synergy between parties, and enables a smarter use of limited (military) resources. Nevertheless, proper risk analyses in advance do not automatically guarantee a positive intervention outcome nor that there will be no risks to overcome. In the end, there are no risk-free decisions.

Finally, this thesis would not have been completed without the input of others and subsequently I would like to thank my supervisor, respondents, the participants of the expert meeting and my colleagues during the internships. Special attention has however to be paid to my parents, friends and Bart for whom patience demonstrated a key word, but with whose support and remarks this thesis could be textually sharpened and finished. Quitting my Master or running away from my responsibilities was fortunately never my cup of tea and I know that I sometimes pushed you all to the limits, so thank you for having faith in me all those years.

Kirstin van Wijk
The Hague, 30 March 2012

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[1] All errors and misinterpretations are mine.
[2] Rosenau, J.N. (June 1969), p. 151

LIST OF ABBREVIATIONS

AU	African Union
CIMIC	Civil-Military Cooperation
CPA	Comprehensive Peace Agreement
C2	command-and-control
DDR	Disarmament, Demobilisation and Reintegration
DRC	Democratic Republic of Congo
EU	European Union
EUPOL RDC	EU Police mission en République démocratique du Congo
EUSEC RDC	European Union mission de conseil et d'assistance en matière de réforme du secteur de la sécurité en République démocratique du Congo
GoS	Government of Sudan
GoSS	Government of South-Sudan
HGIS	Homogene Groep Internationale Samenwerking
ICC	International Criminal Court
ICCO	Interkerkelijke Coördinatie Commissie voor Ontwikkelingsprojecten / Nowadays:Interkerkelijke Organisatie voor Ontwikkelingssamenwerking
IKV Pax Christi	Interkerkelijk Vredesberaad Pax Christi
IGAD	Intergovernmental Authority on Development
IHL	international humanitarian law
INC	Interim National Constitution
IO	international organisation
JIU	Joint Integrated Unit
LRA	Lord's Resistance Army
MEDCAP	Medical Civic Action Program
MONUC	Mission de l'Organisation des Nations Unies en République démocratique du Congo
MONUSCO	Mission de l'Organisation des Nations Unies pour la Stabilisation en République démocratique du Congo
MOOTW	military operations other than war
MOU	Memorandum of Understanding
NATO	North Atlantic Treaty Organisation
NCP	National Congress Party
NGO	non-governmental organisation
OAG	other armed group
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Cooperation in Europe
PDF	Popular Defence Forces
PMESII	political-military-economic-social-infrastructural-informational dimensions
ROE	Rules of Engagement
R2P	Responsibility to Protect
SAF	Sudan Armed Forces
SALW	small arms and light weapons
SPLM/A	Sudan People's Liberation Movement/Army
SOFA	status of forces agreement
SSPS	South Sudan Police Service
SSR	Security Sector Reform
TOR	Terms of Reference
UN	United Nations
UNAMID	(the hybrid) United Nations/African Union Mission in Darfur
UNISFA	United Nations Interim Security Force for Abyei
UNMIS	United Nations Mission in the Sudan
UNMISS	United Nations Mission in the Republic of South Sudan
UNSC	United Nations Security Council
VETCAP	Veterinary Civic Action Program
QIP	quick impact project

Chapter 1   INTRODUCTION: SETTING THE ROAD FOR THE MILITARY

> […] Individual nation-states will continue to make their own sovereign decisions about when and how they put their national prestige, and the lives of their military personnel, at risk. Not all possible interventions are good ideas; not all conceivable missions are well enough designed that one can be confident they will do more good than harm; sometimes the involvement of a given country in a given conflict is too sensitive a matter politically. […] O'Hanlon, M. (2007), p. 320[1]

The quotation by O'Hanlon, clearly illustrates the irrevocable relationship between foreign military intervention and risk. This relationship is even more significant when one considers the potential lethality of military operations which directly touches upon the safety and security of the people involved. Ideally, each intended intervention will only take place after (much) domestic and international political deliberation while at the same time taking possible risks into account. In addition, some expected risks will be considered negligible or acceptable to execute an intended intervention, while others will be reason to abandon one. Nevertheless, according to Vertzberger (1998), the concept of risk (and its behavioural implications) "[…] has largely gone unnoticed in the field of international politics and especially in the study of international security issues, where risk is perennial and its consequences are visible and critical."[2] This does however not imply that there has not been any progress at all since 1998. Nowadays risk is part of interventionist governmental analyses, even when these seem rather limited to political imperatives and the military self-interest.[3]

It is nowadays common to acknowledge that military and civilian actors share their operational environments. Focusing on the military alone, when discussing military intervention and potential risks, is thus a liability in itself.[4] When thinking about foreign military intervention, one has to take into account the multiple directions of risk that go beyond the impact on military business, personnel and hardware as the military is affecting not only its own mission but those of others as well. Moreover, each military intervention in itself can bring about effects that go beyond the intended objectives affecting diverse players in various domains[5] both inside and outside a certain entry state. This can be explained by the fact that intervening military forces often have an overwhelming power and ability to use force (i.e. are conventionally superior) compared to national armies and non-state combatants - such as other armed groups (OAGs)[6] - in the countries that are being intervened. The interventionist abilities can easily lead to devastation of (social) infrastructure and civilian casualties as well as to damage of the reputation of the intervening state.

Risk is therefore not reserved to interventionist military actors alone and it shows the significance to look at the risk concept more broadly in order to understand risks of foreign military intervention. This assumption, that risk related to military interventions is not limited to interventionist troops alone, but affects all kinds of associated actors in various domains, like domestic governments and their constituencies, international and national aid agencies, incumbent lawful or internationally recognised regimes in the intervened state, local populaces, armed and non-armed factions, private sector corporations and perhaps even diasporas, lies at the heart of this thesis. In the end, all these players (the interventionist military party itself included) influence the military's operational context

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[1] Originally, O'Hanlon writes about expanding military capacity. Nevertheless, this passage comprises the essence of foreign military intervention as it *is* a political decision that is predominantly grounded in political and military considerations. The crux is however that current, conceivable or future interventions are often not well enough thought through and designed, *because* they are predominantly based on political and military considerations while neglecting other important domains.

[2] Vertzberger, Y.Y.I. (1998), p. 1

[3] Interview 18

[4] Interviews 20 and 22; Gaag-Halbertsma, J. Van der, Vries, H. De & Hogeveen, B. (2008), p. 29; Advisory Council on International Affairs, (March 2009)

[5] In this thesis, domains are considered socially constructed interrelated 'spaces' on various levels (supranational, (inter)national, regional and local), which are based on human-made and natural systems wherein particular processes take place and wherein specific actors apprehend and process the world surrounding them, interact, and constitute their social life. Examples of domains are the political, social or economic domains. See chapter 2 for a detailed discussion on domains.

[6] From a legal perspective, there are only two categories of stakeholders in an armed conflict with subsequent rights: combatants or civilians. An OAG has to be considered a combatant party when it meets the following criteria: such a group must have a (hierarchic) command structure with a responsible authority, the ability to coordinate its attacks and the capacity to have parts of the sovereign territory under its effective control (The Netherlands Red Cross, (4 March 2011)).

which might have (adverse) effect on the interventionist objectives to bring the intervention to a favourable conclusion.

1.1 *The challenge of multiple actors and compatible efforts*

Generally, a foreign military intervention is meant to influence certain conditions in another sovereign state.[7] It may help to stop violent armed conflict[8] in the short run, impose some stability or even facilitate the set-up of new security structures or it may avert aggression by a third state. Nevertheless, according to Lahneman (2004) foreign military intervention alone is rarely sufficient to bring about sustainable effects, because it is a tactic with only temporary enhancements.[9] That is, winning a war militarily is just one fleeting moment in time and not the golden ticket out of a war. Hereafter, the actual challenge begins to unfold, not only in terms of maintaining the achieved military successes but also since most interventions have more ambitious agendas than defeating an opponent alone. Besides, foreign military intervention often does not address the root causes of a conflict or crisis, whereby "the reality is that conflict [and crisis] causes tend to change and diversify" in due course.[10] Lahneman continues by stating that, particularly in cases where no effective government exists in the state of intervention, there is essentially "*no military solution* to the problem, only a *military dimension*."[11] When the objective is to avert complex armed conflicts and (humanitarian) crises effectively or to maintain and strengthen international stability and security by using the instrument of military intervention, one has to consider an inclusive overall strategy by supplementing non-military forms of intervention.[12] Such a 'grand strategy' ought to provide guidance and simultaneously promote cohesion between all relevant actors and efforts.[13] In addition, a grand strategy helps to define the roles, responsibilities and coordination between military and civilian actors, both governmental and non-governmental, to achieve the objectives identified.[14] Nonetheless, such a grand civilian-military effort has still some significant challenges and flaws.

More than ever in (post) crises or armed conflict environments, there is a plethora of both interventionist and local actors active carrying out multiple missions, for example with communities at grass-root or micro level and with governmental structures at macro level. Interventionist military forces see themselves progressively more confronted with non-state (armed) actors as well. These actors may include, for instance, interventionist[15] or local governmental representatives, (humanitarian) non-governmental organisations (NGOs), international organisations (IOs), tribal or religious leaders, the local population, media, (local) private contractors, (private military) security companies or mercenaries, multinationals, and warring factions or armed opponents like rebel

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[7] See chapter 2 for the full definition of foreign military intervention.

[8] In politics and in political science a distinction is often made between 'war among states' (interstate or State-on-State conflicts) and 'armed conflicts between parties within states' (intrastate conflicts). Some prefer to use the term 'armed conflict' over 'war' since the former addresses the factual situation and does not require a formal declaration of war (which is often also absent nowadays). As an alternative, under international humanitarian law (IHL), the terminologies of international (State-on-State conflicts) and non-international armed conflict (State versus non-state parties or non-state parties that are fighting each other (see also note 6)) are used, although the exact term 'armed conflict' is not defined. Hereby, the categorisation is purely based on the parties that are involved in the conflict and not on the given that a particular conflict can cut across confined sovereign territories. The advantage of this categorisation under IHL is that the application of the term 'conflict' reaches much broader since it always pertains to the actual realities on the ground, even in the absence of formal recognition (i.e. whether a particular situation is considered a conflict or not by the states concerned) (based on interview 6 and discussions with staff of the Netherlands Red Cross, (14-18 February 2011)). Finally, there seems a tendency in politics (and political science) to adopt the term 'hybrid conflicts' that refer to a broad-ranging label to "grasp the growing complexity of conflicts, the multiple actors involved and the fading of traditional categories of conflict (Homan, K. & Zandee, D. (2012), p. 6, translated from Dutch)."

[9] Lahneman, W.J. (2004), p. 166

[10] Suliman, M. (November 2005), p. 10

[11] Lahneman, W.J. (2004), p. 184. In original italics.

[12] According to Lahneman (2004) non-military forms of intervention, like diplomatic and socio-economic measures, involve usually far lower costs than foreign military intervention to avert conflict or crises (Lahneman, W.J. (2004), p. 166).

[13] Homan, K. (2008), p. 4

[14] Homan, K. (2008), p. 4; interview 6

[15] With interventionist I refer to all stakeholders that have a different nationality than that of the entry state and that intentionally make efforts or are planning to influence the political, security, economic, social and/or institutional conditions in the entry state. Stakeholders may involve both civilian and military governmental players and non-state (commercial) actors. See chapter 2.

movements, militias or paramilitary units, child soldiers, warlords, terrorist cells and armed civilians. The multiplicity of all these actors together creates a truly confusing mix of personal and organisational objectives and relationships as each of them may differ in focus areas, ambitions, culture, experience, approaches (bottom-up or top-down), quality, budgets, mandates, operational time frames and duration of stay. For some civilian aid organisations a too close affiliation with the military needs to be avoided at all times and for others it is not an issue.[16] Hence, actual coordination and cooperation can be particularly complex, controversial and full of dilemmas and as a result there seems a natural reticence to align efforts with governmental players and with the military in particular. This is not just an issue between governmental and non-governmental actors, but perhaps even more so at the interface between the military and civilians in general as the following quote demonstrates:

> Civilians can never trust the military leadership, not because they are not trustworthy, but because they have a fundamentally different world view. What is important to military leaders is often irrelevant to civilians, and what is vital to civilians is frequently of no importance whatsoever to the military. Gross Stein, J. & Lang, E. (2007), p. 9

Some (fore)see a problem with the military setting in motion a military logic that takes over all efforts by civilian (humanitarian) non-state and state actors.[17] Nonetheless, at the same time the widening of military and civilian responsibilities and the overlap in operational areas have largely blurred (ideological) divisions between civilian, military, governmental and civil society domains.[18] Based on the situation in Afghanistan, Foley (2007) states:

> While some aid workers complained about 'mixing of military and humanitarian mandates,' the simple fact was that we were becoming objectively indistinguishable. We both wanted to strengthen law and order, weaken the warlords, combat corruption and support human rights. These were all worthy objectives – and it is difficult to see how Afghanistan can attain a future without them – but they were also clearly political, which meant that we were taking sides in what was turning into a bitter conflict. Foley, C. (2007), p. 111

Foley's quote indicates the increasing politicisation of humanitarian interventions similar to foreign military interventions that are already political in character. Meanwhile, soldiers are expected to become increasingly versatile adapting, for instance, non-lethal capabilities like diplomatic communication and dialogue skills alongside traditional fighting when carrying out operations in response to the current complex, ambiguous or sometimes even contradictory operational environments.[19] In addition, the military has a comparative advantage to civilian agencies in that they are capable of rapid deployment and are able to work in difficult and dangerous circumstances in remote areas.[20] Altogether, it suggests that the enlarged mandate of all actors involved, including the security forces, results in an overall ambiguous nature of both civilian and military interventions whereby they sometimes become indistinguishable. With all actors realising that this is a fact more than a choice, the need for joint frameworks and doctrine becomes evident as it helps to harmonise and align parallel efforts.[21]

That joint frameworks or 'grand strategies' are not yet common practice in international interventions can be subscribed to a number of reasons. First of all, there is no full acceptance of this requirement by all actors and success is by no means guaranteed.[22] From an organisational perspective, it remains difficult to implement a grand approach due to discrepancies in priorities, ambitions, goals, institutional memories, budgets, personnel and equipment, bureaucratic procedures and timeframes between the various actors. Flaws in the understanding of the complex political dynamics of an armed conflict in combination with ad hoc, fragmented, belated and scanty responses, and an inability to adapt to altering environments by individual intervening organisations and actors generate many

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[16] Bonn, K.E. & Baker, A.E. (2000), p. 28

[17] Foley, C. (2008), p. 111

[18] Frerks, G., Klem, B., Laar, S. Van, & Klingeren, M. Van (May 2006), p. 34

[19] Moelker, R. & Soeters, J. (2003), p. 144; interviews 6, 15 and 21

[20] It is a different issue that this capability of rapid deployment is often hampered by lingering decision-making procedures.

[21] One advantage of more cohesion is that dissimilarities among the myriad of interventionist parties are less likely to be exploited by local parties (Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005), p. 37).

[22] Interviews 6 and 21; Exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation, (3-11 December 2008). It seems even more problematic in case of actual integrated operations, like the United Nations Integrated Missions (Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005), p. 4). This conclusion can in part be ascribed to a lack of strategic, coordinated and sustained international efforts.

obstacles to an effective implementation of a grand approach.[23] Even with best intentions, relevant questions remain as to why and when do other parties have to be brought to the table, is there a willingness to participate, what are the consequences of being 'seen' together, what information can be shared, what is the return for a given input and what will other parties do with the input once it is given? After all, actors such as IOs, NGOs, media and the business community are normally not embedded in a national governmental structure.[24]

1.2 *A flawed consideration of risk*

The introductory paragraph suggests that there still is a whole world to win with regard to a grand approach as gaps remain in the strategic planning of interventions by all actors.[25] These gaps turn problematic since military interventions may involve complex deployment decisions against often limited time. A thorough risk analysis then is critical in order to conduct a military intervention in an effective and responsible manner. Such a risk analysis ought to be part of the broader context analysis of an intervention.[26] With regard to risks of a foreign military intervention Johnson (2007) states that "[t]he concept of exposure is often poorly dealt with. Although this might seem to be an abstract concern, it has critical practical consequences."[27] Especially in the field of foreign military intervention, where risks may have a detrimental impact and may lead to excessive costs, a sufficient risk assessment seems pivotal. Nevertheless, planning by interventionist actors, both governmental and non-governmental, does not always seem to be based on thorough analysis.[28]

In its risk analyses the military focuses predominantly on military benchmarks, operational outputs and military threats (e.g., actions by potential opponents, geographical and meteorological constraints) instead of also focusing on societal outcomes.[29] For instance, nobody foresaw the impact of the developments in Srebrenica in terms of civilian casualties (genocide) and damage to the reputation of the Dutch military and government. The dominant notions of security threats for militaries and their mission is simply a too limited approach. Recalling the introduction, understanding that military and civilian actors share their operational environments while acknowledging a requirement for a grand approach at the same time, implies that focusing on the military alone when discussing military intervention and potential risks is a liability in itself. Risk has multiple directions that go beyond the risk impact *on* military business, personnel and hardware while affecting others instead. In fact, each military intervention in itself can bring about effects that go beyond the intended objectives affecting different players in various domains both inside and outside a certain entry state. Therefore, consideration of the interventionist (military) actors alone is not sufficient and the risk concept should be approached more broadly.

Chances for success obviously decrease when decisions and analyses are not based on a good understanding of those risks.[30] Besides, as the Advisory Council on International Affairs (March 2009) states, "[a] good understanding of the situation in the area of operations and the region is key to evaluating the feasibility of the operation and deciding on political, military and development

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[23] Verstegen, S., Goor, L. Van de & Zeeuw, J. De (January 2005), p. 13

[24] According to Serwer and Thomson (2007) it however remains unclear how non-state actors would fit into particular military or governmental structures (Serwer, D. & Thomson, P. (2007), p. 370).

[25] The Royal Norwegian Ministry of Foreign Affairs, (2 June 2009), p. 46

[26] Interview 18

[27] Johnson, Ch.W. (2007), p. 7

[28] The Royal Norwegian Ministry of Foreign Affairs, (2 June 2009), p. 11

[29] Based on Baker, P.H. (2006), p. v. The same bias to security threats for the military forces and their mission is also found in the Dutch Royal Army handbook on intelligence and the '2009 Verification Framework' (The Royal Netherlands' Army, (2006; The Dutch House of Representatives, (21 July 2009)).

[30] This has already been widely acknowledged with regard to domestic crisis planning. For example, the United States Federal Aviation Administration (30 December 2000) writes in its safety handbook: "[r]isk management must be a fully integrated part of planning and executing any operation, routinely applied by management, not a way of reacting when some unforeseen problem occurs. Careful determination of risks, along with analysis and control of the hazards they create results in a plan of action that anticipates difficulties that might arise under varying conditions, and pre determines ways of dealing with these difficulties. Managers are responsible for the routine use of risk management at every level of activity, starting with the planning of that activity and continuing through its completion (The United States Federal Aviation Administration, (30 December 2000), pp. 2-3)."

objectives."[31] As "public expectations are high and tolerance of failure is low," the need for a sensitive and structuralised risk assessment is even more stressed.[32] This may facilitate designing military interventions such that they suit the risk environment. Such a risk assessment has to grasp the complexity of current military operational areas, the multiple risk directions (which parties will be affected) and the risk domains (where the risk will materialise). A framework that is sensitive to the multiplicity of actors, risks directions and risk domains will be presented in this thesis as a step in further facilitating a grand strategy.

1.3 *Objectives, research questions and an illustrative casus*

The objective of this thesis is twofold: to contribute to the conceptual development of risk with regard to foreign military intervention and to develop a risk analysis model. This risk analysis framework for military intervention will grasp the ambiguity of today's interventions - where the military has to interact with a wide plethora of civilian, state and non-state actors - in the form of a more comprehensive[33] risk concept and model. Therefore, this thesis brings forward the following central research question: *How can risk for foreign military intervention be defined and how can risk analysis for foreign military intervention be structuralised to account for the complexity of today's foreign military interventions and military operational areas?*

      The central research question contains two vital elements: a) the relationship between risk, risk analysis and military intervention and b) risk analysis which is sensitive to the complexity of today's operational areas. The main question can only be answered if one grasps these vital elements. This puts forward the first sub-question: *What is considered foreign military intervention?* Then, both concepts of military interference and risk have to be amalgamated into the second sub-question: *What is considered risk for foreign military intervention?* The objective of this thesis is the development of a framework for risk analysis that is sensitive to the multiple players and to the multiple risk domains. Hence, the following sub-question is: *How can risk analysis for foreign military intervention be structuralised to be sensitive to characteristics of a foreign military intervention, various stakeholders and the multiple risk domains?* The answers to these three sub-questions constitute the theoretical framework that forms the backbone of this thesis.

      Having finished the conceptual building blocs of the risk analysis framework, the model will be illustrated by applying one in-dept intervention scenario. In a nutshell: the scenario contains a fictitious though realistic Dutch military commitment to South Sudan that is aimed at supporting this upcoming country to become a viable state through capacity-building of its armed forces within the realm of the security-provisions in the Comprehensive Peace Agreement (which comes to an end by 9 July 2011) and whereby alignment is pursued with the institutional security priorities and the 2008 Defence White Paper of South Sudan. This White Paper and the subsequent scenario concentrate on the (re)organisation and the transformation of South Sudanese military troops into conventional and national armed forces. In this thesis this scenario is used to demonstrate the risk analysis framework as developed in the underlying research project on the basis of an extensive context analysis.

      The sub-question pertaining to the illustration of the risk analysis framework is: *What does the risk analysis framework this research project puts forward look like when it is applied to a scenario for Dutch military intervention in South Sudan and what are observations in using the framework?* Obviously, it is important to address both the circumstances in South Sudan first, before it is possible to answer this final sub-question. Though this thesis does not pretend to test the risk analysis framework, it will give insight into the practical use, value and possible challenges of the framework and whether the concepts developed make sense.

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[31] Advisory Council on International Affairs, (March 2009), p. 41
[32] Drennan, L.T. & McConnell, A. (2007), p. 169
[33] I use the terminology 'more comprehensive' to mean the following: 1) 'comprehensive' in the sense that it integrates the added values of a variety of other models while being sensitive to multiple stakeholders and risk domains; 2) 'more' comprehensive in the sense that it can never be fully and complete comprehensive to be realistically applicable in practice.

1.4 *Relevance*

The scientific relevance of this research project lies in an increased understanding of the complexities of both military intervention and risk and the relationship between these concepts by using them to develop a risk analysis framework. Traditionally, literature on military intervention touches upon a broad variety of aspects ranging from ethics, the use of force and its evolving purpose, the legitimacy factor and public support base, shifting responsibilities, civil-military relations, to studies of impact.[34] Except for literature on small-scale military operations, interpretations of the concept of foreign military intervention appear to be dominated by notions of large-scale, hostile and coercive intervention. Nonetheless, there are far more possibilities to dispatch military initiatives that are not large-scale, hostile or coercive in character. This will be shown in more detail in chapter 2 when answering the thesis's first sub-question 'What is considered military intervention?'

Extensive literature on risk exists, but - as Garland (2003) claims - "little connects this literature other than the use of the word risk."[35] Nonetheless, most important with respect to the risk concept is that within diverse disciplines, literature uses a wide terminology that can be subject to various interpretations.[36] Therefore, the term risk is open to misinterpretation and not in the last place due the fact that "[i]t has too many meanings, many of which are rather vague."[37]

> Few subjects have given rise to as great difficulties in communication as that of risk. A whole discipline, risk communication, has grown out of the problems that experts and non-experts have in understanding each other. Hansson, S.O. (2005), p. 7

As a consequence risk has "no single, well-defined meaning."[38] That is, risk is frequently perceived in terms of likelihood, probability, uncertainty and expected utility with positive connotations of seizing opportunities, benefits or gains or as a synonym for danger, insecurity, threat, vulnerability and losses.[39]

How the concept of risk can be included into the design and preparation of foreign military intervention and address all the accompanying complexities is still under debate and development. In military circles, the American political-military-economic-social-infrastructural-informational dimensions (PMESII) approach is widely believed to address these issues, i.e. at least to achieve more comprehensive situational awareness.[40] This analytical approach uses multiple separate analytical instruments, covering one or two single domains, in parallel, which do not necessarily include risk analysis frameworks. The findings of each instrument are then triangulated and compressed into a more comprehensive operational picture that then constitutes the PMESII. Despite the progress in military thinking and the attempt to take non-military domains into account, there are some significant disadvantages to this PMESII approach. A PMESII analysis tends to be still predominantly military and opponent focused, for instance by the use of the term 'military' and the often applied emphasis on 'intelligence' rather than 'security' and 'informational' domains. It implies that such an approach will be quite controversial to apply to risk analyses in cooperation with non-military actors. Further, the PMESII lacks a systematic approach that defines how and which instruments are required to perform the analytical process. Even more important, PMESII does not account for the interdependency whereby occurrences can be interconnected across the boundaries of different domains as it suggests

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[34] See for instance: Finnemore, M. (2003). *The purpose of intervention; changing beliefs about the use of force.* Ithaca and London: Cornell University Press; Maley, W., Sampford, Ch. & Thakur, R. (eds.) (2003). *From civil strife to civil society; civil and military responsibilities in disrupted states.* Tokyo, New York and Paris: United Nations University Press; Advisory Council on International Affairs, (April 2006). *Society and the armed forces.* Advice No. 48. The Hague: Advisory Council on International Affairs; Rietjens, S.J.H. & Bollen, M.T.I.B. (eds.) (2008*). Managing civil-military cooperation: A 24/7 joint effort for stability.* Hampshire and Burlington: Ashgate Publishing Limited/Company.
[35] Garland, D. (2003), p. 52, as cited by Furedi, F. (2009), p. 200
[36] These disciplines pertain to economics, medicine, technology, biology, psychology, mathematics, et cetera.
[37] Mandel, D.R. (December 2007), p. 14
[38] Hansson, S.O. (2005), p. 7
[39] Drennan, L.T. & McConnell, A. (2007), pp. 2-5; and Vertzberger, Y.Y.I. (1998), pp. 2, 19-22; and Mandel, D.R. (December 2007), pp. 5-13 and 16. Here, the catchphrase 'war on terror' and the events of 11 September 2001 also exacerbated the terminology tipping the balance to connotations like risk being a severe threat. However, according to Giddens (1999) "[r]isk is not the same as hazard or danger (Giddens, A. (January 1999), p. 3)."
[40] The Dutch Ministry of Defence, (30 October 2008, non-finalised concept); Exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation, (3-11 December 2008)

that it is not necessary to always take all domains into account.[41] Yet, most conflicts and crises, but also foreign military interventions, are so complex that a reduction to a few domains and factors is insufficient to understand what is happening and what window of opportunity exists to anticipate risks.

The use of either a single risk framework involving all relevant domains or multiple frameworks concurrently to address various domains and risk remains a complex responsibility. That is, since all frameworks remain cognitive constructs with selected preferences to assess the outside world, there will never be a guarantee that systematic blindness in strategic thinking can be avoided completely.[42] However, some distinct advantages of a single risk analysis framework, as defined in this thesis, can be identified. First, this framework brings together different societal domains concerning the dimensions of foreign military intervention *within a risk perspective*. Herewith the analytic focus moves beyond the concentration on safety and security of own personnel that many risk analysis frameworks pursue. Furthermore, incorporating all relevant risk domains for expeditionary military interference in relation to each other into one framework compels actors to think through the cohesion between the actors in various domains and the different directions that risks can take across the different domains. Finally, the risk analysis framework in this thesis aligns with the broader foreign policy debate on designing a grand strategy to military intervention. Thus, a single, sensitive and inclusive risk model for foreign military interventions bears distinct relevance to the current paradigms of assessment tools.

The societal relevance of this research project relates to the fact that there seems a genuine lack of sensitive risk analysis for foreign military intervention that goes beyond the effect on people's direct safety and security. This thesis responds to scientific and societal debates by taking an initial step toward the development of a risk analysis framework for military intervention that encompasses multiple risk domains and is sensitive to the presence of multiple players in the military operational area. As such, this risk analysis framework attempts to be more comprehensive, but is neither a panacea for the successfulness of interventions nor provides a 'blue print' for a risk analysis process. This risk analysis framework can neither be used to foresee all possible risks as the framework focuses more on the assessment of possible risks than on the indisputable prediction of them. In other words, uncertainty is inherent to any risk and in addition some risks are merely too extraordinary and extreme that they can only be explained in retrospect.[43] Then again, referring to Lahneman (2004), "realistic [analysis and] planning prior to intervention offers the best chance for ultimate success at the lowest cost in lives, [financial resources,] material, and national prestige."[44] Concurrently, as Schwartz and Randall (2007) point out, "thinking about the future and about strategic surprise is a messy business for which precise predictions are the wrong concept. The goal is not more accurate predictions. Rather, it is better [informed] decisions and more effective action."[45]

The risk analysis framework must be considered a flexible instrument to structuralise a process of risk analysis, which gives more clarity on the concepts of intervention and risk while introducing a definition that connects both concepts. Undertaking such a risk analysis may encourage policy makers, practitioners and researchers to further reflect on and perhaps anticipate risks. Ideally, such risk analysis framework should be usable for military and civilian actors, governmental and non-governmental, together during the phase of pre-deployment planning and decision-making to become truly sensitive to the operational environment, the opportunities for and the limitations of a military

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[41] See for instance: The Dutch Ministry of Defence, (30 October 2008, non-finalised concept), pp. 17-18. The tendency of not including every domain is also in place in the Netherlands, where an obligation exists for the Government to inform Parliament about an intended foreign military intervention along the lines of the 2009 Verification Framework (The Dutch House of Representatives, (21 July 2009), pp. 3-5). This framework, however, not only covers a limited number of topics and analytical domains but also only includes the social domain when it is deemed relevant to the intervention.

[42] In this respect, I concur with Schwartz and Randall (2007) whose most important recommendation is "not to use a single interpretative approach" in order to overcome the vulnerability of systematic blindness (but also to make it "easier to separate the signal from the noise" and to understand "how collected data come together and how to think about the choices that arise from integration" in the processing of information (Schwartz, P. & Randall, D. (2007), pp. 100 and 101).

[43] Heuer, R.J. Jr. (1999), p. 167; Taleb, N.N. (2007), pp. xvii-xxviii. Taleb labels such risks 'Black Swans.' Most people are only able to conceive these risks when they have occurred and have indeed been witnessed. Hereby, people try to fabricate explanations to make these kinds of risks explainable and predictable afterwards. See chapter 2 for a further discussion.

[44] Lahneman, W.J. (2004), p. 180

[45] Schwartz, P. & Randall, D. (2007), p. 97

intervention.[46] A jointly executed risk analysis framework for foreign military intervention can facilitate interventionist actors to become less absorbed by personal preferences, more aware of their own as well as the actions of others and possible implications in a structuralised way (e.g. that interventionist activities may exacerbate crises). Besides, it may help to increase the common understanding that one particular action or decision could have multiple effects beyond the intended intervention objective. It also facilitates risk communication with regard to a foreign military intervention. As stated by the Institute for Strategic Studies (2008a): "[t]he significance of risk communication is that it provides recognition and legitimacy to risk viewpoints, but also that it provides space […] for a dialogue on risk."[47] Altogether, this could help to harmonise the diverse efforts and enhance the quality of the decision-making process on military intervention by helping to create more realistic goals and prospects. In the end, it might even lead to a particular intended foreign military intervention and the underlying assessments being more welcomed due to the attempt to get all relevant stakeholders involved in the whole process.

1.5 *Methodology*

This thesis rests on the assumption that a good understanding of (future) interventionist risks strongly depends on the analysis in advance of the military intervention. Several research methods were utilised to collect the data required: extensive desk research, interviews with key respondents, the conduct of an expert meeting, and participation in formal and informal meetings with professionals.

     This thesis is rooted in scientific and non-academic literature on military intervention, risk theory and risk analysis to acquire insight in theories and concepts of both military intervention and risk. This literature comprises articles, reports, datasets, guidelines and books written by scholars, policy makers, practitioners, international and non-governmental organisations and media in the field of international politics, international security issues and (economic) risk management, analysis and assessment. The thesis also draws from specific literature on (South) Sudan to examine what kinds of military endeavours would address the needs on the ground. Most of the literature is gathered through search engines at university libraries in Nijmegen and Leiden, the Netherlands Defence Academy and the Netherlands Institute for International Relations 'Clingendael.' Other literature was recommended by respondents during interviews.

     In this thesis great significance is attached to key respondents regarding the practise of risk assessments within their organisations and for grasping possibilities for Dutch military intervention in South Sudan and risks that emerge from these options, in particular. The outcomes of these correspondences are mainly incorporated into one illustrative scenario that will be discussed in chapter 4. Additionally, the input by the key respondents was utilised to develop the risk analysis framework. The selection of these respondents went along the following criteria: within the scope of this thesis relevant organisations were considered, which operate - both in the Netherlands and abroad - and are experienced in the field of foreign and security policy, (South) Sudan and/or (economic) risk management. This brings up a plethora of organisations like policy-related institutions, intelligence and assessment-related organisations, think tanks and universities, NGOs, IOs, media and the business community. The respondents included staff members who have particular knowledge of the Dutch military forces and their capacity, military intervention, foreign and security policy, intervention risks, and/or specific knowledge of (South) Sudan.[48]

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[46] Joint analysis processes are considered more valuable compared to one-sided analyses (Marthaler, E. (May 2004), p. 6; interviews 1, 5, 6, 9, 11, 18 and 20; The Dutch Ministry of Defence (30 October 2008, non-finalised concept)). However, they are difficult to put in practice as they involve certain risks and balancing acts between the different actors involved. From a military point of view, collaboration with civil actors can be quite sensitive, especially when they are not embedded into a governmental structure. Trust issues together with different organisational cultures and mindsets may result into a natural reticence to invite others and to share information. Though relevant governmental and non-state actors are gradually invited to join discussions and specific training or to share their knowledge with regard to a particular military intervention, it is definitely not structural yet, the partners are often not considered equal and civil input is minimal. Nevertheless, there seems a positive development given the current initiatives of various Dutch institutions and NGOs (but also at a more international level) to harmonise information streams and the expressed wish to carry out pre-planning joint civil assessments and training.

[47] Institute for Strategic Studies, (2008a)

[48] Later on, I decided also to look more specifically for legal experience with regard to risks of foreign military intervention.

The interviews conducted for this research project were semi-structured.[49] This means that the interviews were open-ended, but went along a general script that covers a list of topics.[50] Such a script or interview guide is needed, since research questions are too abstract to ask respondents directly. Therefore, the questions in this thesis needed to be converted into more specific questions focused on foreign military intervention, related risks and risk analysis which are essential elements of this thesis. The guide consisted of these three main topics, which could be applied to the development of the risk analysis framework and the chapter of South Sudan. The majority of interviews were conducted face-to-face, but some were accomplished by phone and e-mail. These last two methods complicated the conduct of interviews and the gathering of data due to limitations in time. However, on occasion it was possible to catch up with respondents later on.

Another method involved the participation in (informal) meetings, seminars (for instance the seminar on 'Strategic decision-making in crisis and war,' in Helsinki in April 2009) or training with professionals (like the North Atlantic Treaty Organisation's pre-deployment training in Stavanger for the headquarter of the International Security Assistance Force in Afghanistan in December 2008). Taking part in these meetings and training helped to gain more information on and insight in policy discussions with regard to foreign military intervention and risk analysis. It also helped to formulate a more concrete scenario for Dutch military intervention in South Sudan. All input derived from literature, interviews and meetings has been analysed and compared to answer the sub-questions and to answer eventually the main research question.

A last method was the conduct of an expert meeting. It was important to bring various actors together to exchange perceptions on sensitive risk analysis for foreign military intervention, to obtain better insight in risk analysis and to further enhance the risk analysis framework for foreign military intervention that this thesis puts forward. On 21 November 2008 the risk analysis framework was examined during an expert meeting at the Netherlands Institute for International Relations 'Clingendael.'[51] Participants included professionals working for the Netherlands Institute for International Relations 'Clingendael,' Dutch Ministries of Foreign Affairs and Defence, Radio Netherlands Worldwide, Joint Warfare Centre of the North Atlantic Treaty Organisation (NATO), The Hague Centre for Strategic Studies, Interkerkelijke Organisatie voor Ontwikkelingssamenwerking (ICCO), and Interkerkelijk Vredesberaad Pax Christi (IKV Pax Christi). Unfortunately, some selected invitees from universities and the business community were not able to participate in the expert meeting.[52] Nevertheless, more interviews were conducted to overcome their absence.

The meeting encompassed three sessions: a presentation of the risk framework and how to utilise it; two separate brainstorm sessions on the Democratic Republic of Congo (DRC; the Northern Kivu region) and Sudan (South Sudan), and a final discussion. To examine the practicality and value of the risks analysis framework two distinct, though illustrative, scenarios were introduced. These scenarios were based on real-time information, but the actual interventions were fictitious though realistic in nature.[53] In 2008, the DRC and Sudan were selected for a number of reasons in relation to Dutch foreign and security policy, the Dutch government's preference for a joint military intervention

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[49] As some interviewees desired not to be quoted directly in combination with the fact that the expert meeting at Clingendael was conducted according to the Chatham House Rule, I decided to make no direct references to respondents or participants in this thesis. This principle is also applied to the training at the Joint Warfare Centre of NATO, as much of the information was sensitive from both political and security perspectives. The Chatham House Rule intends that "participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed [as this] encourage[s] openness and the sharing of information (Chatham House, (n.d.))." Subsequently, the input by the interviewees will be coded and the particular event will be mentioned in case of referring to what was said during the expert meeting or training.

[50] Bernard, H.R. (2002), p. 205

[51] A remark must be made that the product for Clingendael had a broader focus since it was aimed to modify the military risk analysis framework into a model that was applicable for different interventionist parties to use, both military and civilian. Wijk, K. Van (2009). *Risicoanalyse: Een verbreding en verdieping. Een handleiding voor een geïntegreerd analysekader voor interventie in conflict- en crisisgebieden.* [Risk analysis: A broadening and deepening. A manual for an integrated analytical framework for intervention in conflict and crisis areas.] The Hague: Clingendael

[52] This was partly the result of a postponement of the original date of the meeting.

[53] In short, the Sudan case involved a military training mission to reform the Southern army in South Sudan for the duration of one year and the DRC scenario entailed a stabilisation mission under auspices of the European Union in North Kivu for the duration of four months. Both scenarios were developed with information provided by interviewees and through studying literature and the contexts of both countries.

under the auspices of a multilateral organisation, and actual or impending developments in the DRC and (South) Sudan. For quite some time, the Dutch Ministry of Foreign Affairs focuses its diplomatic and development instruments on the DRC and Sudan since both countries are liable to fall back into turmoil. That is, the Ministry of Foreign Affairs considers a contribution to and upholding of international stability and security (which concerns fragile[54] states) as one of the spearheads in its foreign security and development policy. This is likely to continue in the upcoming years with regard to the larger Horn of Africa and Great Lakes regions.[55] Over time this policy focus became also applied by the Ministry of Defence which foresees a supporting role for itself in the field of conflict prevention, management and reconstruction in fragile states, particularly when taking into account its desire to strengthen its expeditionary capacity and its military contribution in Afghanistan abruptly nearing its end in 2010.[56] In addition, both the Democratic Republic of Congo and Sudan were selected partner countries for Dutch development cooperation, which offered new opportunities for (governmental) initiatives and funds.[57] In the end, the DRC and Sudan (i.e. for the time being until the South formally secedes from the North) are the largest countries in their regions and a deteriorating security situation risks negative spill-over effects in the wider region. Here, the presence of the European Union (EU), the African Union (AU) and the United Nations (UN) in both countries provided further entry points for a possible Dutch military contribution.[58]

The decision was nevertheless made to proceed with the scenario for South Sudan for this thesis, based on the facts that this scenario was processed most in-depth at the expert meeting, the on-going relationship between the Netherlands and (South) Sudan, I was able to visit South Sudan twice, the actual occurrence of significant developments[59] in the country combined with the given that the Dutch intervention possibility for South Sudan, as laid down in the scenario, continued to be realistic as it remained on the Dutch political agenda. Despite the given that the situations in (South) Sudan and the Netherlands have developed since, as will be shown in the context analysis in chapter 4, the likelihood or requirement for a foreign military intervention has not decreased significantly during the research period.[60] Finally, in the bibliography, a detailed overview of respondents, participants, attended meetings and literature can be found.

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[54] A fragile state can be considered a country unable (or unwilling) to uphold its internal legal order and justice, to control its territory (control remains therefore tenuous) and guarantee the safety of its citizens as it lost its monopoly on violence or is a source of insecurity in itself and in addition, such a state is inept to meet the basic needs and expectations of its citizens in terms of public services and economic opportunities (based on IKV Pax Christi, (February 2010), p. 8; McIoughlin, C. (November 2011), p. 9). See footnote 88 for more information.

[55] The Dutch House of Representatives, (16 October 2007), p. 3, 15-21; The Dutch House of Representatives, (7 November 2008), pp. 3-39; The Dutch Ministry of Foreign Affairs, (18 March 2011), pp. 4-7. The larger Horn of Africa includes Sudan, Eritrea, Ethiopia, Somalia, Kenya and Uganda while also acknowledging the interdependency with the Great Lakes region (DRC, Chad, Central African Republic, Burundi, Rwanda). Occasionally, Kenya, Uganda and Tanzania are also attributed to the Great Lakes region.

[56] The Dutch House of Representatives, (18 September 2007), pp. 1, 6. Nevertheless, in this letter the Dutch Ministry of Defence implicitly points out that concerning its operational ambitions a long-term and larger-scale foreign military intervention mission (i.e. a commitment of more than a year) aimed at settling a foreign armed conflict as soon as possible at the highest level of use of force is implausible in the near future (pp. 14-16). Simultaneously, it is recognised that a clear operational distinction lacks between foreign military interventions at the highest level of force and lower-level operations. This hampered operational ambition can partly be explained by the given that the Dutch military contribution to the North Atlantic Treaty Organisation in Afghanistan (period 2001-2010) left deep marks on the Dutch armed forces combined with on-going budget constraints.

[57] The Dutch House of Representatives, (8 February 2007), p. 5; The Dutch House of Representatives, (16 October 2007), pp. 32-40; The Dutch Ministry of Foreign Affairs, (18 March 2011), pp. 14-17. Partner countries refer to countries with which the Netherlands maintains bilateral relations concerning development cooperation. From 2011 onwards the DRC however is no longer a partner country of the Netherlands and Dutch donor (aid) assistance programmes are being phased out.

[58] European Union: Mission de conseil et d'assistance en matière de réforme du secteur de la sécurité en République démocratique du Congo (EUSEC RDC) and EU Police mission en République démocratique du Congo (EUPOL RDC). United Nations: Mission de l'Organisation des Nations Unies en République démocratique du Congo (MONUC), now renamed into Mission de l'Organisation des Nations Unies pour la Stabilisation en République démocratique du Congo (MONUSCO); the hybrid United Nations/African Union Mission in Darfur (UNAMID), and the United Nations Mission in the Sudan (UNMIS).

[59] Developments include the indictment of president Bashir by the International Criminal Court (ICC), deterioration of security in South Sudan, national elections in 2010, the referendum in 2011 where South Sudan chose to become independent rather than remaining part of Sudan, and its subsequent independence by 9 July 2011.

[60] The initial scenario had however to be adapted to a new timeframe and subsequent ground realities as some parts of it turned outdated.

1.6 *Research constraints*

The focus lies on the development of a risk analysis framework and illustration of its use and focus rather than on testing, since the latter requires multiple samples that were not possible within the reach of this study. Therefore, there are distinct limitations to the potential validity of the framework this thesis puts forward. First, since the framework presupposes to be flexible, i.e. adaptable to the specific circumstances at hand, the conclusive verification or validation of the model seems logically impossible. To be precise, even when processing the risk analysis framework by parallel groups at the same moment in time (i.e. the duplication of the method), it probably does not lead to similar outcomes. Evidently, a risk assessment is as good as its assessors can oversee the risks. Secondly, one single risk analysis process appears only a snapshot in time, especially regarding military intervention in fragile states where circumstances are fluid. Thirdly, the used scenarios do not entail a real or actual intervention. Subsequently, the validation of the framework is flawed, despite efforts to prolong the time frame of analysis. It suggests that validation of the model can obviously only take place by falsification with an actual, real intervention whereby the analytical framework can be tested over time whether it meets the requirements and fits reality. This would however require that the planning for an intervention was ongoing at the moment of research which was not the case. Moreover, it would require a year-long monitoring of the mission over multiple years to measure effects and make assessments.[61] All of this was not feasible within the realm of this paper. However, the risk analysis framework for foreign military intervention was processed and criticised again by re-scrutinising the scenario for South Sudan with a number of experts who functioned as control group.[62]

One mitigation opportunity would have been to use past interventions to falsify the risk analysis framework. According to Heuer Jr. (1999), the advantage of thinking backwards is the change of focus from whether something might happen to how it might have happened.[63] On the other hand, that would go with a set of other critical disadvantages for checking validity. First of all, the whole analysis process would have been in retrospect which would pre-manage (or distort) outcomes of the model too much when evaluating risks of a former intervention.[64] Moreover, the focus would then be on real risks - those that actually materialised over time - and not so much on the identification of perceived and acceptable risks, since the latter are based on judgment and merely exist in the minds of people. Examining perceived and acceptable risk afterwards is a major challenge as data on how people thought and perceived the environment surrounding them *back then* is often lacking. After all, the use of current cases seems most appropriate since that brings the advantage that it is not only possible to identify and categorise risk (i.e. real, perceived or acceptable), but also the possibility to assess how risks develop over time (i.e. decreased, increased or continued to be stable).

A last limitation refers to the joint aspect of the framework within this thesis. Ideally, all stakeholders involved run through the risk analysis together. This appears to be acknowledged by a

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[61] Bernard (2002) explains that this kind of analysis has a longitudinal focus and is used in circumstances whereby the variables may change over time whereby the same instrument is used for analysis over a longer time-span (Bernard, H.R. (2002), pp. 271-272). Such longitudinal analysis would be helpful when applied to foreign military intervention as both the state of affairs in the military operational area and people's attitudes and behaviours are highly dynamic. Accordingly, one needs multiple moments of analysis to obtain a better understanding of the circumstances and relevant actors, though this might sometimes be difficult with regard to foreign military intervention as it can involve short time windows for decision-making.

[62] The staff of the Conflict Research Unit of the Clingendael Institute served as a control group. The first meeting with this unit involved a small group session on 13 January 2009, the second meeting was a brain-storm session with the entire staff on 18 May 2009. During two meetings we mainly talked through the value, advantages and disadvantages (difficulties) people might have going through the framework instead of making a new Sudan analysis. It helped to further refine the model.

[63] Heuer, R.J. Jr. (1999), p. 71. Or, as Wohlstetter (1962) summarises: "It is much easier after the fact to sort the relevant from the irrelevant signals [read: factors of influence (see chapter 2)]. After the event, of course, a signal is always crystal clear. We can now see what disaster it was signalling since the disaster has occurred, but before the event it is obscure and pregnant with conflicting meanings (Wohlstetter, R. (1962), p. 387, cited by Fischoff, B. (1975), pp. 288-299 in Heuer, R.J. Jr. (1999), pp. 168-169)." This is acknowledged by Drennan, L.T. & McConnell, A. (2007), pp. 61-63.

[64] The human tendency (i.e. thought pitfall) that applies here is known as the 'hind-sight bias' or the 'knew-it-all-along effect' (Graaf, B. De & Geraerts, E. (3-4 December 2011), p. 11, original quotation marks applied). This pitfall implies that people through retroactive effect believe that they have seen the factors of influence indicating a certain risk impact though this recognition was missing in advance. Accordingly, a particular risk impact is ascribed more predictability than was possible prior to its occurrence.

number of professionals as they insist that relevant others, either governmental or non-governmental, have to be brought into the process as equals in planning.[65] Obviously, this research is only a one-sided, personal, view on how to conduct military risk assessments in a more sensitive manner. Nevertheless, this view is obviously moulded by the insights from diverse meetings and interviews.

1.7 *Outline thesis*

The next two chapters see the construction of the conceptual framework for risk analysis for foreign military intervention, whereby chapter 2 constitutes the theoretical foundation of this thesis and chapter 3, subsequently, the more practical development of the risk analysis framework. Hence, in chapter 2 the sub-questions will be addressed that cover the concepts of foreign military intervention and risk. Chapter 3 evolves round the sub-question how risk analysis of foreign military intervention can eventually be structuralised in a way that the risk framework is sensitive to the complexity of today's foreign military interventions and associated operational areas in the entry states wherein the interventionist military sees itself increasingly confronted with highly diverse stakeholders in multiple risk domains. In chapter 4, a fictive scenario on a potential Dutch military into South Sudan will be discussed that illustrates the use, value and possible challenges of the risk analysis framework as developed in this thesis. In other words, the risk analysis framework will be used as a lens to look at possible risks of a foreign military intervention in South Sudan. Finally, in chapter 5 the main research question of this thesis will be answered while referring to the previous chapters and sub-questions.

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[65] Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005), p. 18; Verstegen, S., Goor, L. Van de & Zeeuw, J. De (January 2005), pp. 19-20

Chapter 2 CONCEPTS OF FOREIGN MILITARY INTERVENTION AND RISK

> Few terminological challenges have given doctrine writers and conceptualisers as many fits and frustrations as the requirement to coin an expression that accurately conveys the idea of "[foreign military interventions] that are not meant primarily to kill people and break things – unless they have to." The names currently in vogue just don't fill the bill. Bonn, K.E. & Baker, A.E. (2000), p. 2

This chapter draws attention to the concepts of both foreign military intervention and risk since these appear quite elusive. Seeing that both concepts are applied in many disciplines puts a considerable accumulation of different interpretations and meanings into circulation instead of uniform interdisciplinary terminologies. Hence, the first section in this chapter will focus on intervention terminologies and semantics that are regularly applied of which the common denominators are extracted. Subsequently, efforts are made to define what should be considered a foreign military intervention thereby taking into account that such a definition is broadly applicable to the complex military areas of operations and the multitude of players. Hereafter, the focus is converted onto risk; what it denotes and how it fits the concept of foreign military intervention. Simultaneously, benchmarks will be identified for foreign military intervention and risk to enable the development of a risk framework for foreign military intervention in the next chapter. At the end, the two questions that have to be answered are: *What is considered foreign military intervention?* And: *What is considered risk in terms for foreign military intervention?*

2.1 *Current state of affairs: semantic dilemmas, confusion and misconceptions*

Military intervention appears to be "arguably the most frequent type of military force in use and under debate today."[66] The latter is not surprising when one considers that military interventions often involve the ability to use lethal force, can be quite costly and could be exceptionally controversial politically.[67] As armed conflicts and (humanitarian) crises evolved over the last decades and security became more versatile, requiring different complex responses rather than launching another act of classical swift and decisive warfare, new typologies of military intervention rapidly emerged.[68] The result is a cumbersome and opaque definitional jungle of labels, like peacekeeping, humanitarian, stabilisation and reconstruction/support or crisis management operations. These are just a few terminologies that are applied on a regular basis. At least this signifies that foreign military intervention has to be regarded as a wide-ranging complex and evolving phenomenon whilst making its appearance in various forms, including different objectives and different actors. Also, the ways military operations are executed do not always seem to correspond with the labels in vogue. This is exactly where the shoe pinches and therefore the different labels that are in vogue will be discussed before defining the concept of foreign military intervention.

The oldest and most traditional label of military intervention is that of 'peacekeeping' which is part of the more general peace operations terminology.[69] Peace operations are much under debate as their track records are not unequivocally successful. In addition, their terminologies widened over time converting them into rhetoric container concepts. According to Donald (2002) the terminology of peace operations was already from the beginning an "*ad hoc* and ill-defined activity [that] became

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[66] Hermann, M.G. & Kegly, Ch.W. (1996), p. 440, as cited in Pickering, J. & Kisangani, E. (September 2006), p. 363

[67] In addition, Lahneman (2004) points out that foreign military intervention has the greatest potential for (severe) complications and error (Lahneman, W.J. (2004), p. 166).

[68] Developments refer to the shift towards a multi-polar world, multilateral interventions, non-international armed conflicts, transnational counterinsurgency operations or defence measures against terrorism, asymmetrical or guerrilla-style warfare, unmanned weapon systems and versatile cross-border responses combining both lethal and non-lethal requirements (Ortega, M. (March 2001), pp. 5-17; Gaag-Halbertsma, J. Van der, Vries, H. De & Hogeveen, B. (2008), p. 28).

[69] Donald (2002) remarks rightly: "Although I am unhappy with 'peacekeeping' being used to describe more than the classic, consensual, Chapter VI-based activity invented by the UN [which only authorises the use of force for self-defence], the term has achieved such currency in its wider application that narrowing its use would seem pedantic (Donald, D. (2002), p. 130)." The author further refers to 'peace support operations' and 'peace operations,' which are terminologies applied in the United Kingdom and in the United States. As 'peacekeeping' and 'peace support operations' presuppose the existence of a peace agreement and related circumstances, I prefer to use the term 'peace operations' which is also a broader terminology that better suits the variety of operations that have peace as their main objective.

exponentially confusing" and over time incapable to adapt to the increasingly complex environment and the rise of (armed) non-state actors.[70] Donald continues by claiming that the modified peace operation doctrines only provide limited clarity.[71] This is not surprising given the fact that peace operations may range from military operations such as the classic "improvised, neutral, more or less symbolic" military deterrence by presence thereby establishing buffer zones between (former) warring parties based on their consent and with limited use of force for the purpose of self-defence (often mandated as a last resort); to enforced action beyond self-defence to impose peace with the highest level of use of force possible authorised through the United Nations in absence of consent by the warring factions; to multifaceted operations which are supplemented with significant civilian elements and even wider tasks of nation building to enhance peace and to promote conflict resolution.[72]

Further confusion is created because of a significant semantic issue as there seems to be a discrepancy between the adopted rhetoric and the actual practise. As Serafino (updated 4 October 2004) points out, the "[u]se of any term with the word 'peace' conveys the misleading impression that [an intervention is] without risk, when in fact, 'peace' [interventions] can place soldiers in hostile situations resembling war."[73] Peacekeeping supposes that peace and cease-fire agreements are already in place that can be further enhanced, that violence is ended and that local parties are compliant. Besides, the terminology suggests that the intervening parties apply a minimum level of force. In reality this is all highly disputable. Accordingly, peace operations have brought about both legal and ethical dilemmas on the possibility and level of force to use vis-à-vis the interventionist political objectives and military imperatives on the ground.[74] At the same time, the peace operations terminology seems to be too ambitious, as it remains questionable to what extent peace can be imposed or durably stabilised through a foreign military intervention.[75]

Humanitarian intervention is another typology in sway that is perhaps one of the most controversial typologies of foreign military intervention.[76] Humanitarian intervention has no clear definition, but altogether it aims at the enhancement of the individual's welfare and dignity in an entry state on the basis of international law and moral beliefs. On the one hand, humanitarian intervention can be considered unconditional (short-term) emergency relief alleviating human suffering through aid, which is the classical interpretation by civil humanitarian organisations as this is their traditional domain.[77] These organisations need consent from the host country to perform their activities, frequently according to principles of 'do no harm,' neutrality (not taking sides in hostilities or controversies and no cooperation with any of the warring factions), impartiality (the provision of aid according to one's needs not to one's ethnicity, gender, age, et cetera), and independence (autonomous and free from any geopolitical, military or other agendas and interests).[78] These dogmas have however

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[70] Donald, D. (2002), p. 107

[71] Donald, D. (2002), p. 107

[72] Urquhart, B. (2007), p. 275. Bellamy, Williams and Griffin (2004) distinguish five categories of peace operations: traditional peacekeeping, managing transition operations (lasting ceasefire and with consent of the parties involved), wider peacekeeping (in a volatile environment, but with consent of the parties), peace enforcement operations (without consent), and peace support operations (robust military force combined with civil components) (Bellamy, A.J., Williams, P. & Griffin, S. (2004)).

[73] Serafino, N.M. (updated 4 October 2004), p. 2. In addition, Richards (2005) pinpoints that actual peace can be more perilous and destructive for a given populace than armed conflict (Richards, P. (2005), p. 5, footnote 8). He illustrates this by writing that the casualty rate in the civil war in Sierra Leone from 1991 until 2002 involved around 15.000 estimated casualties a year compared to a "current murder rate" of approximately 25.000 casualties a year in South Africa (p. 5, footnote 8).

[74] Chesterman, S. (n.d.), pp. 7-8. For instance, when interventionist troops are considered to remain neutral in a hostile environment when and to what degree are they allowed to self-defence? Should interventionist troops be held responsible when their inaction leads to a massacre of innocent civilians?

[75] According to Regehr (21 April 2010) "[o]ne of the most difficult things to accept about military force, especially international forces that have peace and stability as their formal objective, is just how limited military might is when it tries to *force* stability (Regehr, E. (21 April 2010), original italics used)."

[76] See for instance: The Dutch House of Representatives, (30 October 2001), article 4; Holzgrefe, J.L. & Keohane, R.O. (eds.) (2003). *Humanitarian intervention: Ethical, legal, and political dilemmas*. Cambridge: Cambridge University Press; Foley, C. (2008). *The thin blue line: How humanitarism went to war*. London, New York.

[77] This suffering can be the result of natural disasters or manmade crises such as conflict.

[78] Based on International Committee of the Red Cross, (September 2005), pp. 9-11 (Fundamental Principles); Polman, L. (2008), p. 13

become under popular attack.[79] Neutrality can be immensely difficult and sometimes perhaps impossible for organisations to maintain, especially in conflict areas where armed disputes are often politicised, (military) governmental actors, private contractors and OAGs are omnipresent which do not necessarily respect humanitarian principles, international humanitarian law and universal human rights,[80] and where gross human rights violations oblige organisations to take a stance or to choose sides. The idea of impartiality has been severely criticised since impartial activities could prolong the (internal) conflict in a given country thereby affecting the principle of 'do no harm' just as much.[81] Finally, many humanitarian NGOs are financially dependent on the contributions from, amongst others, interventionist states which affect their independence. Additionally, a number of organisations have chosen to work with or for governmental programmes, which causes them to become politicised.

On the other hand, humanitarian intervention can be a UN authorised or unauthorised enforcement action by interventionist parties that *threaten* to use violence or actually *use* force to put an end to large-scale violations of fundamental human rights or to prevent it from out-bursting in a given state.[82] This type can in fact involve the use of violence (combat) and may lead directly to adverse consequences like collateral damage in the vein of destroying civil infrastructure and civilian casualties, and violations of international humanitarian law which all seem incompatible with the nature and associations of humanitarian action. Obviously, the latter interpretation with its accent on the use of violence to achieve the goals clashes with the classical non-violent 'altruistic' interpretation of humanitarian intervention. That is, when armed interventionist troops, which are send by their political government(s), promote the interests or come to the defence of a particular (weaker) group within the entry state, they definitely violate the principles of 'do no harm,' neutrality, impartiality and independence. Soldiers can be engaged in both types of humanitarian intervention, but it definitely leads to dilemmas and criticism of misusing humanitarian motives for hidden geopolitical and military agendas.[83] In addition, there is serious criticism that mandates are being mixed, military and humanitarian rationales or tasks are clashing, and that the military logic is taking over all activities due to the sheer size and capabilities the military brings to bear.[84]

Awareness of the more and more complex and hostile operational environment and the alteration of responsibilities laid upon the military by the international community brought about the term of stabilisation and reconstruction or support interventions.[85] This intervention type seems to have the strongest semantic link with nation building. Nevertheless, these kinds of interventions involve an immense dilemma as the terminology of stabilisation still entails settling down hostile environments in an enforcing way. This can even involve acts of war imposing regime change. In this context, terminologies like nation-building or reconstruction seem to be rather ambitious as the

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[79] See for instance: Polman, L. (2008). *De crisiskaravaan: Achter de schermen van de noodhulpindustrie.* Amsterdam: Uitgeverij Balans

[80] Hereby, Polman (2008) argues, that the tragedy of the principles is that the warring parties cannot be commanded to respect them (p. 15).

[81] Polman, L. (2008), pp. 123-136. Polman explains in her book that an impartial or even-handed approach has a serious drawback as it may instead facilitate the ones responsible for the crisis or conflict enabling them to misuse aid to strengthen their powerbase thereby prolonging conflict and continuing (war) crimes. As such, humanitarian aid does not always reach its intended recipients or beneficiaries.

[82] Based on Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (April 2000), pp. 6-7, italics are mine. Hereby, at the root of such intervention is the dilemma whether the protection of citizens is perceived as an internal affair or not. For more information see chapter 2, the paragraph *Three types of foreign military intervention,* and chapter 3 the (sub-) paragraphs on *Legitimacy.*

[83] Upadhyaya, P. (2004), p. 87

[84] Foley, C. (2008), pp. 217-238

[85] The full term of 'stabilisation and reconstruction or stabilisation and support operations' is an American dominated terminology but is accepted by many other countries. The United States also sometimes refer to these kinds of interventions as 'military operations other than war' (MOOTW) or 'low-intensity conflict interventions.' Some countries however separate both ends of the typology into stabilisation or reconstruction interventions, as they think those encompass different political-military rationales. Nevertheless, it does not provide real clarity as the nature of interventions carried out under these flags remains ambiguous. Subsequently, in this thesis these kinds of interventions are put under a joint label. For more information on stability and reconstruction/support operations see for instance: Bonn, K.E. & Baker, A.E. (2000). *Guide to military operations other than war: Tactics, techniques and procedures for stability and support operations. Domestic and international.* Mechanicsburg: Stackpole Books

fighting and restoration of civil infrastructure and institutions are not compatible all at once.[86] Actually, these interventions may have the adverse effect of destabilising the state of affairs in the entry state as happened in Iraq and Afghanistan. Here, the international community is still struggling with the question how to respond to their self-created power vacuum and mounting degeneration of local support.[87] Moreover, the idea of reconstruction remains quite ambitious because reconstruction is often about the set-up of new institutions that were absent in advance of a particular intervention, especially in fragile or failed[88] states.

As some felt a certain discomfort applying the existing terminologies mentioned above, they brought into play the label of crisis management interventions.[89] A crisis could be considered an acute emergency situation that threatens national or international security and which urges immediately response to bring the crisis back under control of the state or the broader international community. Then, at first sight, the terminology of crisis management seems to better suit the requirements because - according to the ones who prefer to use this label - it seems to cover military involvement more broadly in dealing with multiple types of crises, varying from natural hazards and manmade disasters, technological incidents, a political vacuum to armed conflict situations.[90]

However, this typology is not free from semantic misunderstanding, legal controversies and civilian unease as crisis management operations developed into a container concept. One of the main difficulties with the label of crisis management interventions (and perhaps with all intervention typologies) relates to the given that foreign soldiers can be both the neutral party by consent and with limited use of force as well as being actively engaged and using force while responding to manmade crises and hostilities during armed encounters. The latter could even involve offensive actions or pre-emptive strikes. Altogether this has serious legal implications, since national military law did not always keep up with the changing politico-military imperatives on the ground.[91] For instance, in the Netherlands coining an operation a crisis management intervention does *not* imply that the intervening actors are engaged in armed conflict (war) and therefore the legal position of soldiers is faltering when they respond to a hostile environment by the use of lethal force.[92] Further, perceiving a conflict or war-

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[86] In practice, one will notice that in situations resembling war it is more about modest civil-military or 'quick impact projects' in support of the intervention to safeguard local support rather than genuine reconstruction or nation building.

[87] Greenstock, J. (2008), pp. ix-xi. Longer-term and durable success of the military interventions in Afghanistan and Iraq still has to be proven once initial tactical victories have resided. Therefore, the real challenge for the interventionist (military) actors seems only to start when the sitting regime is removed and a sufficient level of security is established whilst not forgetting other relevant dimensions.

[88] The terminologies of fragile and failed states suggest that they are used interchangeably as they overlap. For instance, a fragile state can be considered a country unable (or unwilling) to uphold its internal legal order and justice, to control its territory (control remains therefore tenuous) and guarantee the safety of its citizens as it lost its monopoly on violence or is a source of insecurity in itself and in addition, such a state is inept to meet the basic needs and expectations of its citizens in terms of public services and economic opportunities (based on IKV Pax Christi, (February 2010), p. 8; McIoughlin, C. (November 2011), p. 9). This state fragility suggests a power vacuum where "black holes" or "grey zones" exist wherein "the rule of law does not run," although it does not intend that such a state necessarily falls short in all its required functions at the same time (Cerny, P.G. (2004), pp. 18-19, cited in Elden, S. (2007), p. 826). The main benchmarks for failed state status are "the loss of physical control of its territory or a monopoly on the legitimate use of force[, t]he erosion of legitimate authority to make collective decisions, an inability to provide reasonable public services, and the inability to interact with other states as a full member of the international community (The Fund for Peace, (updated March 2012), question 6)." Fragile and failed states share thus similar benchmarks, except that the latter also seems to involve the risks of "internal conflict and state collapse (The Fund for Peace, (2009))." As such, 'fragility' can be considered a condition wherein a state might find itself, while 'failed' points at a certain end-state or final balance. However, this does not imply that when a state is considered failed that it is no longer a state anymore, nor that it cannot become a viable state again in the future. Nor does it intend that a state automatically loses its legal status within the international political and legal system, but rather that a failed state "can no longer reproduce the conditions for its own existence" at a certain point in time (Di John, J. (January 2008), p. 10). At that moment such a state has virtually imploded.

[89] For more information of crisis management interventions see for instance: North Atlantic Treaty Organisation, (updated 27 March 2009). 'Crisis management.' Obtained from Internet via: http://www.nato.int, 12 September 2009

[90] North Atlantic Treaty Organisation, (2006), p. 44. NATO distinguishes two kinds of crisis management operations, those for collective defence (Article 5 of the NATO treaty) and 'other crisis management operations' (Non-article 5 operations) (pp. 44-45).

[91] Knoops, G.J. (October 2008), p. 2404

[92] Knoops, G.J. (October 2008), pp. 2404-2409. Knoops argues that this is the result of the Dutch military-legal dichotomy whereby foreign military interventions are divided into 'armed conflict' and 'crisis management' operations. However, over the years the operational differences, in terms of nature and level of use of force, faded away between the two types of intervention. Since the spectrum of the use of lethal force appeared higher than expected, and the law system has not adapted

like situation as a crisis seems to trivialise the state of affairs, suggesting an 'easy in, easy out' approach for the foreign military forces. However, the hard reality in countries like Afghanistan, Lebanon, Sudan and the DRC is that crises are long-lasting and require long-term troop commitments. Another aspect that may not be forgotten is that genuine 'crisis management' should lie in the field of civilian authorities and not in the soldier's. However, in times of violent armed conflict, large-scale natural disaster or in the immediate aftermath of state collapse when there are no (foreign) civilian agencies, the military is perhaps the only viable actor to take up responsibilities in the field of governance, reconstruction and development in an attempt to restore stability and security.[93] This even further fades the distinction between civilian and military domains.

To summarise, the intervention labels currently in use give the impression that interventions deal with specific clear-cut subjects and rationales, particular activities and identifiable feelings. However, none of the intervention labels are distinct, instead they are open to multiple interpretations and can all grasp an array of lethal and non-lethal activities. The circumstances in the military area of operations, on the ground activities and mobilised resources may not (directly) fit the labels in vogue and instead seem to aim at exact the opposite goals.[94] Serafino (updated 4 October 2004) explains that this gap is the result of a semantic dilemma whereby "no single term currently in use can accurately capture the broad and ambiguous nature of all […] operations."[95] Further confusion is created because people use the existing labels interchangeably as they see fit. As a matter of fact, the label applied says more about an interventionist actor's (underlying) political motivations and organisational background than about the military activities themselves on the ground. As such, semantic dilemmas play a vital role in the apprehension of a foreign military intervention, while directly touching upon consequences like difficulties in the practical translation of intervention concepts, ill-defined doctrines and the rise of ambiguous legal frameworks.

The importance of semantic dilemmas can be well illustrated in the interaction between policy makers and the public where a massive discrepancy remains in interpretations and comprehension of foreign military intervention. To the wider public the term '*intervention*' is still biased by perceptions of (military) intervention being a large-scale, hostile/aggressive, intrusive, non-cooperative, coercive and (neo-) colonial act that is often combined with a high-scale use of force.[96] This impression seems to be intensified by the attachment to foreign military intervention of catchphrases like 'the fight against the spread of weapons of mass destruction'[97] or 'war on terror.'[98] Moreover, Makinda en Okumu (2008) stress that states "have used the 'war on terror' to try to distort the nature of security problems."[99] So, typologies are sometimes used by politicians to 'sell' interventions to the public.

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accordingly, the soldier's protection under national military criminal law is only derived from the particular mandate for the intervention wherein rules of engagement are outlined. The specifics of rules of engagement are dealt with in chapter 3.

[93] Based on Patrick, S. (12 February 2008)

[94] Serafino, N.M. (updated 4 October 2004), p. 2 (Originally, the author wrote about peacekeeping but this claim is also applicable to the other typologies). This seems also acknowledged now by the Dutch Ministry of Defence which - based on its operational experiences in Iraq and Afghanistan - removed the distinction between stabilisation and reconstruction or support interventions (i.e. interventions with a low level use of force) and high-risk war fighting missions (i.e. interventions with a high level use of force) from its updated military doctrine for its armed forces (The Royal Netherlands' Army, (2009), p. 28, as referred to by Homan, K. & Zandee, D. (2012), p. 6). Nevertheless, the authors point out that despite this doctrinal adjustment, the arms systems differ regarding the levels of use of force (p. 6).

[95] Serafino, N.M. (updated 4 October 2004), p. 2

[96] Rosenau, J.N. (June 1969), p. 153; Vertzberger, Y.Y.I. (1998), p. 114; Siegle, J. (3 October 2003), pp. 1-2. On the contrary, Lahneman (2004) emphasises that intervention in itself does not necessarily pertain to military intervention as it can "consist only of diplomatic or economic measures designed to bring about the desired result (Lahneman, W.J. (2004), p. 166)." Vertzberger understands foreign military intervention with the following fundamental aspects: coercive activities, use of extensive military force, including combat-ready military formations and ground forces as battalions, brigades and divisions (p. 114). He continues by utilising the term 'intervention' to solely describe "overt large-scale foreign military intervention," while he applies the term 'involvement' to refer to "all other forms of intervention (p. 115)." His view on intervention was also reflected in the interviews and informal conversations for this thesis. However, since I consider Vertzberger's view on military involvement rather artificial, I prefer the use of 'intervention' to label all kinds of foreign military activities within the sovereign territory.

[97] In general, these weapons refer to nuclear, biological and chemical arms.

[98] According to the legal staff of the Netherlands Red Cross, one cannot declare war against terrorism since the latter is no party, let alone that it has a command structure, the ability to coordinate its attacks and the effective control over a defined territory (Based on discussions with staff of the Netherlands Red Cross (14-18 February 2011)).

[99] Makinda, S. & Okumu, F. (2008), p. 83. Though the probability of a terrorist attack is still smaller than the chance of any traffic accident, the threat of terrorism has paved the way for a trend of extensive surveillance measures and methods. At the

Interventions that are actually acts of war and hostile in nature are presented to the domestic constituencies with more positive labels along with either more positive connotations to make the intervention more attractive (e.g., for the cause of defending human rights) or by ascribing catchphrases that give the impression that generally acknowledged "interests and values" around the world (e.g. "enforcement of human rights") or the national public's immediate interests are at stake (e.g., self-defence or to prevent against the spread of terrorism).[100] The effect is that the use of labels like peace operations, humanitarian interventions, stabilisation and support interventions and crisis management operations are fuelling high (particularly domestic and local) expectations that are unlikely to be met. That is, genuine and durable peace, stabilisation, security and development - the objectives the intervention labels suggest to aim for - cannot solely be imposed or socially engineered by foreign parties, let alone (external) military forces.[101] The accomplishment of such interventionist objectives is time-consuming, faces many setbacks and is far more optimistic, let alone ambitious, than governments often tend to realise.[102] Subsequently, the interventionist government risks to "fall victim to the expectations that it - and the political parties that support it - previously raised."[103] To conclude, the misleading use of ambitious intervention labels might lead to adverse consequences as the public's support base, domestic and abroad, could decline for current and future military intervention.[104]

To enhance risk analysis for military intervention other labels and definition are required that are less ambiguous or biased and that try to cover the diversity of military interventions that are possible. This definition has to go back to the essence: the relation to the entry state - as this (partly)

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same time it made it possible to justify military action in absence of any evidence. The military intervention of the United States in Iraq in 2003 is an example, because it was brought and justified as a foreign military intervention against weapons of mass destruction which many people fear. Nevertheless, there was no actual indication or evidence of weapons of mass destruction in advance of the operation, only the feeling of insecurity by the Americans in combination with a precautionary principle, and they were not able to find any of the expected weapons afterwards. Therefore, the intervention by the United States left some serious implications regarding its legitimacy. Buhler (2009) explains "[l]egitimacy would be conferred by the weapons of mass destruction which the coalition soldiers were bound to find, and the enthusiastic welcome they would receive from the Iraqi people, and this legitimacy would be sanctioned *ex post* by the United Nations Security Council. The Security Council finally decided to acknowledge the new situation created in Iraq through a series of resolutions, […] and to give it a legal status, but the two aforementioned grounds for legitimacy remained glaringly absent (Buhler, P. (2009), p. 2)." More examples of (military) actions without evidence are given in: Amoore, L. & Goede, M. De (eds.) (2008). *Risk and the war on terror.* London and New York: Routledge Taylor & Francis Group

[100] Advisory Council on International Affairs, (April 2006), p. 11. An example is the Dutch contribution to the International Security Assistance Force (ISAF) in Uruzgan (2006-2010), Afghanistan, which was first communicated or 'sold' as a genuine reconstruction mission with a gender focus included, which suit generally shared interests and values. In due time ISAF turned out to be a high-risk war fighting mission, that involved terminologies as 'al-Qaeda terrorists,' 'counterinsurgencies' and 'civilian casualties,' which led to a significant drop in public support. The public felt misled since its initial expectations turned out to be falsely informed.

[101] Etzioni, A. (2007), p. 39

[102] Heuer, R.J. Jr. (1999), p. 138; Coughlin, C. (31 March 2010). The recognition that current military operational areas are found in (conflictuous) countries with hybrid political structures, i.e. modern state institutions and traditional systems and complex local ground realities, caused that prevailing foreign military interventions and underlying interventionist assumptions and strategies are criticised (Aguirre, M. & Borgh, Ch. Van der (February 2010), p. 10). Subsequently, two new academic approaches are introduced. On the one hand, there is a "good enough peace- and state-building" approach of which "policy implications [are] that international actors do not necessarily have to change their 'liberal' agendas [assumptions and strategies], but should accept that the outcome of their interventions will be a hybrid form that is different from their ideal [conflict and state transformation objectives] (p. 10)." On the other hand, there is the approach whereby interventionist strategies have to be adapted to "local realities, local institutions, local knowledge and local agency" and where emphasis is laid "on the local grounding of [foreign (military)] interventions, processes of negotiation between local and external actors, and the creation of hybrid order (pp. 10-11)."

[103] Advisory Council on International Affairs, (March 2009), p. 47

[104] Advisory Council on International Affairs, (April 2006), pp. 13-15, p. 14, while referring to Wecke, L. (2005), pp. 31-35. The Council explains that the interventionist government can build public support for a foreign military intervention by showing leadership and sending a clear message particularly "in clearly demonstrating why military action is [...] necessary," but also with regard to the intervention's assumed legitimacy, interests and values, potential success, and costs (casualties, financial and material) (pp. 10-12). In addition, the Council stresses that a government should not make "exclusively - or even primarily -" selective use (by emphasising and prioritising) of military tasks with the intention to increase public support for a foreign military intervention, as it argues that other matters are more relevant like "international needs[, ...] Dutch operational strengths in the military field, the Netherlands' international role, the international division of responsibilities, the effectiveness of the mission and so forth (p. 16)." Besides, "public support, [...] can never be determined with any certainty beforehand (p. 16)."

tackles the issue of legitimacy - with the key objective of the whole foreign intervention. It also implies that a potential definition cannot be very distinct as it should comprise the entire scope of foreign military intervention possibilities.

2.2 *Defining foreign military intervention*

Today's world is still arranged by an international political and legal system of sovereign states, particularly with regard to international security issues. It is expected that the issues of sovereignty and national statecraft will not lose their importance in international relations in the upcoming decades, even though the rise of new non-state international actors and processes (e.g. globalisation) affect the overall power of the nation-state. At the heart of this system lies the entity of the state that is considered to have an absolute political "[authority and] autonomy to act as it chooses," in other words that it has the right to self-determination.[105] The state's sovereignty relates directly to its political independence, territorial integrity and its right of non-interference by third states, particularly when the latter involves armed force.[106] However, sovereignty only exists when the subsequent political entity is recognised and treated as an equal member by other countries.[107] Hence, Art and Jervis (1992) indicate that sovereignty means that "[n]o agency exists above the individual states [...] with authority and power to make laws and settle disputes."[108] Subsequently, the relation of the states undertaking a military intervention with the entry state is the defining factor to determine the substance (and potential legitimacy) of any intervention as it involves an infringement of the territorial integrity of the entry state.

At first sight, state sovereignty and military interventions may appear adversary concepts since a military intervention intrudes the domestic affairs of another state. In spite of this, as MacFarlane (1984) points out, an "intervention may preserve and enhance sovereignty rather than eroding it as it can prevent or postpone collapse or it can supplement the right of self-determination of any particular entry state."[109] This means that sovereignty will not be desecrated when the lawful or international recognised regime invites or authorises a foreign military intervention by itself.[110]

The theoretical foundation of this thesis is, amongst others, based on the definition of unilateral foreign military intervention, given by Pickering and Kisangani (September 2006): "the dispatch of national armed forces to another sovereign state in an attempt to influence political, economic or social conditions in the [entry] state."[111] As such, the authors stress the expeditionary character of military intervention. They distinguish between 'supportive' interventions, which bolster the regime of the entry state, and 'hostile' interventions, which oppose or withstand the regime of the entry state.[112] Nevertheless, further adjustment of the categorisation and definition is needed so that both better fit the complexity and versatility of today's multifaceted foreign military interventions. The definition will be deepened in order to surpass the dominant notion of a foreign military intervention being a large-scale, hostile, intrusive and coercive act that is often combined with a high-scale use of

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[105] Chigas, D., McClintock, E. & Kamp, Ch. (1996), p. 60, as cited by Jentleson, B.W. (2007), p. 280

[106] Even in case of state collapse (see Somalia), no other state is authorised to intervene unconditionally because such a state will be still acknowledged as a legal entity with associated rights (Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (May 2004), p. 53).

[107] Malanczuk, P. (1997), pp. 83-86; Di John, J. (January 2008), p. 3. In addition, Di John asserts that "[s]tatehood does not require diplomatic recognition by other states, but rather a recognition that it exists (p. 3)." Di John (January 2008) continues by referring to common acknowledged characteristics of statehood, that is the possession of a permanent population, a defined territory, a government, and the capacity to enter in relations with other states.

[108] Art, R.J. & Jervis, R. (1992), p. 2, as cited by Jentleson, B.W. (2007), p. 280

[109] MacFarlane, S.N. (1984), pp. 140-141

[110] Foreign military intervention by invitation or with consent from the entry state may still evoke feelings of distress with the entry state's regime. That is, such interventions bring about a dependency on the interventionist state in spite of everything. Subsequently, the regime in the entry state may still perceive that the sovereignty of the state and its authority are infringed, and could try to reclaim authority by "raising "bureaucratic methods - slowing down supplies, restricting movement or expelling [international] personnel (Thomas, E. (2009), p. 21)."

[111] Pickering, J. & Kisangani, E.F. (September 2006), p. 363. I choose their definition as it reflects the basics of foreign military interventions. This influencing of certain conditions means that "[t]he production of intended effects - i.e., influence- is thus both the central purpose and the process of intervention (Rosenau, J.N. (June 1969), p. 159)." In addition, this influencing of conditions appears to pertain to both the "*convention-breaking* character" and "*authority-oriented* nature" of foreign military interventions (Rosenau, J.N. (June 1969), p. 161, original italics utilised).

[112] Pickering, J. & Kisangani, E.F. (September 2006), pp. 363-364

force. Further, the categorisation will be made more subtle, since reality is not as black-and-white as Pickering and Kisangani suggest by only identifying supportive and hostile interventions.

A definition of what constitutes a foreign military intervention can be specified by seven aspects. These will be applied to the definition of Pickering and Kisangani and will be discussed one by one in the following paragraphs. First, every intervention has some underlying (hidden) motives that are ideally but not necessarily related to its objectives. The deployment of armed forces frequently serves four politico-strategic purposes: self-defence while defending the national territory and that of the allies in case of a military alliance; safeguarding national (or collective) interests (including strengthening partnerships); contributing to and upholding international stability and security; and military assistance to (domestic) civil authorities in emergencies.[113] Therefore, the purposes together with the political decision or choice to deploy a foreign military intervention denote that the use of violence can be quite functional.[114]

For each particular foreign military intervention, the purposes will require the formulation of more mission specific objectives.[115] Though it is possible to send military forces for one sole purpose into the entry state, interventionist states may also deploy their troops for multiple purposes. For instance, an intervention in the interest of international peace and security can also directly serve national (economic) interests. According to Vertzberger (1998), military interventions "represent a balance between the intervener's interests, power, and opportunities and the structural vulnerabilities of the [entry] state [...] and its determination to bear the costs of resisting the intervener."[116] This thesis does not further explore underlying rationales, but normally soldiers will only be dispatched when a country believes that significant interests are at stake or that it can, to some extent, win while building or strengthening its (bilateral) relations.[117] The underlying interventionist rationale(s) and subsequent objective(s) therefore require to be incorporated into the definition of military intervention.

Second, another aspect of today's versatility of foreign military interventions is the difference in timings of deployment. Military interventions can be offensive, preventive or reactive with regard to their timing. Offensive foreign military intervention can be seen as a first strike or an unexpected act of aggression against another sovereign country whereby conflict or crisis signals in the latter are missing to legally justify intervention by the interventionist state under international law.[118] A first strike or act of aggression also suggests that there is no approval from the entry state that justifies the intervention. Preventive foreign military intervention aims at preventing the outburst of an imminent violent conflict or crisis in another state whereby the (perceived) signals are taken into account to justify the intervention.[119] Preventive intervention can be performed both with and without consent from the entry state. Once a violent conflict or crisis is actually unfolding in another state, reactive foreign military intervention can be deployed to respond and restore stability. Besides, in absence of a violent conflict, reactive intervention can also be performed by invitation of the entry state, for instance in case of military assistance by strengthening or reforming security institutions and the rule of law. Similar to preventive intervention, reactive intervention can be executed with or without approval from the entry state. Consequently, the categorisation into offensive, preventive and reactive intervention is based on (1) the intensity of demonstrable conflict/crisis signals in the entry state and (2) the timing of deployment of the foreign military intervention into the entry state. Figure 1 illustrates this. The difficulty is that an exact distinction between offensive and preventive and

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[113] Based on Advisory Council on International Affairs, (April 2006), p. 9; North Atlantic Treaty Organisation, (2006), pp. 18-20; The Dutch Ministry of the Interior and Kingdom Relations, (September 2008), pp. 1-25; Group of experts on a new strategic concept for NATO, (17 May 2010), pp. 19-21. With regard to Article 97 of the Constitution, the Netherlands has military forces to protect its 1) national territory, to 2) safeguard its national interests, and to 3) ensure the preservation and stimulation of the international legal order (The Dutch Ministry of the Interior and Kingdom Relations, (September 2008), pp. 1-25). Here, the military assistance to (domestic) civil authorities is encapsulated in the latter two tasks.

[114] Allen, Ch. (September 1999), p. 372. Finnemore (2003) goes one step further by claiming that "[v]iolence or the potential for violence is a fact of human existence (Finnemore, M. (2003), p. 1)."

[115] See chapter 3 for more information on objectives.

[116] Vertzberger, Y.Y.I. (1998), p. 114

[117] Interview 6

[118] According to Lahneman (2004) offensive intervention might be applied "to conquer territory or obtain resources" (Lahneman, W.J. (2004), p. 175).

[119] See footnote 99 on the preventive strike of the United States on Iraq in 2003 on perceived grounds of the presence of weapons of mass destruction.

between preventive and reactive can only be determined afterwards when assumptions on signals can be verified. This is represented by the question marks in figure 1.[120]
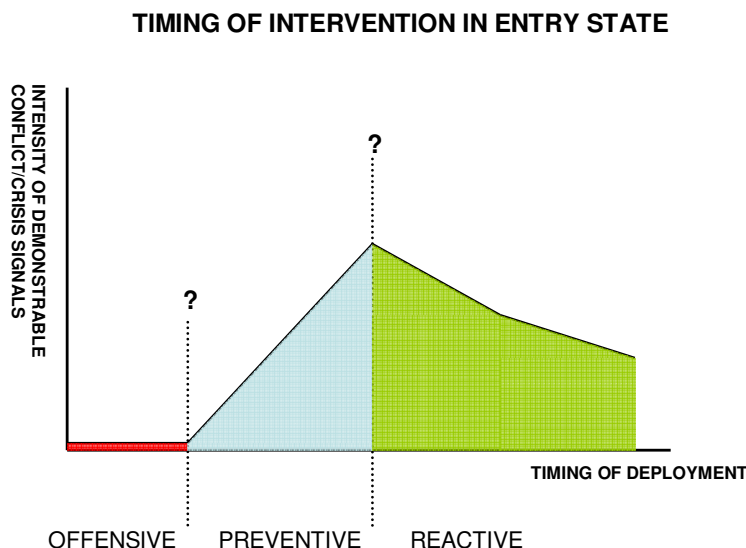
TIMING OF INTERVENTION IN ENTRY STATE

Figure 1: Timing of a foreign military intervention in an entry state, based on the 1) the intensity of demonstrable conflict/ crisis signals in the entry state and 2) the timing of deployment of the foreign military intervention into the entry state.

Thirdly, as Vertzberger (1998) defines, a foreign military intervention is an undertaking that should be "continuous but limited in time."[121] Thus, a foreign military intervention requires a longer-term commitment although responsibilities have to be taken over by civilian or other authorities at a *certain* moment in time. The time limitation can however be severely undermined, in particular in fragile states, as institutions are lacking. In case the foreign military intervention becomes protracted, its successes can easily erode in the longer run.[122] This statement seems not unrealistic as interventionist powers tend to struggle in entry states for decades after initial successes. Therefore, the intervention objectives and the assumed timeframe of the dispatch are critical factors that largely determine the alleged challenges and risks.

Fourthly, military intervention can take other forms than purely the dispatch of national uniformed armed forces (e.g., soldiers and tanks). An interventionist country may also deploy *temporarily militarised* functional specialists,[123] reservists,[124] diplomats or civilian advisors who can be integrated either into the intervention.[125] Moreover, it also remains possible to send hardware, like ordnances, logistical resources and medical or engineering equipment. Another resource that comes with deployed military troops abroad nowadays is that of funding. This can differ from small-scale quick impact project (QIP) funds to multi-billion rehabilitation funding.[126] Therefore it would be more

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[120] One might wonder where to position the bilateral deployment of defence attachés or the execution of a military training in the figure. Since these are interventions that are neither offensive nor preventive in nature nor necessarily related to crisis signals, such military deployments have to be put in the green (reactive) part of the figure almost on the horizontal axis.
[121] Vertzberger, Y.Y.I. (1998), p. 114
[122] Vertzberger, Y.Y.I. (1998), p. 405
[123] These are civilians that have a certain expertise and are temporarily militarised and integrated in a military unit during the intervention.
[124] Reservists are trained and educated soldiers that can be mobilised when necessary, but who have no fulltime, permanent job in the military.
[125] Obviously, not all of them will be necessarily allowed to carry a weapon and to use force. At least for the Netherlands, where the nation-state has the monopoly on violence and the possession of firearms is not considered a constitutional right, probably only uniformed personnel such as the regular armed forces, functional specialists and reservists will be (legally) allowed to carry a weapon and to use force when required in the entry state.
[126] For example the United States Department of Defence Commander's Emergency Response Programme (that is "authorised and appropriated annually") adds up to about 1.1 billion U.S. dollars for the whole of Afghanistan in 2010 that could be flexibly spent by the United States' Combatant Commanders to respond "to urgent, small-scale humanitarian relief and reconstruction needs (Williams, R., Abott, S. & Adams, G. (20 July 2009), pp. 3-4)." Nevertheless, the rapid growth of this funding in Afghanistan also raises concerns whether the United States Ministry of Defence has "capacity to manage and

suitable to refer to the dispatch of military resources, which comprise the enrolment of human resources (personnel), hardware resources (ordnance, logistics, engineering or medical equipment), perhaps supplemented with financial resources. Subsequently, military resources will be applied to the definition instead of just the dispatch of national (uniformed) armed forces.

Fifthly, a foreign military intervention will seldom be executed on an individual basis. According to Vertzberger (1998), "[w]hen two or more interveners have the same or complementary goals or assist the same party, some form of military cooperation between the interveners tends to emerge."[127] Most countries prefer to dispatch their military forces - a single soldier or a whole contingent - in a multilateral setting in close collaboration with other countries as this provides certain advantages. It so happens that the support of the international community is often considered important, "[…] not only to grant authority and support legitimacy but also to enable cost and risk sharing."[128] Besides, most countries also like to team up with international military capacity already in place, because it is often easier to build on existing structures than to start from scratch.

A foreign military intervention in general can be dispatched independently (i.e. unilaterally or bilaterally) or collectively in a(n ad-hoc) consortium of concordant interventionist states[129] or in a joint venture under the auspices of multilateral organisations. Multilateral organisations may, for instance, comprise the UN, NATO, EU, African Union (AU) or the Organisation for Security and Cooperation in Europe (OSCE).[130] As the possibility exists to dispatch the military from one country alone (unilateral intervention) or from multiple countries together (multilateral, combined or allied intervention), it does no longer make sense to see foreign military intervention purely in terms of unilateral intervention. Consequently, a definition of military intervention has to include potential partners and collaboration arrangements.

Sixthly, Pickering and Kisangani (September 2006) distinguish between political, economic and social conditions that can be influenced by foreign military troops.[131] Nonetheless, more conditions can be defined that can be affected by foreign deployed military capacity and which are not yet included in the definition of foreign military intervention. As interventionist military troops have the (escalatory) ability to use force to stop violent (internal) conflict, to respond to hostilities, to fight perpetrators of violence and to (temporarily) impose stability and security, security conditions have to be added to the three conditions already known. However, many national interventionist military forces are becoming gradually more accustomed to non-conventional and non-lethal forms of action which dwell beyond their original or conventional mandate of security and stability.[132] Apart from the military's warfare capabilities, a number of military support capabilities can be identified that can be employed independently to support non-conventional activities.

First, the military has an in-house capability to manage large-scale operations, the so-called command and control capability, and to fulfil logistical requirements. Other capabilities that are commonly offered are the military's medical and engineering skills, that could alter health and natural or man-made infrastructure conditions in the entry state. These skills are regularly used for smaller projects in support of the intervention that could have a significant impact and reach, but they may also put a strain on the military's capacity available for conventional activities.[133] Additionally,

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oversee such funding (p. 4)." For the Netherlands the Civil-Military Cooperation (also known as CIMIC) Funds for Uruzgan accounted for 4.2 million euro for the period 2006-2010 (The Dutch Ministry of Foreign Affairs and Ministry of Defence, (23 September 2011), p. 33). The terms QIPs, CIMIC *and* 'hearts and minds' projects are used interchangeably. The Dutch term *Quick and Visible Projects* relate to non-military projects that are part of more structural nation building strategies. Here, local parties themselves are paid for the execution of the required projects (The Dutch Ministry of Foreign Affairs and Ministry of Defence, (14 December 2007), pp. 30, 63-65 and 89).

[127] Vertzberger, Y.Y.I. (1998), p. 121

[128] Serwer, D. & Thomson, P. (2007), p. 384

[129] Sometimes this is referred to as 'coalition of the willing.'

[130] Obviously, all these organisations will have their own merits and drawbacks.

[131] Pickering, J. & Kisangani, E.F. (September 2006), p. 363

[132] Bonn, K.E. & Baker, A.E. (2000). I will not dwell into the discussion whether these non-conventional responsibilities *should* be carried out by soldiers or not. I only observe that it is a growing possibility (and phenomenon) in practice and therefore a definition for foreign military intervention has to be sensitive to it.

[133] Military forces can be deployed to assist in the provision of medical treatments (including casualty care), veterinary programmes or the deliverance of provisional military field hospitals, often referred to as Medical Civic Action Programs (MEDCAPs) and Veterinary Civic Action Programs (VETCAPs) (Baker, J.B. (September-October 2007); Thompson, D.F. (May 2008), pp. 1-8). In addition, military engineering capacities might include the building or reconstruction of bridges,

(Western) military forces get increasingly involved in nation-building activities in support of the civil environment and which are in fact becoming one of the primary tasks in current military mandates.[134] From a military perspective, these nation-building activities often involve the strengthening and establishment of security institutions, also referred to as security sector reform.[135] Despite the given that such institutional reform falls under the security circumstances of the entry state, it can be argued that such a reform deserves a separate category of its own. In other words, as it refers to the strengthening of the effectiveness and capacity of the regime in the entry state, this requires a significant different focus by the interventionist military. In that respect, non-conventional conditions comprise institutional, health and natural or man-made infrastructural conditions. Together with the security condition, these conditions also require to be included into a definition of foreign military intervention.

Finally, as military intervention can be far different than the merely large-scale, hostile, intrusive and coercive act that is often combined with a high-scale use of force, an abundant number of other actions is possible to influence the above defined conditions in the entry state. This is acknowledged by Vertzberger (1998) who states that foreign military interventions refer generally to a broad range of actions (i.e. behaviour).[136] Potential kinds of military action may respectively range from advisory work, strengthening diplomatic relations (military attachés), intelligence gathering, quick impact projects, training and equipment support, clearance of mines and devices, monitoring or supervising (international) peace agreements and cease-fires, protection of civilians and refugee camps, demobilisation and disarmament of combatants, evacuation of (non-)combatants, separation of warring parties, security sector reform, special secret operations, to the enforcement of stabilisation and peace. These activities suggest that the intensity of the interventionist use of force can vary as well, depending on what purpose and objective they serve and the situation on the ground in which the military activities are conducted.[137] Although interventionist troops can be authorised and equipped to the highest level of force possible to carry out all-out combat, it is also possible that in concordance with their job (for instance when a soldier is appointed military attaché) they will not be armed at all.[138] In addition, these activities indicate that a foreign military intervention can grasp the deployment of an individual up to the dispatch of a large-scale task-force. Accordingly, the last element that requires to be inserted into a definition of foreign military intervention is, that there is a variety of military activities possible, ranging from individual low-key projects at the lowest level of use of force at one end of the scale to the dispatch of large-scale military missions at the highest level of use of force at the other end.

To conclude, taking into account all issues mentioned above, the definition of foreign military intervention is as follows: *Foreign military intervention is from divergent (ulterior) rationales and objectives, the offensive, preventive or reactive, continuous but limited in time, dispatch of military resources to another sovereign state, in an individual or collective context, whereby uniformed personnel is given lethal and/or non-lethal responsibilities that can be up- and down-scaled in use of*

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buildings and roads, but also the construction of medical and sanitary facilities in an operational area (The United States Headquarters Department of Army, (27 February 1996)). These infrastructural projects can have significant social and economic effects (both negative and positive) as communities are united, market roads are opened or water courses are converted (MacDonald, M. (June 2005), pp. 29-30).

[134] Brzoska, M. & Ehrhart, H.G. (November 2008), pp. 10-11

[135] Security sector reform refers to the set-up and strengthening of indigenous security structures and institutions: *core security actors* (armed forces, police, intelligence and security services, customs, et cetera), *management and oversight bodies* (the executive, ministries, civil society organisations), *justice and rule of law* (judiciary, prisons, criminal investigation and prosecution) and *non-statutory security forces* (liberation armies, guerrillas, private security companies) (Organisation for Economic Cooperation and Development, Development Assistance Committee, (2007), p. 22).

[136] Vertzberger, Y.Y.I. (1998), p. 114

[137] Interview 6

[138] Abramowitz and Pickering point out that the military's ability to use force will always remain important, since "[i]n an ideal world, non-coercive efforts would produce better behaviour. But states persecuting their own people are rarely responsive to peaceful gestures. General sanctions [or isolation policies] also have their limitations; they tend to hurt already-suffering populations and have little impact on government policies [...] (Abramowitz, M. & Pickering, Th. (September-October 2008), p. 101)."

force, in an attempt to influence the political, security, economic, social, institutional, health and/or natural or man-made infrastructural conditions in the entry state.[139]

2.3 *Three types of foreign military intervention*

The definition of military intervention just discussed still has to take note of the typology of interventions and their relation to the entry state. Pickering and Kisangani (September 2006) distinguish between supportive and hostile military interventions, but they do not further elaborate on what the underlying principles of each type are in terms of approval by the entry state, nature of the intervention, level of force that can be used and intended activities.[140] These issues can vary per intervention type. However, in both intervention types a broad range of deployments is possible, as just discussed: from a sole individual to a large combat brigade.

Obviously, a supportive intervention is deployed with approval of the entry state and is collaborative in nature.[141] It aims at backing and strengthening or even preserving (the powerbase of) the residing regime, for instance during times of transition, domestic turmoil or against aggression by other (external) groups or countries.[142] Hereby, the support can become far-reaching when an incumbent regime is so ineffective that it requires external forces to temporarily take over responsibilities to help fill the vacuum.[143] In addition, a supportive intervention can involve both lethal and non-lethal activities comprising, inter alia, fighting against factions that undermine the authority of the incumbent entry state government, capturing or assassinating opponents to the regime, creating military partnerships by bilaterally employing military attachés, supporting local civilian authorities, providing assistance to programmes of nation building in terms of security sector reform and disarmament, demobilisation and reintegration of former combatants or destructing weapons and ammunition, and carrying out de-mining projects. Altogether, it immediately shows that carrying out a supportive intervention does not mean that its risks can be neglected nor estimated to be minimal. Such an intervention may still involve hostile operational environments and lethal actions with the highest level of use of force. Besides, collaborating with a particular entry state regime could turn unfavourable in practise when the entry state's government is itself a source of corruption, crises and insecurity without popular legitimacy.[144]

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[139] This definition has a limitation, though, as it does not cover foreign military interventions that are *beyond national sovereign territories*, like the fight against piracy in international waters, the strife over access to natural resources in the arctic, advances into space and the strategic positioning of military resources (personnel) within multilateral organisations. Yet, this definition of foreign military intervention seems "broad enough to identify those phenomena that are generally associated with the term, and yet not so broad that it fails to discriminate them from other aspects of international politics (Rosenau, J.N. (June 1969), p. 161)."

[140] Pickering, J. & Kisangani, E.F. (September 2006), pp. 363-376. Vertzberger (1998) uses the label 'friendly intervention' instead of supportive intervention, but this might be quite misleading in case of lethal actions or a hostile operational environment (Vertzberger, Y.Y.I. (1998), p. 141).

[141] Once consent by the entry state for a particular intervention is given, a change of interventionist objectives or an additional deployment still require renewed approval by the entry state if its sovereignty is still being respected. Although this intervention type seems to respect sovereignty the most, this is not necessarily the case with regard to regimes other than the one that is supported. A supportive intervention may assist the regime in the entry state in its external affairs while at the same time challenging (in)directly the sovereignty of its neighbour countries. This was a common tactic during the Cold War for the United States and the Soviet Union, the two hegemonic powers of that time, as a substitute for fighting each other directly, commonly referred to as proxy wars.

[142] An example of a supportive intervention in response to external aggression by another state is the French operation *Epervier* that was designed to guarantee the sovereignty of Chad and which supported the regime of President Déby under a bilateral security agreement (Ward, J. (29 January 2008); interviews 6 and 14). Since 1986, France has maintained a military presence in Chad that is backed by air force units to fend off aggression by Libya. This responsibility was temporarily shared with the EU when the latter deployed an EU peacekeeping mission in January 2008. However, the UN took over responsibility in March 2009.

[143] This way the risk of 'mission creep' may materialise. It implies that an interventionist party can become perceived as indispensable by local parties through its commitment and kind of activities (Lahneman, W.J. (2004), pp. 174-175, 191). See chapter 3 for more information.

[144] For instance, Allan (1999) writes that the government in the entry state might "cite the prior occurrence of violence by non-state groups as an apparent trigger or excuse, but the character and organisation of its violence makes it clear it is neither reactive nor defensive (Allen, Ch. (September 1999), p. 371)." This is no new phenomenon with regard to fragile states in particular where for instance the governments sponsor violence by militias or use (air) force against their populations, or national armed forces, who have to maintain stability and security, harass the local population while extorting money,

Hostile intervention can be best understood as an intervention that is deployed without consent of the regime in the entry state and that is frequently - but not necessarily - coercive and lethal in character.[145] It aims at undermining, overthrowing, or the (permanent) take-over of a particular regime within whose territory force is applied in order to impose some new political order. Alternatively, hostile intervention can also be performed aiming at self-defence, upholding proper sovereignty and maintaining a state's geo-strategic or economic global position when defending against potential threats originating from the entry state. This intervention typology is considered most controversial and is much under debate, because it breaks the convention of national sovereignty and can be regarded as a provocation to use force against another sitting regime on its own territory. However, as Chesterman and Malone (2003) remark:

> In international law, there is both an obligation for the international community to respect state sovereignty and a duty of the state to protect and promote internationally recognised human rights. In some circumstances, these obligations may be irreconcilable. Respect for state sovereignty, with its corollary of non-interference "in matters which are essentially within the domestic jurisdiction of any state," is enshrined in articles 2(4) and 2(7) of the UN Charter. The conception of sovereignty as inviolable has been central to international law and practice since the 1648 Treaty of Westphalia. Nevertheless, it is now widely accepted that the concept of sovereignty is not absolute. Chesterman, S. & Malone, D. (2003), p. 68

Jentleson (2007) further explains the justification of hostile intervention by stating that "[i]n an era in which intrastate conflict had become the dominant and most lethal form, the international community could not continue to readily accept the invocation of state sovereignty as a normative barrier behind which aggression could hide."[146] In addition, Serwer and Thomson (2007) state that, "[n]o intervention can afford to focus exclusively on military issues, even initially. Protection of civilians is vital [as t]hey face a wide spectrum of security threats."[147] Some refer to this as the 'responsibility to protect' (R2P).[148] In this case hostile intervention might be launched in the name of the people where human security is one of the rationales alongside regime change.[149] Altogether, it adds up to the conclusion that the governments of sovereign states "no longer have absolute control over what they can do within their own territory" as it might provide grounds for justifying repercussions like foreign military intervention by other states.[150] As such, "[m]ilitary intervention is above all a question of the 'social construction' of state agency and in particular the way states 'narrate themselves.'"[151] It leads to the deduction that though 'the state' is still the most important institution in the world system, the legitimate use of force by other states - apart from self-defence - based on normative impulses and shared senses of responsibility have made sovereignty less absolute. Nevertheless, there remains what

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looting, raping or killing (based on conversations with local Southerners during my field trip for IKV Pax Christi to Southern Sudan from 7-21 July 2009).

[145] Hostile interventions will in general be deployed without formal declaration of war, which used to be a normal procedure until the Second World War (Based on discussions with staff of the Netherlands Red Cross (14-18 February 2011). Under hostile interventions fall also less visible 'silent' military actions such as the deployment of commando units for intelligence or other purposes without knowledge of the targeted state. Bonn and Baker (2000) append that such 'special operations' can be conducted in politically sensitive areas requiring covert or low-visibility techniques (Bonn, K.E. & Baker, A.E. (2000), p. 350). Bonn and Baker continue by claiming that these operations differ from conventional operations in the degree of physical and political risk.

[146] Jentleson, B.W. (2007), p. 280

[147] Serwer, D. & Thomson, P. (2007), p. 374

[148] Moreover, though the utilisation of the R2P concept may not be ideal as it has no formal or legal status, it is the only concept available that is drawn up internationally beyond the UN Charter to accept the use of force in order to protect civilians. Therefore, I choose to use this concept to distinguish between my intervention types. The principles of R2P were accepted by the UN Security Council in resolution 1674 at 28 April 2006. With the introduction of the R2P concept the UN aspires to prevent or avert the outburst of physical (large-scale) systematic and acute violations of fundamental human rights meanwhile paving the way for legitimising interventions that may challenge the sovereignty of states who commit such crimes. This responsibility to protect involves a high moral rationale for intervention. In practice the concept of R2P remains however quite problematic as most states are reticent to interfere hostilely for various (geo)political reasons.

[149] Gasper (January 2008) explains that the concept of human security "redirects attention in discussions of security: from the national-/state- level to human beings as the potential victims; beyond physical violence as the only relevant threat/vector; and beyond physical harm as the only relevant damage (Gasper, D. (January 2008), p. 2)."

[150] Lahneman, W.J. (2004), p. 175

[151] Owens, P. (2004), p. 361

Eldon (2007) mentions, "an international double standard in sovereignty and the treatment of territorial issues."[152]

Hostile intervention is frequently a matter of high-scale use of force, but not necessarily.[153] Nor does every hostile intervention lead to prolonged endemic bloody conflict when for example the regime of the entry state does not offer resistance, quickly surrenders or when a new order is established effectively with popular support.[154] Nevertheless, a hostile intervention involves high risks as it is in fact a declaration of war often resembling an aggressive environment. It should be no surprise when the target regime decides to engage with armed resistance in an attempt to secure its power base. Moreover, hostile intervention leaves more often than not a serious power vacuum when the initial intervention succeeds. According to Colijn (15 August 2009), "[i]nterventions that aim for regime change moreover create a dilemma of legitimacy" and at the same time an oversimplified reality of good and bad.[155] Possible hostile activities may involve the takeover of the government, arrest or assassination of particular persons in the entry state's regime or its supporters, fighting against the regime and its national security forces or aiding opposition groups.

The theoretical dichotomy used by Pickering and Kisangani between supportive and hostile interventions can however be nuanced. A dim area can be identified when a military intervention is not aimed directly at the residing government of the entry state itself. Such an intervention would not mean to directly support or overthrow a residing government, but to realise *behavioural* change of all relevant parties in the entry state, including those in power, to abide by international law and/or internationally accepted standards and best practices. Examples could be the maintenance and enforcement of peace and cease-fire agreements, the protection of (part of) the local population and neighbouring countries and the sustainment of international security and stability. Also here the R2P concept can be applied with the difference that the intervention described above is predominantly more people-centric as it focuses on the protection of citizens and international human rights whilst a hostile intervention is primarily aimed at (direct) regime change. This way military intervention has features that touch upon 'impartiality' with regard to the entry state's government.[156] Nonetheless, 'impartial intervention' is an unfortunate term since the meaning of 'impartiality' has become opaque over the years.[157] Accordingly, this category will be referred to as 'non-sided intervention.'[158]

The non-sided intervention typology can comprise interventions both with and without consent of the entry state. The warring factions in the entry state may call upon an interventionist state to intervene or an intervention can be issued in the name of the people by an agency like the UN and be forced upon the entry state. In addition, a non-sided intervention still draws attention to the military ability to use high-scale force and it deals with a conflict or crisis in various ways. This intervention typology contains both lethal and non-lethal activities that range from monitoring and supervising

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[152] Elden, S. (2007), p. 839. Elden continues by referring to the "United States and its allies [that] claim an unlimited right to undermine absolute sovereignty, whenever their vital interests are threatened (p. 840)."

[153] Examples can be found especially in Latin America during the Cold War, where the United States through political-military tactics tried to defeat sitting regimes and popular social-political movements by establishing client or puppet regimes. These interventions were hostile in nature to the incumbent regimes, but did not necessarily involve the dispatch of armed American troops since the regimes to be were supported with military hardware and funds.

[154] For instance, the United States military support to the Economic Community Of West African States-led intervention into Liberia in 2003 led to the (swift) dismissal of dictator Charles Taylor who fled to Nigeria. Nevertheless, this intervention was not without a considerable amount of casualties seemingly due to the unwillingness of the United States to take the military lead, to apply a more robust mandate and to deploy more resources (International Crisis Group, (3 November 2003), p. 3).

[155] Colijn, K. (15 August 2009), p. 32

[156] When compelled to use this terminology, I prefer the term 'impartiality' over 'neutrality,' because when a state decides to intervene it is no longer neutral anymore due to its interference in another states' internal and/or external affairs. For this reason, I reject Vertzberger's category of 'neutral intervention' that is meant to influence "particular [entry-state's government] policies, but without any intention to support or oppose a particular regime (Vertzberger, Y.Y.I. (1998), pp. 114-115)." An interventionist state can be still impartial if it does not distinguish between any of the conflict parties within the entry state by treating them even-handed.

[157] See the paragraph on humanitarian intervention in this chapter.

[158] From an analytical point of view this new threefold division of intervention types better suits the operational military reality. Nevertheless, politically a foreign military intervention labelled 'non-sided' is probably too challenging to uphold. In this thesis the term 'non-sided' also involves coercive lethal measures to punish the parties involved who try to side-step agreements made. This breaks with the classical interpretation in traditional peacekeeping where "[…] impartiality can be quite dysfunctional [during times of continuing conflict], meaning not coercing either side irrespective of which one is doing more killing, seizing more territory, and committing more war crimes (Jentleson, B.W. (2007), p. 283)."

peace and cease-fire agreements, guarding (internal) frontiers, to the support and protection of refugee camps, the creation of safe havens, enactment of (enforced) buffer zones, provision of emergency relief or assistance activities, to coercive diplomacy,[159] arresting and bringing perpetrators of (war) crimes to justice, enforced disarmament and fighting against the entry regime itself or other armed groups (who bypass the agreements made). In table 1 below a description is given that summarises the main differences between the types of military intervention discussed:

	Supportive intervention	**Non-sided intervention**	**Hostile intervention**
Consent of the incumbent regime of the entry state	• With consent of the entry state's regime.	• Either with or without approval by the entry state's government.	• Without consent of the entry state's regime.
Main aim	• Backing, strengthening or preserving (the powerbase and abilities of) the regime.	• Aimed at behavioural change of parties in the entry state, the regime included, to abide by international law and/or internationally accepted standards and best practices.	• Aimed at undermining, overthrowing or the (permanent) take-over of the residing regime in the entry state by imposing some new political order.
Nature of intervention	• Collaborative in character, but can still be aggressive or coercive if other parties oppose the regime.	• Neither collaborative, nor oppressive in nature regarding the regime but can still be aggressive or coercive if the parties in the entry state do not comply with agreements.	• Frequently coercive and lethal in nature with regard to the sitting regime.
Possible activities	• Activities in cooperation with the entry state's government may focus at fighting factions that undermine the authority of the entry state's government, the capture or assassination of opponents to the regime, the creation of military partnerships while bilaterally employing defence attachés, support of local civilian authorities, nation building programmes like Security Sector Reform (SSR) and Disarmament, Demobilisation and Reintegration (DDR) or weapon/ ammunition destruction and de-mining projects.	• Activities may involve monitoring and supervision of peace and cease-fire agreements, guarding of (internal) frontiers, support and protection of refugee camps, creation of safe havens, enactment of (enforced) buffer zones, providing of emergency relief or assistance activities, coercive diplomacy, arresting perpetrators of (war) crimes, enforced disarmament and fighting against armed groups who bypass the agreements made.	• Possible hostile activities may involve the takeover of the entry state's government, the arrest or assassination of particular persons in the entry state's regime or its supporters, fighting against the regime and its national army or aiding opposite groups.
Supportive Intervention	**Non-sided Intervention**	**Hostile intervention**	

Table 1: Features of the three types of foreign military intervention

Under the heading of possible activities examples are given of tasks that can be executed. Obviously, this overview is far from exhaustive. Moreover, one has to be careful to consider these categories of military intervention as non-dynamic and fixed, because a shift can occur over time whereas a certain type of military intervention evolves into another. For instance, the military interventions in Iraq (2003) and Afghanistan (2001) were designed originally to overthrow the regimes and to fight terrorism. After the establishment of new regimes both interventions transformed into supportive ones while attaching political, institutional and socio-economic aims for further achievement of stability and security. This not only implies that interventionist states are flexible in their objectives but also that military intervention has to be seen as a dynamic undertaking.

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[159] This diplomacy aims at a change of behaviour and can be achieved through the threat to use force or through the actual infliction of limited force (Art, R.J. & Cronin, P.M. (2007), p. 299).

Finally, the definition of military intervention, as identified in the former section, has to grasp the three intervention typologies. Thus, foreign military intervention is from divergent (ulterior) rationales and objectives, the offensive, preventive or reactive, continuous but limited in time, dispatch of military resources to another sovereign state, in an individual or collective context, whereby uniformed personnel is given lethal and/or non-lethal responsibilities that can be up- and down-scaled in use of force, in an attempt to influence the political, security, economic, social, institutional, health and/or natural or man-made infrastructural conditions in the entry state *in a supportive, non-sided or hostile manner.* This definition is believed to grasp the altering or expanding military responsibilities. Schematically the main elements of military intervention show as follows:

PREMISES FOREIGN MILITARY INTERVENTION
supportive, hostile or non-sided
- Foreign military intervention aims from divergent (ulterior) rationales and objectives to influence (political, security, economic, social, institutional, health and/or natural or man-made infrastructural) conditions in another sovereign state. - Foreign military intervention is deployed offensively, preventively or reactively while being continuous but limited in time. - Foreign military intervention is the dispatch of military resources in an individual or collective context. - The most significant feature of foreign military intervention is the ability to use force even when pursuing non-lethal responsibilities.

Table 2: Premises for foreign military intervention

Now that the concept of foreign military intervention is defined, one of the two building blocks of a risk analysis framework for military intervention is constructed. The next paragraphs will introduce the concept of risk which will be further specified to military interventions.

2.4 *Military interventions and capturing risk*

The deployment of a foreign military intervention and subsequent military resources is usually the last tool that is used to influence certain conditions in another sovereign state. Therefore it seems obvious that military intervention does not go without a broad range of risks. Moreover, according to Furedi (2009), "[u]nlike some institutions in society, the military cannot survive without taking risks."[160] As such, the military can be seen as an active risk player and hence foreign military intervention as a risky and uncertain instrument or tactic.[161] Nevertheless, Furedi goes on by stating that changing (domestic) cultural perceptions affect the military and its attitude towards risk:

> However, the military values associated with the warrior ethos face a challenge from potent cultural influences that negate risk-taking behaviour. […] The military is not immune to the influence of precautionary culture. Prevailing norms towards health and safety decry risk-taking behaviour. A culture that shows a low threshold towards losses in everyday life is unlikely to possess the capacity to celebrate risk-taking behaviour within military institutions. Furedi, F. (2009), p. 218

Subsequently, risk concepts concerning military intervention appear predominantly to be inclined to risks that could have an (direct) impact *on* military resources (soldiers or militarised civilians, hardware and funds) and the military operation itself.[162] Or, as one interviewee stated, "[i]n fact from a military perspective, risk includes everyone and everything that might hamper the mission or put a threat on the lives of the soldiers who carry out this mission."[163] Though this might be a reasonable statement, this paper claims that the concentration on interventionist safety and security and the impact on the own military business and personnel is too narrow to understand the full array of risks possible. Recalling chapter one, it neglects the fact that military intervention is almost always performed within a multidimensional setting whereby the military is not the exclusive actor within the operational area. It also neglects that risk has various directions and dimensions, especially in case of a foreign military intervention.[164]

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[160] Furedi, F. (2009), p. 218
[161] Military intervention can be seen as risky behaviour in itself since it generates risks, but also as a measure to mitigate risk.
[162] Baker, P.H. (2006), p. v; The Royal Netherlands' Army, (2006), p. 11; The Dutch House of Representatives, (21 July 2009), pp. 4-5
[163] Interview 6, translated from Dutch
[164] Vertzberger, Y.Y.I. (1998), p. 21

An excessive amount of literature on risk is available, but due to its utilisation in a wide range of disciplines the term risk seems to have no single, well-defined meaning.[165] Risk is understood in many different ways and is therefore open to misinterpretation.[166] The main takeaway for this chapter is that the concept of risk needs to be sensitive to multiple stakeholders involved in the intervention, and to the different directions that risk can take. The next paragraphs will develop a definition of risk that captures these two issues, specified to the realm of foreign military interventions. Then again, the concept of risk firstly requires some further elaboration as it is a complex and multilayered concept.

2.5 *Key principles of risk*

The key principles of risk have been well illustrated by Beck (1986), who is the founding father of the *risk society* discourse. In this discourse, modern society is depicted as a social order wherein people increasingly live on the brink of modern technology.[167] Though in this modern society the populace is provided more comfort and security in its direct living environment since most risks are declined, the people are "more fearful than ever."[168] Given that these people are involved in (international) systems they themselves do not understand, they are still confronted with considerable risks with a global impact and therefore also face a problematic (unknown or uncertain) future wherein their "demand for security can never be satisfied."[169] This suggests that these people think they may lose a lot when a risk would strike them, which stresses that human emotions are strong driving factors to anticipate risk. Accordingly, people feel increasingly insecure and perceive risks as potentially threatening not only to their individual lives but to the entire society, because they may have a global impact and can strike unexpectedly.[170]

Though the label 'risk society' suggests the opposite, "a risk society is not intrinsically more dangerous or hazardous than pre-existing forms of social order."[171] Nevertheless, this society *seems* more dangerous as it mainly focuses on the lack of knowledge and uncertainty.[172] In such a social order, as Krahmann (2008) emphasises, society has an obsession for risk and risk management (which aims at the avoidance of harm).[173] In addition, Giddens (January 1999) points that the risk society:

> [r]ather […] is a society increasingly occupied with the future (and also with safety), which generates the notion of risk. […] The idea of risk is bound up with the aspiration to control and particularly with the idea of controlling the future. Giddens, A. (January 1999), p. 3

Accordingly, there is a tendency in society that everything that can be prevented should be prevented, either by the government or the private sector thereby legitimising an increasing infringement of people's privacy. Hence, it is not only about a "culture of fear" but also about the politicisation (or the

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[165] Hansson, S.O. (2005), pp. 7-8. At least the bulk of literature demonstrates that risk is considered important in society and that it has enormous appeal. Mandel (December 2007) argues that: "More significantly, and perhaps reflective of why we are in the current state, is that fact that the concept of risk has tremendous psychological appeal. Part of that appeal likely stems from the fact that risk is strongly associated with attention-grabbing threats and losses. Bad news usually headlines because it captures attention and generates interest. The same is true for *potential* bad news—namely, risks. Another part of the appeal of the risk concept is that most people have an intuitive notion of what risk is, however imprecise that notion may be (Mandel, D.R. (December 2007), p. 3)."

[166] Thompson, P.B. & Dean, W.E. (1996), pp. 361-384; Mandel, D. (December 2007), p. 14

[167] Beck, U. (1986), as referred to in Giddens, A. (January 1999), p. 3. Though opinions differ whether we live in a risk society or not (e.g. whether this discourse is exaggerated or not) and what its features and origins might be, this discourse clearly demonstrates how risk perception, uncertainty and knowledge are inherent to risk, are interlinked and how they induce certain risk behaviour.

[168] Krahmann, E. (2008), p. 16

[169] Krahmann, E. (2008), p. 16. Examples of risks that have a global impact might include transnational terrorism, proliferation of nuclear (but also biological and chemical) weapons and supporting systems, organised crime networks and global warming (p. 3).

[170] Beck, U. (1999), p. 57; Giddens, A. (January 1999), p. 4

[171] Giddens, A. (January 1999), p. 3

[172] Based on Krahmann, E. (2008), p. 11. Krahmann observes that since the risk society focuses on 'unknown unknowns,' which will be explained later in this section, this modern society "needs experts to tell it what it should fear" thereby resulting in the massive increase of risk consultancies in the private sector (pp. 2-4).

[173] Krahmann, E. (2008), p. 9

institutionalisation) of fear.[174] In the end, the risk society always balances its way between those risks that people *think* they can control and which they do not. In the words of Beck (2002), "the hidden central issue in world risk society is *how to feign control over the uncontrollable* - in politics, law, science, technology, economy and everyday life."[175]

With regard to the appropriate attitude towards uncertainty in the risk society, Furedi (2009) explains that "when confronted with [incomplete information, scientific] uncertainty and possible destructive outcomes it is always better to err on the side of caution."[176] These factors are constantly present in decision-making procedures. As a rule, a few strategies can be applied, like precautionary logic and worst-case analysis in combination with scaremongering, not only to justify decisions but also to convince the public about their necessity. Precautionary logic aims to enhance people's safety in society by focusing at the controllability (or avoidance) of identified risks in advance of their assumed occurrence.[177] When facing great uncertainty, people might adopt worst-case analyses to anticipate the worst and most devastating risk outcomes they can possibly imagine in order to be prepared for the greatest losses. As conceived by Vlek (2009), this "worst case analysis may be inevitable, but 'worst-case thinking' may be a tricky affair, which should be guarded from improper influences and considerations, such as special interests, exaggerated fears, and unreasonable assumptions."[178] The tactic of scaremongering is a deliberate (selective) use of risks to justify to the receiving public the adoption of certain risk countermeasures whereby recipients are triggered to act on the side of fear and caution. The disadvantage of this scaremongering tactic is that risks can be overrated, resulting in unnecessary fear.[179] In addition, it is stressed that "[g]overments who use the concept of risk [read: tactics of scaremongering] to justify their policies walk a fine line."[180] However, recipients cannot know beforehand when they are subject to scaremongering tactics and when they are not.[181]

People's perceptions in the risk society in combination with the (deliberate) tactics of precautionary logic and scaremongering may lead to extremely risky decisions, especially as responses (read: behaviour) with unrestrained aggression can be justified. These responses in themselves can then again have the opposite effect by invoking extreme risks, leading to even higher costs, triggering reprisal responses and eroding global legal standards.[182] The retribution by the United States in response to the attacks on the Twin Towers and the Pentagon on 11 September 2001 and the subsequent American military intervention into Afghanistan is a telling example, especially regarding the underlying '1% doctrine' that applies to worst-case thinking and precautionary logic. Suskind (19 June 2006) explains this doctrine by citing United States Vice President Cheney: "[i]f there's a 1% chance that Pakistani scientists are helping al-Qaeda build or develop a nuclear weapon, we have to treat it as a certainty in terms of our response. It's not about our analysis. [...] It's about our response."[183] Here, uncertainty and the conviction of terrorists' potential of grave and borderless destruction got the upper hand in justifying a decision to take action, the launch of a preventive foreign

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[174] Kuitenbrouwer, J. (24 November 2010), p. 5, when referring to Furedi's discourse on the 'culture of fear' and 'politics of fear.'

[175] Beck, U. (2002), p. 41, cited by Salter, M.B. (2008), p. 242. Italics are duplicated from Salter's reference.

[176] Furedi, F. (2009), p. 209

[177] Giddens, A. (January 1999), p. 9

[178] Vlek, Ch. (2009), p. 142

[179] Giddens, A. (January 1999), p. 5

[180] Krahmann, E. (2008), pp. 12-13. The consequence may be that the governments' integrity, credibility and reputation become eroded. See for instance what happened with 'Climategate' in 2009 whereby digital scientific correspondences on climate change were hacked and leaked to the public (Hulme, M. & Ravetz, J. (1 December 2009)). These correspondences demonstrated that some facts were set aside, according to some, to make a stronger appeal to the public about climate change. In addition, the following climate report by the Inter-governmental Panel on Climate Change in 2010 contained some mistakes in its predictions about the effects of climate change which further eroded the general credibility of scientific research on climate change (Kloor, R. Van der (22 January 2010)).

[181] Giddens, A. (January 1999), p. 5

[182] Bibler Coutin, S. (2008), p. 224; Buhler, P. (2009), pp. 7-9

[183] Suskind, R. (19 June 2006). Another effective tactic for governments is to portray terrorism and terrorist organisations as an omnipresent threat for the civilised world with a global reach, which legitimises a state such as the United States to take "any punitive action" they desire "anywhere and anytime (Todd, E. (2003), p. 3, cited in Elden, S. (2007), p. 831)." Interestingly, terrorist groups are often not bound by a defined territory. This implies that attacking an organisation like al-Qaeda all over the world may in fact be the violation of the territory and sovereignty of the nation-state wherein this terrorist network operates.

military intervention. The foreign military intervention that followed 11 September however dragged the United States into a quagmire of protracted conflict in Afghanistan (and later in Iraq) involving unprecedented financial and human costs. Finally, some argue that the events of 11 September 2001 changed the landscape of national and international law whereby the evidence claim has shifted to proving one's innocence instead of proving one's guilt.[184]

From the above discussed risk society discourse and from general risk literature, some key principles can be identified that are inherent to risk: the principles of risk perception, uncertainty and knowledge.[185] These three principles will be discussed accordingly. On the subject of *risk perception*, there are two main attitudes discernible, one based on the perceived objectivity of risk and the other based on its recognised subjectivity.[186] The first attitude refers to a discourse whereby risk is treated as a pure objective reality that stems from an actual situation or behaviour in the natural world.[187] The objective reality of risk assumes that its estimates are knowable and that they approximate the real world and reality.[188] As noted by Golledge (2006), other important assumptions when dealing with an environment that consists of objective reality are that:

> […] each individual places himself and others in a common external world; elements of this external world exist and will continue to exist even after a person's interactions with them cease, and objects in external reality will continue to exist as part of a total external environment quite independent of particular human awareness. Golledge, R.G. (2006), pp. 76-77

In the 'objective risk' discourse, risk is thus regarded as a "fact-laden" quantifiable probability that can be approached in a technical manner to estimate it.[189] In addition, risk calculations are done with computer modelling whereby the risk estimates are habitually based on "extensive actuarial records."[190] According to Stahl, Lichtenstein and Mangan (2003) it is however a drawback that "a concept of objective risk raises the expectation that risks can be completely controlled."[191] Another difficulty is that this kind of risk seems not well applicable in areas where empirical data is insufficient or even absent.[192] Foreign military interventions often involve unique, non-repeatable or non-quantifiable cases as these are based on subjective human considerations in complex societal environments comprising many variables. For this reason, empirical data is either scarce or virtually absent. Thus, the purely technical and quantifiable concept of risk with its objective reality seems to be incomplete or flawed when considering the nature of risk of foreign military intervention and, more general, risk in (a war-torn) society.[193]

The second risk perception attitude treats risk as an absolute subjective reality. There seems growing acknowledgement that risk and its estimates are merely socially constructed, even when based on objective information.[194] In other words, as Perelman (28 September 2009) quite catching states, "[r]isk is in essence in reality a pure social construct, where there is no effect on people, risk

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[184] See for instance: Amoore, L. & Goede, M. De (eds.) (2008)

[185] Vertzberger, Y.Y.I. (1998), pp. 20-21; Claess, P.F. (2004), pp. 38-39; Drennan, L.T. & McConnell, A. (2007), p. 69; Furedi, F. (2009), pp. 197-220

[186] According to Aitken and Valentine (2006) the term 'objectivity' refers to the assumption that "knowledge is produced by individuals who can detach themselves from their own experiences, positions and values and therefore approach the object being researched in a neutral or disinterested way (Aitken, S. & Valentine G. (eds.) (2006), p 340)." Subjectivity refers then to the opposite by including both "physical embodiment and thought or emotional dimensions (p. 342)."

[187] Vertzberger, Y.Y.I. (1998), p. 18

[188] Tierney, K.J. (June 1999), p. 219

[189] Based on Hansson, S.O. (2010), pp. 231-238

[190] Tierney, K.J. (June 1999), p. 219

[191] Stahl, B.C., Lichtenstein, Y. & Mangan, A. (2003), p. 17. The fundamental presumption inherent to objective risk is that societal developments (events and processes) naturally repeat themselves in the same vein. In other words, "general laws allow the prediction of future events (Korf, B. (2006), p. 464)." Accordingly, past data can be brought together to predict potential future occurrences. This will however be far more difficult in complex and exclusive environments such as foreign military interventions.

[192] Tierney, K.J. (June 1999), p. 219

[193] Stahl, B.C., Lichtenstein, Y. & Mangan, A. (2003), p. 15

[194] Tierney, K.J. (June 1999), p. 220; Nuffelen, D. Van (2004), p. 2. Plain facts are objective, but connotations attribute a meaning to plain facts. Therefore, "humans are not passive encoders of information" and their minds cannot be compared to cameras (Dror, I.E. (24 September 2007), p. 266). In other words, subjectivity comes into play in terms of assumptions (our pre-existing beliefs), classifications and interpretations.

has no meaning."[195] In addition, Stahl, Lichtenstein and Mangan (2003) emphasise that "[risk] must be ascribed to become real."[196] Moreover, as Ewald (1991) highlights, "[n]othing is a risk in itself, there is no risk in reality. But on the other hand, anything *can* be a risk; it all depends on how one analyses the danger, considers the event."[197] Accordingly, risk seems to be a great deal about how people see and judge the world that surrounds them; it can be understood as people's (individual) version of reality. This subjective perception is rooted in personal (past) experiences, behaviour, culture, preferences, principles, aspirations and outcome expectations in combination with those of close relations.[198]

If risk is socially constructed, it must be treated as an active, dynamic and normative concept.[199] When culture evolves or people experience different things, their notions of risk and norms for risk-taking and behaviour may change alongside.[200] In addition, the 'subjective risk' discourse suggests that risk can be dissimilarly interpreted by individuals or groups at all times as they draw from different frames of reference.[201] However, a purely subjective risk approach has also significant disadvantages as it not only ignores that risk can be more than a perception with real impacts, but also since this approach suggests that "no one is able to define or declare what really *is* or *is not*."[202] In addition, a subjective risk perception does not have to correspond with reality.[203] For example, the Institute for Strategic Studies (2008b) stresses that "actual risks may not necessarily be perceived, while perceived risks perhaps may not have real substance."[204] Altogether, this suggests that risk cannot be considered a simply objective or subjective concept.

It is apparent that the objective and subjective approaches individually do not sufficiently suit the complex risk context of foreign military interventions. A merged approach, wherein risk has both objective and subjective elements, is suggested by Rosa (1993; 1995; 1998) who affirms that there are "indeed risks 'out there' in the world (which no reasonable person can possibly deny)."[205] Thus, risk "rang[es] from the well understood, empirically grounded, and quantifiable to the constructed."[206] In addition, Vertzberger (1998) understands risk as a real-life construct that is related to peoples' behaviour and outcome expectations.[207] To conclude, according to Campbell (2006):

> Risk is partly subjective, in that *x* may be a risk for *P* but not for *Q*, because *P* considers *x* a harm and *Q* does not. But this does not mean that risk is not an objective matter. Given that *x* is a harm to *Q* but not to *P*, it is an objective fact about the world that *P* risks *x* by undertaking any action *A* that may result in *x*, whereas *Q* does not. Campbell, S. (2006), p. 225

Altogether, this last merged risk attitude does not suggest that objective risks do not exist, but it emphasises the acceptance of "a world of both objective and subjective reality."[208] Accordingly, this approach will be adopted for this thesis as it suits the versatility of foreign military interventions.

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[195] Perelman, L.J. (28 September 2009). Subjective risk is thus "value-laden (Hansson, S.O. (2010), pp. 231-238)."

[196] Stahl, B.C., Lichtenstein, Y. & Mangan, A. (2003), p. 18

[197] Ewald, F. (1991), p. 199, cited in Krahmann, E. (2008), p. 7, the italics derive from the original text by Ewald.

[198] Drennan, L.T. & McConnell, A. (2007), p. 69

[199] Heuer, R.J. Jr. (1999), p. 7

[200] Vertzberger (1998) explains that culture, cultural biases and social pressures have influence on moulding risk perceptions and preferences (Vertzberger, Y.Y.I. (1998), p. 60). In addition, Vonk (1999a) explains that peoples' behaviour is determined by their individual cognitive assumptions about the environment they live in (Vonk, R. (1999a), p. 15).To conclude, Tierney (June 1999) asserts that both the public and the media play key roles in framing risk perception and behaviour as they help to embed particular risk discourses into society (Tierney, K.J. (June 1999), p. 228).

[201] Vertzberger, Y.Y.I. (1998), pp. 18-25

[202] Beck, U. (1999), p. 135, cited in Krahmann, E. (2008), p. 6). The italics are mine.

[203] Vertzberger, Y.Y.I. (1998), p. 18

[204] Institute for Strategic Studies, (2008b). For this reason, the Institute for Strategic Studies concludes that a "threat [read: risk] assessment is not always an objective process."

[205] Rosa, E.A. (1993; 1995; 1998), as referred to by Tierney, K.J. (June 1999), p. 222, the original quotation marks and brackets are utilised. Originally, the papers Rosa wrote addressed risk within the realist/constructivist debate. According to Tierney, Rosa "acknowledges both the ontological reality of risk and the socially-constructed nature of many risk estimates (p. 222)." See also, Hansson, S.O. (2010), pp. 231-238.

[206] Rosa, E.A. (1993; 1995; 1998), as referred to by Tierney, K.J. (June 1999), p. 222

[207] Vertzberger, Y.Y.I. (1998), p. 19

[208] Golledge, R.G. (2006), p. 77. Besides, as Garland (2003) argues, "objective versus subjective risk is a false opposition. The contrast is more often between different conventions for observation, measurement, and evaluation (Garland, D. (2003), p. 56)."

The second principle of risk refers to *uncertainty* or "the natural fog surrounding complex, indeterminate intelligence issues [and] the man-made fog fabricated by denial and deception operations."[209] The relevance of uncertainty is illustrated by Giddens (1999) who asserts that risk is strongly associated with a desire to take "initiative and the exploration of new horizons."[210] Besides, particularly with regard to foreign military interventions, uncertainty can be also quite convenient for the political-military leadership when making policy mistakes in designing and conducting a foreign military intervention. Here, "uncertainty can be used as an excuse to argue that the policy risks could not have been foreseen and thus reduce decision-maker's accountability."[211] In the end, it is argued that "uncertainty connotes a state of incomplete information."[212] This can be explained twofold. Uncertainty might denote "a feature of the event itself or it may result from deficiencies that individuals and organisations have in observing, interpreting, anticipating, and evaluating important aspects of the event and its outcomes [i.e. risk impacts]."[213] In practise, however, it will be seldom possible to obtain full or even clear and consistent data when analysing potential risks of foreign military interventions.[214] Subsequently, every expected risk will be surrounded by some degree of uncertainty.

According to Hansson (2005), risk always comes down to the question whether a(n expected or unforeseen) risk *may occur or not*.[215] Hereby, the issue of uncertainty relates strongly to people's confidence in their assumptions and predictions. For instance, every foreign soldier in war-torn Afghanistan may face the risk of being killed or (severely) injured - depending on which specific location (s)he operates and the (direct) behaviour of members of the Taliban or other military opponents.[216] Though such an encounter with this kind of risk impact is plausible, the uncertainty pertains to *whether*, *when, where* and to *what extent* such a risk will materialise. Precisely here comes the issue of 'likelihood' or 'probability' into play, which is a frequently applied label in risk analysis and refers to the (statistic) chance that a risk will happen.

When analysing risks, the principle of *knowledge* is a delicate phenomenon in anticipating the future. Knowledge is regarded as the application of information derived through human and technological techniques from various sources to which meanings and assumptions are attributed.[217] According to Taleb (2007), "[w]e certainly know a lot, but we have a built-in tendency to think that we know a little bit more than we actually do, enough of *that little bit* to occasionally get into serious trouble."[218] On the other hand, people seem to be inclined to "systematically underestimate of what the future has in store."[219] Hereby, it turns out that underestimating available information may sometimes even derive from intentions to avoid the creation of false claims.[220]

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209 Davis, J. (1999), p. xx. Subsequently, Davis distinguishes between two categories of uncertainty; inherent uncertainty (natural fog) and induced uncertainty (man-made fog).
210 Giddens, A. (January 1999), p. 10
211 Vertzberger, Y.Y.I. (1998), p. 21
212 Vertzberger, Y.Y.I. (1998), p. 20
213 Vertzberger, Y.Y.I. (1998), p. 21
214 Heuer, R.J. Jr. (1999), p. 32. For this reason, Heuer Jr. concludes that the "[…] analyst's function might be described as transcending the limits of incomplete information through the exercise of analytical judgment (p. 32)."
215 Hansson, S.O. (2005), pp. 7-8
216 Direct behaviour would be an actual confrontation, while indirect behaviour may comprise (lethal) injuries stemming from improvised explosive devices.
217 Ackoff, R.L. (1989), pp. 3-9, as referred to by Bellinger, G., Castro, D. & Mills, A. (2005). Ackoff classifies five categories: data (the plain facts or symbols), information (selected data), knowledge (application of data and information), understanding (appreciation or judgement of the why), and wisdom (evaluated understanding) (as referred to by Bellinger, G., Castro, D. & Mills, A. (2005)). Hereby the first four categories are associated with the past, since "they deal with what has been or what is known," while the fifth category touches upon the future "because it incorporates vision and design (Bellinger, G., Castro, D. & Mills, A. (2005))." The authors conclude that "[w]ith wisdom, people can create the future rather than just grasp the present and past."
218 Taleb, N.N. (2007), p. 138, original italics utilised.
219 Taleb, N.N. (2007), p. 138
220 In his autobiography Tony Blair, for instance, explains that the British government had information that Al-Zarqawari (the deputy to Bin Laden), had "come to Iraq in May 2002, had had meetings with senior Iraqis and established a presence there in October 2002 (Blair, T. (2010), p. 384)." Nevertheless, Blair continues with: "Probably we should have paid more attention to its significance, but we were keen *not* to make a false claim about al-Qaeda and Saddam that we somewhat understated it, at least on the British side (p. 384), original italics used."

It becomes even more complicated as people do not only seem biased in what they *believe* they know, but also in their *abilities* to know.[221] That is, people use their mindsets, which comprises past data and biases, to fill gaps in knowledge by creating assumptions how something might develop based on inference and deduction.[222] Hence, based on facts and previous observations people are able to intuitively estimate (i.e. speculate) whether something is likely or unlikely to occur.[223] These estimates will however always be tentative at best and certainty can only be obtained after something has indeed occurred.[224] Then, when people also lack points of reference (i.e. cognitive maps of reality), they will be utterly unable to know what the future will bring. Nevertheless, according to Taleb (2007), even if people are unable to know the unknown, they are capable to imagine how certain events may *affect* them.[225]

The practical implication of these key principles of risk: risk perception, uncertainty and knowledge, can be illustrated by a citation of former United States Defence Secretary Donald Rumsfeld:

> Reports that say that something hasn't happened are always interesting to me, because as we know, there are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns - the ones we don't know we don't know. Rumsfeld, D. (February 2002), cited in Furedi, F. (2009), p. 203.

Furedi (2009) explains by referring to Rumsfeld, that "the problems [read: risks] of the future" can be divided into three categories.[226] Firstly, there are risks that people know and understand, the so-called "known knowns."[227] In addition, Krahmann (2008) clarifies that these risks are known, if "a significant number of people has personally observed or experienced these [risks] or if there is a large amount of public and verifiable information about them."[228] For instance, when military troops are deployed into a hostile environment, the military often has data about its potential opponent in terms of the latter's strength (in numbers and weaponry), its whereabouts and its financial position. Subsequently, the military forces can anticipate the location and the estimated amount of resistance they can expect on the ground, including the likelihood of soldiers getting injured or killed when it comes to a confrontation. However, there is no certainty that it will indeed happen. People know that this risk exists, understand its possible impact and therefore such a risk is foreseeable.

Secondly, there are risks that people recognise that they do not know nor understand, the "known unknowns."[229] The 'known' aspect refers to the given that these kinds of risks are still calculated through people's experiences, although they are less often collectively experienced.[230] For this reason, the risks remain 'unknown' in terms of "where exactly and with what consequences they will occur next."[231] For example, the interventionist military stakeholder knows of the existence of

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[221] Heuer, R.J. Jr. (1999), pp. 111-172. The italics are mine.
[222] Vonk, R. (1999b), pp. 173-174; Bernard, H.R. (2002), pp. 455-457. According to Head (1920), "everything that enters consciousness is charged with its relation to something that has gone before (Head, H. (1920), as cited in Vonk, R. (1999b), p. 146)." In their mind people develop cognitive maps. A cognitive map (sometimes referred to as schema) is a simplified constructed mental model on a particular subject that exists in the mindsets or memory of people and which consists of organised compilations of knowledge to tackle indirectly the complexity of the world (Vonk, R. (1999b), p. 144). In these cognitive maps patterns of relationships and their properties among data are established sometimes so vigorously that they can become perceived and applied "more or less as a single unit" when activated (Heuer, R.J. Jr. (1999), p. 22). So, when someone has a mental map of a restaurant, (s)he will be immediately able to name its properties. Heuer Jr. compares this with the principle of a spider web that connects all related properties to shape the web itself. This is perfectly highlighted in the family game *Pictionary*, which assigns people drawing assignments through cards whereby others have to guess what was the original assignment on the card. With only a few lines, for instance with regard to a house (a square with a triangle on top), most people immediately know the drawing is supposed to be a residence. People have various mental models, which appear difficult to adjust since the human mind always seeks conformity (Heuer, R.J. Jr. (1999), p. 44).
[223] Heuer, R.J. Jr. (1999), p. 107
[224] Heuer, R.J. Jr. (1999), p. 107. Heuer Jr. explains that the situation under scrutiny may change or (when it does not change) additional new information may alter the risk judgement.
[225] Taleb, N.N. (2007), p. 210
[226] Furedi, F. (2009), p. 203. Furedi understands the problems of the future as dangers. This is however a very simplistic negative connotation and therefore I prefer to substitute it by the term 'risk' as this also refers to uncertainty.
[227] Furedi, F. (2009), p. 203
[228] Krahmann, E. (2008), p. 10
[229] Furedi, F. (2009), p. 203
[230] Krahmann, E. (2008), p. 10
[231] Krahmann, E. (2008), p. 10

terrorist cells, but it does not always know the terrorist's exact targets and timing nor does the military always understand the intrinsic motives and associated behaviour of such an opponent.[232] Another example pertains to a soldier, who is trained to work in a war zone, but one will only know how (s)he reacts and whether (s)he can cope with an exchange of fire until this soldier is actually deployed. These risks are still imaginable though the risk impacts remain unknown.

Thirdly, there are risks that remain entirely oblivious to people as they are simply unaware of their ignorance ("they do not know that they do not know and understand those risks").[233] Furedi (2009), like Rumsfeld, labels these risks as 'unknown unknowns' which are believed - despite their often low probability - to entail the greatest risk impacts.[234] The attacks on 11 September 2001 illustrate this category. Unfortunately, the analysis of 'unknown unknowns' is very difficult, perhaps impossible, as they - without wild speculation - fall completely *outside* people's mindsets and knowledge (failure of imagination).[235] It suggests that these risks are incalculable, not only because people underestimate existing pieces of information but also as they do not know what the knowledge that is lacking should be.[236]

The unknown unknowns spark the question whether more data and information can overcome the knowledge gap. That is, there seems habitually a tendency to consider incomplete information as unacceptable.[237] From an analytical perspective, Heuer Jr. (1999) answers this question negatively, since people in general select and process new information in concurrence with their existing notions.[238] New information often only serves to confirm or strengthen existing notions thereby raising people's confidence in the accuracy of their estimates, unless significant contradictory information compels people to rethink their assumptions.[239] Besides, actual or available knowledge in the field of risk and foreign military intervention contains another dilemma. This dilemma pertains to the possibility of basing the military knowledge on information that includes deceptive data that is deliberately provided by the opponent or competitor.[240] Moreover, as illustrated by Taleb (2007), "[w]hatever you come to know […] may become inconsequential if your enemy knows that you know it. It may be odd that, in such a strategic game, what you know can be truly inconsequential."[241] This suggests, similar to Rumsfeld, that what people do not know about the future seems far more interesting in risk analysis than what they actually know and can anticipate since the 'known' hurts less.[242] Simultaneously, it indicates that knowledge and uncertainty thus have pre-decisional value for risk management. Now that the main components of risk have been discussed and contextualised, the next paragraph will delve into the development of a risk concept specifically for foreign military interventions.

2.6 *Defining risk for foreign military intervention*

In his study into risk-taking in respect to foreign military intervention decisions, Vertzberger (1998) defines risk as "the likelihood that validly predictable direct and indirect consequences with potentially adverse values will materialise, arising from particular events, self-behaviour,

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[232] This inability is explained by Heuer Jr. (1999), who refers to mirror-imaging and rationality (Heuer, R.J. Jr. (1999), p. 70). People are inclined to fill gaps in their knowledge of the other's behaviour by assuming that the other side is likely to act in the same way one would act himself under similar circumstances. However, this involves a high degree of uncertainty since the other may have a whole different logic or another set of rationality.
[233] Furedi, F. (2009), p. 203
[234] Furedi, F. (2009), p. 203. For this reason, 'unknown unknown' risks can be "high on public and political agendas because of their, albeit equally speculative, devastating consequences (Krahmann, E. (2008), p. 11)." Taleb (2007) refers to these risks, that constitute extreme impact, as 'Black Swans (Taleb, N.N. (2007), pp. xvii-xviii).' See the section *Unexpected risks*.
[235] Krahmann, E. (2008), p. 11
[236] Furedi, F. (2009), p. 203
[237] Schwartz, P. & Randall, D. (2007), p. 99
[238] Heuer, R.J. Jr. (1999), pp. 51-55
[239] Heuer, R.J. Jr. (1999), pp. 51-55. In addition, Taleb (2007) argues that knowledge of people does grow over the years, but "it is threatened by greater increases in confidence, which make our increase of knowledge at the same time an increase in confusion, ignorance, and conceit (Taleb, N.N. (2007), p. 138)."
[240] Heuer, R.J. Jr. (1999), pp. 115-126
[241] Taleb, N.N. (2007), p. xix
[242] Taleb, N.N. (2007), pp. xix-xx

environmental constraints, or the reaction of an opponent or third party."[243] This definition takes some valuable features into account to frame risk, namely the relationship between risk and uncertainty in terms of likelihood; the origins of risks stemming from particular events, self-behaviour, environmental constraints, or the reaction of another party; and that risks become visible in direct and indirect consequences. Altogether, Vertzberger's definition provides a good starting point for developing a risk definition for foreign military intervention.

However, based on chapter 1, Vertzberger's definition needs however to be adapted to the complexities of nowadays' foreign military interventions and military operational areas. A refined definition should therefore include that risk analysis should ideally stimulate people to think beyond the validly predictable risks; the different risk directions in terms of stakeholders; risk domains; and considerations about possible risk impacts. In addition, Vertzberger's definition does not yet pave the way for risk analysis and management. Finally, despite the fact that Vertzberger distinguishes between different analytical types of risk, he did not include these types in his definition.[244] Accordingly, these identified gaps will be further clarified and subsequently integrated into a refined risk definition for foreign military intervention.

Unexpected risks
Vertzberger emphasises in his definition the aspect of "validly predictable […] consequences."[245] Evidently, this suggests that in risk analysis people are inclined to identify those risks that they can observe, verify or reasonably imagine. This corresponds with the earlier introduced concepts of 'known knowns' and 'known unknowns.' Nevertheless, as has been demonstrated in this chapter as well, there also exist risks that are not identified nor anticipated in advance of their occurrences, because people do not grasp or simply underestimate the "early warning signs" of these risks (the so-called 'unknown unknowns').[246]

The difficulty is that, people are usually incapable to see or predict the unexpected outliers as they only focus on risks that occurred and not at the ones that could happen but did not yet take place, thereby leading to a certain blindness towards a possible reality.[247] As such, people intend to create cognitive (mental) maps based on past (perceived) happenings and their individual past experiences and observations.[248] These mental maps are used to look at the world and to determine or even to predict risks.[249] Unexpected risks do however not fit people's or organisation's cognitive maps since past information or references are lacking. As stated by Taleb (2007), "[w]e learn from repetition – at the expense of events that have not happened before. Events that are non-repeatable are ignored before their occurrence, and overestimated after (for a while)."[250] In addition, Taleb points at extremely rare

[243] Vertzberger, Y.Y.I. (1998), p. 22
[244] Vertzberger, Y.Y.I. (1998), pp. 18-19
[245] Vertzberger, Y.Y.I. (1998), p. 22
[246] Drennan, L.T. & McConnell, A. (2007), p. 61. The authors explain that the "difficulty lies in the weakness of many risk signals and the ambiguity that is surrounding them," the latter bringing about the possibility that the risk signs get 'lost' or disappear within the abundance of competing signals (pp. 61-63). The consequence is that particular risk signals and subsequent risks are likely to be overlooked.
[247] Taleb, N.N. (2007), pp. 131-133
[248] Information derived from Vonk, R. (1999b), pp. 144-147; Golledge, R.G. (2006), p. 76; interview 18; Exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation (3-11 December 2008). What people remember has not necessarily occurred nor has happened the way they remember it, but nonetheless such an imagination constitutes a version of reality for these people. According to Heuer Jr. (1999) people are inclined to better remember what is "concrete, vivid and personal (Heuer, R.J. Jr. (1999), p. 148)." In addition, considerations are important of how recently something has occurred and to what extent people thought it was relevant (p. 148). Hereby, people's own and the experiences and memories of beloved ones are attributed greater value than those of other people (pp. 116-117). Nonetheless, as Heuer Jr. states, "personal observations […] can be as deceptive as second-hand accounts (p. 117)." He illustrates this by referring to people's visits to other foreign countries where they only come across a small group of the whole population and subsequently, based on their limited experiences, the travelling party will obtain incomplete and distorted memories and perceptions.
[249] Bruin, E. De (13-14 November 2010), p. 7, based on Gamboz, N., Brandimonte, M.A. & Di Vito, S. (November/December 2010), pp. 419-428, writes: "when people are asked to imagine a future happening, they normally do not do this out of the blue, but based on memories of happenings they have experienced before. In fact, they *remember* their future." De Bruin also notes that "people with brain disorders often can no longer imagine scenarios for the future (p. 7. Translated into English, italics are mine)."
[250] Taleb, N.N. (2007), p. 78, original brackets applied.

"outliers[s], as [they lie] outside the realm of regular expectations, because nothing in the past can convincingly point to [their] possibility."[251]

This suggests that people should try to be as open-minded as possible to alternative interpretations (or even the unthinkable) when analysing risk and to look beyond solely "the precise and local."[252] They also need to consider the less likely (extreme) risks when they do not want to be caught by surprise, but this is, of course, easier said than done.[253] Yet, for an appropriate definition of risk one needs to supplement Vertzberger's definition with unexpected risks even if these might be in practise challenging to identify and analyse.

Risk origins and factors of influence
Looking at Vertzberger's definition, he distinguishes, in fact, between two origins of risks: manmade (behavioural) and natural ones whereby he refers to 'behaviour,' 'reactions,' 'events' and 'environmental constraints.'[254] As such, Vertzberger implies that there is a causality principle at play whereby risks do not exist in themselves but have to stem from behavioural or natural phenomena. Hansson (2005) seems to concur with this idea by claiming that risks do not merely exist but that "they are taken, run, or imposed."[255] Vonk (1999b) emphasises that the principle of causality is very important since people not only need some order to understand the world surrounding them, but also that they are instinctively inclined to seek patterns and relationships.[256] In addition, she claims that people automatically assume that everything should have a cause that has occurred in advance of its effect in time.[257] This suggests that a step in-between can be taken for the identification of risks, though one has to be careful to take these linkages too strictly. As Heuer Jr. (1999) summarises, "[w]e seek and often believe we find causes for what are actually accidental or random phenomena."[258] In addition, Taleb (2007) concludes that causal links are more prevalent in the human mind than in reality.[259] Nevertheless, since risk in itself does not exist but has to materialise from behavioural or natural constraints, the term 'factor of influence' is introduced here. First, because this will make risk analysis more synoptic and secondly because 'factor of influence' is a comprehensive term with a more positive connotation than for example 'constraint.'[260] Simultaneously, this terminology paves the way to introduce the assumption that risk impact can be more than only a negative consequence.

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[251] Taleb, N.N. (2007), p. xvii-xviii. Taleb identifies these kinds of extraordinary risks as 'Black Swans,' which have three features; they all are rare, have an extreme or devastating impact and they are only explainable or predictable in retrospective as people's limited understanding of the world cannot help them to guess what is to happen next. Black swans can be categorised into two groups: the narrated ones and the ones no one talks about (p. 77). The narrated ones are present in the current discourse and according to Taleb it is likely that people hear about them in society. The other ones stay, in fact, silent to people as they escape models and are not referred to within society. As such, people are hampered by certain blind spots that make them overestimating the narrated black swans which circularise in society and underestimating those who got neglected because they seem implausible. Taleb argues that these black swans stem from the gap between what people actually know and what they think they know, whereby the difficulty is that information is never absolutely all-inclusive.
[252] Taleb, N.N. (2007), p. 208. This 'open-mindedness' refers to avoiding intellectual or mental stove piping and the effort to step outside comfort zones.
[253] Heuer, R.J. Jr. (1999), p. 5. This difficulty pertains to the fact that people are always constrained by self-imposed mental hurdles or "cages of the mind (p. 68)." These can be consciously and unconsciously constructed and materialise in different degrees.
[254] Vertzberger, Y.Y.I. (1998), p. 22. The dichotomy in man-made and natural risks is noteworthy since people have different coping strategies to deal with them. As said by Kurth (2007): "unlike natural catastrophes, human or man-made catastrophes have histories that linger on in the collective memory and shape societies as they grow in the future. People care whether they die from human agency or accidents of nature - hence World War I is a causal agent in history, while the flu pandemic, which killed as many people, is not (Kurth, (2007), p. 130)."
[255] Hansson, S.O. (2005), p. 17
[256] Vonk, R. (1999b), p. 145. Heuer Jr. supports this claim by pointing out that the principle of causality is not only necessary to understand the present, but also to explain the past and to estimate the future (Heuer, R.J. Jr. (1999), p. 127). Besides, it is also suggested that discovering possible causal relationships is valuable for people in their coping strategies to survive (Kaan, M. (2 May 2011), p. 19).
[257] Vonk, R. (1999b), p. 145. Vonk explains by the theories of the sociologist Emmanuel Kant that when we observe something, we place it unavoidably in space and time. In addition, people are not only incapable to imagine any experience without localising it in space and time, but as a rule their mindsets also unconsciously assign these elements to their observations. Causality is just another principle to organise observations.
[258] Heuer, R.J. Jr. (1999), p. 127
[259] Taleb, N.N. (2007), p. 62
[260] Information derived from interview 6 and 11; Clingendael expert meeting, (21 November 2008)

In the risk definition of Vertzberger further attention is paid to events and constraints. Though the latter may include longer-term factors of influence, the centre of gravity seems to rest on short-term occurrences. Nevertheless, focusing purely at short-term spontaneous, random or abrupt events (sometimes referred to as strategic shocks) while neglecting longer-term trends misses the point since it creates blind spots in the acknowledgement of risk.[261] Also problematic is, that "[e]vents present themselves to us in a distorted way," as stated by Taleb (2007).[262] Accordingly, a risk definition of foreign military intervention should grasp both (short-term) events and (longer-term) processes to obtain a bigger and more comprehensive risk picture.

Finally, it is important to explicitly consider history as a feature of a factor of influence, because past behaviour, events or processes (might) still affect current (or even future) developments. For instance, a former colonial relationship may complicate the launch of a supportive foreign military intervention these days as the interventionist country's dominance in the past damaged its reputation. Another example is that decades after dropping nuclear bombs in Hiroshima and Nagasaki by the Allied forces in 1945, former citizens of these cities still die of health problems (e.g. cancer) due to their exposure to radiation and radioactive contamination of, for instance, farmland. Then again, the effect of 'the past' should not be overestimated with regard to risk decisions. As Beck (2000) asserts, "[t]he concept of risk reverses the relationship of past, present and future. The past loses its power to determine the present. Its place as the cause of present-day experience and action is taken by the future."[263] Bibler Coutin (2008) continues by explaining that "[s]ecurity practises [for instance, the launch of foreign military interventions] are forward looking, but non-linear, in that history is not necessarily a guide to future practises, and signs of future developments may not become legible until after the fact."[264] Altogether, in this thesis a factor of influence is considered a tangible or estimated phenomenon, which arises from the behaviour of certain actors *or* that is set forward by natural and historical processes and 'spontaneous' events.

Risk directions and what is basically at stake
Though Vertzberger refers to the risk origins in his definition, he does not further specify to whom or what this risk is supposed to pertain. Sjöberg (2003) denotes that this 'whom' or 'what' is considered the risk target.[265] This risk target signifies what is at stake in the perception of people. In addition, the stakes have to be seen in terms of "human value whereby humans themselves are included."[266] Applying this to foreign military intervention basically indicates that the military intervention itself, military resources[267] and the lives and assets of local and third parties can be at risk. Similar to Sjöberg (2003), risk can however be specified further by including the given "whether the risk pertains to the respondents themselves (personal risk) or to other people (general risk)."[268] Here, foreign military intervention appears to involve more actors than one would expect at first sight. For now, the distinction will be only made between interventionist parties (all actors *within* the intervention) and non-interventionist parties (all actors *outside* the intervention, including targeted enemies).[269]

Since risks are inextricably connected with interpersonal relationships, it remains important to look into the different dynamic risk directions that are possible.[270] Acknowledging that in case of foreign military intervention the military is not the exclusive actor, brings to mind that risk directions differ thereby creating a complex criss-cross pattern. In this thesis, a criss-cross pattern of risk directions is considered as a two-way scheme: there are horizontal (exogenous) and vertical (endogenous) linkages. This can be illustrated as follows:

[261] Interviews 3 and 18; Taleb, N.N. (2007), p. xvii
[262] Taleb, N.N. (2007), p. 12
[263] Beck, U. (2000), p. 214, as cited by Bibler Coutin, S. (2008), p. 219
[264] Bibler Coutin, S. (2008), p. 231
[265] Sjöberg, L. (2003), p. 19
[266] Rosa, E.A. (2003), p. 56
[267] These resources include personnel, hardware and funds.
[268] Sjöberg, L. (2003), p. 19, original brackets included. In his research Sjöberg demonstrates that people's perceptions differ when they judge risks that are considered to affect them personally than risks that affect others. At the same time people are also inclined to rank both risk directions differently.
[269] The diverse actors are further elaborated upon in the section *Stakeholders in foreign military intervention* in this chapter.
[270] Hansson, S.O. (2005), p. 17

VERTICAL & HORIZONTAL RISK LINKAGES (between stakeholders influencing the intervention and/or stakeholders affected by the intervention)
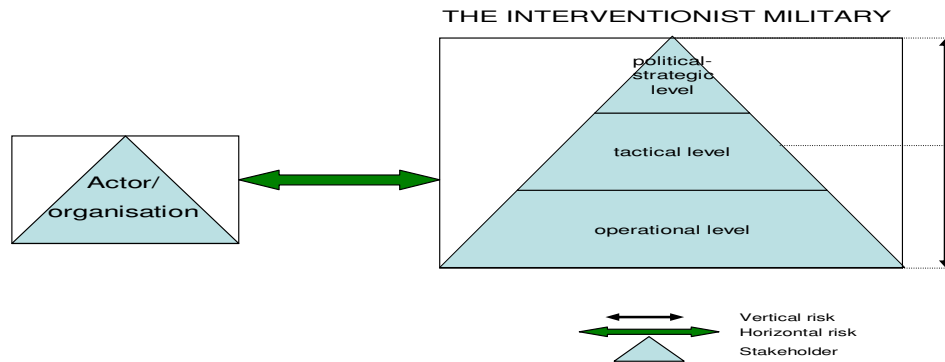

Figure 2: Vertical and horizontal risk linkages

Figure 2 exemplifies, that horizontal risks arise among different (groups of) stakeholders in diverse domains (or between an event/process and an actor), while vertical risks grasp institutional risks within the organisation of one stakeholder. As the military usually has a strong and distinct institutional hierarchy, vertical risk pertains to the levels of political-strategic (decision-level), operational (policy-level) and tactical (implementing level) cohorts. This distinction in cohorts is of great importance, since tactical-level behaviour, decisions or occurrences may have significant strategic-level consequences and vice versa.[271]

A striking example of military tactical-level behaviour with strategic-level consequences is the issue of (inadvertently) injuring or killing civilians and collateral damage of (social) infrastructure by interventionist military forces while performing the intervention. Obviously, the intentional and structuralised harassment of local civilians or prisoners of war undermines the credibility of a foreign military intervention, as the examples of UN sexual abuses in the DRC and humiliations of (perceived) (war) prisoners in the prisons of Guantanamo Bay and Abu Ghraib have clearly demonstrated.[272] The accidental or mistaken killing of civilians and destroying of civilian assets and (social) infrastructure brings about severe military and political damage to the reputation of the interventionist military and government in particular.[273] Then again, it is also possible that when a foreign military tries to be too

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[271] Donald, D. (2002), pp. 107-108. At first sight one might think that only the people on the ground may face risks, but this is not necessarily true. Probably they will face *different* risks.

[272] Associated Press & Reuters, (14 May 2009); Stecklow, S. (21 May 2009)

[273] Gardner, F. (14 February 2010); Motevalli, G. (22 February 2010). The United States senior commander of the ISAF forces in Afghanistan, General McChrystal, had to make a public apology twice within a short period of two weeks as the ISAF forces had mistaken civilians for insurgents whilst using their disproportionate air power or precision weapons. The civilian casualties caused not only friction with the Afghan government but also involved the risk of seriously undermining local support for the mission (according to Gardner such mistakes might play civilians straight into the hands of the Taliban). It perhaps also suggests that the advantage of technology and especially air force by the West can be highly risky in itself as the potential damage can be far greater, in asymmetrical warfare in particular. According to McInnis (2002), air force (including unmanned armed systems) is clearly in favour in the West for strategic (precision) strikes as "[i]t enables the prompt use of force, is capable of being employed at long range [even outside the operational area], it offers minimum exposure to interventionist military forces, and it offers accuracy thereby reducing the risk of civilian casualties and collateral damage (McInnes, C. (2002), p. 47)." Perhaps it leads to some kind of overconfidence and feeling of invincibility fuelling the false impression of the possible controllability of a conflict. Then again, it can be argued that air force has a serious drawback in practice as it does not mean a "bloodless war (p. 47)." In asymmetric warfare, where there is no distinct military operational area (a war without fronts), insurgents might decide to hide within society among citizens thereby making conventional military tactics useless. Although all combatants are obliged to abide by IHL, "it may be nearly impossible to differentiate between aggressors and non-combatants," especially in environments wherein civilians might be armed to protect themselves as security institutions are lacking or are not effective (Holt, V.K. & Berkman, T.C. (2006), p. 79). Subsequently, in combination with interventionist technical and human errors the risk remains of civilian casualties and collateral damage. It is hereby disturbing that, according to Chubin, Green and Rathmell (2002), "[insurgents] become ever more adept at exploiting civilian casualties for psychological effect (Chubin, S., Green, J.D. & Rathmell, A. (2002), p. 3)." As such, casualties and collateral damage may lead to alienation of the local populace (Shirreff, R. (23 March 2010), p. 3). This alienation might entail declining support for and confidence in the military, reputation damage for the interventionist state and/or the release of repercussions by opponents, the regime of the entry state or the local population.

careful not to put innocent civilian lives at risk, it has the adverse opposite effect of preventing to act decisively when required at tactical level.[274] Altogether, these situations might erode the (local) political and popular support base of the foreign military intervention and subsequently bring about an adverse effect of creating new opponents to the intervention. Moreover, it may also lead to legal implications for individuals or the intervening nation involved. As we have a basic idea about risk now, we are able to depict the development of risk and its directions:
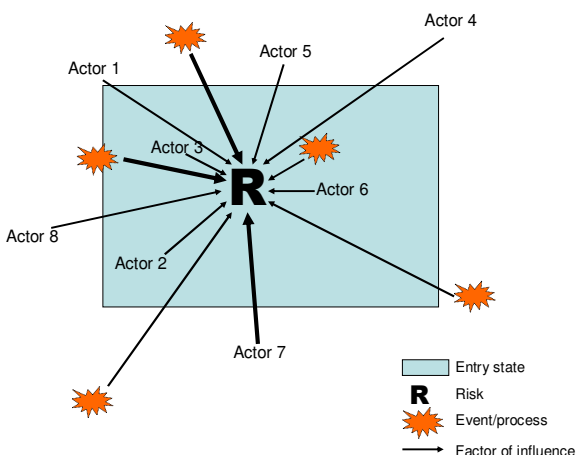
Figure 3: The development of risk
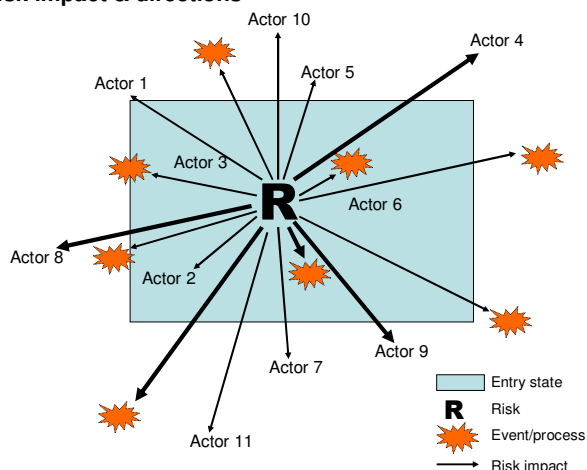
Figure 4: Versatile directions of risk

Figures 3 and 4 illustrate that risks can have multiple criss-cross directions. In figure 3 the development of risk is illustrated as it stems from behavioural and natural factors of influence. Simultaneously, it demonstrates that not every actor causes its own risks and that risks are not restricted by national borders.[275] It also suggests that some factors of influence are more relevant to the rise of risk than others, which explains the difference in density of the arrows in figure 3. Finally, multiple factors of influence may give rise to one risk *or* one particular factor of influence may provoke multiple risks in various directions. In reality, it will sometimes be problematical (or virtually impossible) to analyse the causality between a factor of influence and a risk as the relation between the former and the latter is neither unequivocal nor linear. This is explainable by considering that risk is "dependent on wider social and political changes" and develops over time.[276]

Figure 4 demonstrates the directions of risk. The impact of risk can reside with actors and events within the entry state as well as with actors and events outside the entry state. Risk might affect new actors and fuel new events and processes. At the same time risk does not necessarily affect all stakeholders (see for instance actors 3 and 6) nor everyone close at hand. In addition, not every event or actor may face the same level of risk. So, some events and actors can be affected more intensely than others (hence the difference in density of the arrows). This implies that actors may face different degrees of risk when they are confronted with a very similar risk. As a result of the impacts, new factors of influence are constantly triggered thereby bringing about new risk impulses. Hence, risk constitutes a never-ending circle that can be even more intense in fragile states where the state of affairs is extremely fluid and tense already.[277] To conclude, concerning risk directions and what is basically at stake the key elements of criss-cross consequences that materialise and the human value of what is at risk (pertaining to the different actors in a foreign military intervention) will be taken into account for a risk definition for foreign military intervention.

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[274] Motevalli, G. (22 February 2010)
[275] Drennan, L.T. & McConnell, A. (2007), p. 225
[276] Interview 6; Marthaler, E. (May 2004), p. 5
[277] Interviews 3 and 18

Stakeholders in foreign military intervention

So far, actors were categorised into interventionist parties (all actors *within* the intervention) and non-interventionist parties (all actors *outside* the intervention, including targeted enemies). This categorisation can however be further refined based on the relationship between the stakeholder and the entry state. This parameter builds on the earlier used defining factor for the typologies of military intervention and simultaneously touches upon the assumed (geographical) location of the actors involved. Vertzberger refines his classification to the interventionist actor, opponents and third parties.[278] However, there are prominent groups who do not necessarily fit those labels of interventionist, opponent or third party players. For instance, in the entry state the regime may collaborate with interventionist players in case of a supportive military intervention. This way, the government cannot be seen as an interventionist party (it acts within its own sovereign territory), nor as an opponent (the regime is collaborative) or as a third party (the regime is actively engaged in the military intervention). Further, third party players can be both local (civil populations in the entry state) and global (the broader international community who neither supports nor rejects the intervention). At this point, a broader - but simultaneously more distinct - categorisation of interventionist, *local* and third-party actors seems more suitable, whereby a distinction is required between the two latter categories.

First of all, preference is given to the term 'stakeholder' instead of 'actor' or 'player,' since it has a more active connotation. In addition, it highlights the stakes and incentives that are always involved in certain behaviour and decisions, whether consciously or not. According to Freeman (1984), a stakeholder is "(by definition) any group or individual who can affect or is affected by the achievement of the organisation's [read: the military's] objectives."[279] On the one hand this definition demonstrates that stakeholders can be considered active agents whose 'free' choices, abilities, power and behaviour can influence others with the intention of securing their interests.[280] On the other hand stakeholders can be thought of as subjects that are being affected by human and natural factors of influence. Subsequently, the intentions, interests, abilities and powers of stakeholders are parameters to analyse and categorise stakeholders into either interventionist, local or third-party stakeholders.[281]

Vital to interventionist stakeholders is their cross-boundary aspect. Interventionist stakeholders refer to all parties who have a different nationality than that of the entry state *and* who intentionally make efforts or are planning to influence the political, security, economic, social, institutional, health and/or natural or man-made infrastructural conditions in the entry state.[282] Stakeholders may involve both civilian and military governmental players and non-state (commercial or private) actors. From the perspective of an interventionist country, the interventionist parties can be the government, military forces, NGOs that operate internationally, lobby groups, the business community, private military subcontractors and/or temporary 'emigrants' who live in the entry state. Finally, in the case of an embedded intervention with allies, the same interventionist parties from the partner states as mentioned above plus multilateral organisations (EU, NATO, UN, et cetera) have to be included.

Local parties include those who have the nationality of the entry state *and* who are intentionally and directly involved in affecting conditions in their home country. These local parties may create a situation that paves the way for a foreign military intervention. In case a foreign military intervention is already deployed local parties can consist of supporting and opposing stakeholders. Here the local aspect implies a more broad-based concept that also embraces those who were tolerated to settle or squat themselves in the entry state. This allows for groups operating on or across the borders of the entry state, like trans-national rebellion groups, to be included as local stakeholders. Local stakeholders may involve both (military) governmental players and (armed) non-state actors. Most important local stakeholders entail the residing regime of the entry state and its security

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[278] Vertzberger, Y.Y.I. (1998), p. 22

[279] Based on Freeman, R.E. (1984), p. 46, as cited in Mitchell, R.K., Agle, B.R. & Wood, D.J. (1997), p. 856, with the insertion of brackets as utilised by Mitchell, Agle and Wood

[280] The focus is on people's intentions, abilities, power and behaviour and not on the factual realisation of their intentions.

[281] Based on Department for International Development, (January 2002), pp. 10 and 13; interview 15

[282] This definition of interventionist stakeholders also includes facilitating or transit states who make the deployment of the intervention possible. Obviously, such facilitation may become exponentially controversial when a hostile intervention is launched.

apparatus, diasporas,[283] local NGOs, interest or lobby groups, grass-root level religious or tribal leaders, (former) combatants, rebels or warlords. The inclusion of the diasporas however includes some guidelines since these constitute groups with a special status. As long as members of the diasporas have their homeland's nationality and deliberately desire to influence conditions in their country, they are local stakeholders. If they obtained a new nationality and still have the wish or make efforts with intent to influence conditions in their original country, then they are considered interventionist stakeholders. Finally, if members of diaspora groups have obtained a new nationality, thereby having severed the ties with the home country, but do not have the intention to affect circumstances in their original country; they have to be regarded as third-party stakeholders.

Third-party stakeholders are those stakeholders that are not considered a direct party to the foreign military intervention. They have no intentions to affect the conditions in the entry state or the conduct of the intervention. Third-party players are important since they can not only be affected by the behaviour of local and interventionist stakeholders, but they themselves can unintentionally influence other parties or the military intervention. However, as civil conflicts often have a societal origin, the military and combatants increasingly enter the social domain, people's minds are fluid and alliances can shift, third-party stakeholders can become directly involved as local or interventionist stakeholders over time. This category comprises groups from both within the entry state and from the outside. Third party actors can involve the local population, churches, media and the commercial sector, but also international mass media, multinationals, an institution like the International Criminal Court (ICC), neighbouring states and the societies of interventionist and third parties. The label 'armed civilians' requires a more dynamic approach. In fragile or instable countries where security structures collapsed and the proliferation of small and light arms is widespread, civilians will frequently be armed, mostly for reasons of self-protection and not with the intent to influence conditions, a foreign military intervention or other stakeholders.[284] As such, they are not directly connected to interventionist or local parties. For the time being these civilians are not considered a direct party to the intervention.

Some argue that these three categories of stakeholders have to be further separated into three groups: stakeholders that have an interest in withstanding a foreign military intervention, those that have an interest in bringing in an intervention and those who are indifferent to an intervention.[285] Respectively, stakeholders are often defined as 'spoilers' (opponents of the intervention), as 'enablers' (proponents of the intervention), as 'drivers of change' or as neutral depending on their intentions and actual or perceived behaviour.[286] Subsequently, one can assume that stakeholders may exert either a positive, negative or neutral influence on their environment and other stakeholders. Nonetheless, this cannot be seen as static, since people can change their mind, behaviour and commitment over time. In addition, groups of stakeholders are heterogeneous and dynamic. It implies that the identification of stakeholders in an analysis should be a recurring issue.

Risk domains
This paper dealt with the issues of the 'whom' (different stakeholders) and the 'what' (the military intervention itself, military resources, the lives and assets of local and third parties) that might be affected by a risk, but the issue of 'where' a risk can materialise has not yet been specified. Evidently, a space (i.e. location) is inherent to what is assumed to be at stake and therefore it is also analytically relevant.[287] Traditionally, this concept of location is binary in character.[288] On the one hand location may refer to the natural physical or geographical landscape where the subject that is at stake is actually

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[283] Though diasporas reside (temporarily) outside the home or mother country, these groups frequently remain strongly bound to their homeland through their direct commitment, lobbying and remittances.
[284] Based on conversations with local Southerners during my field trip for IKV Pax Christi to Southern Sudan from 7-21 July 2009
[285] Clingendael expert meeting, (21 November 2008)
[286] Clingendael expert meeting, (21 November 2008). Besides, there are also organisations or actors that compete with each other while striving for the same interests. These players can be considered 'competitors.' And last but not least, the ones who are expected to benefit from the intervention can be labelled 'beneficiaries.'
[287] In addition, Vonk (1999b) emphasises that people need a specified location to make their observations imaginable (Vonk, R. (1999b), p. 145). See also note 257.
[288] Pugalis, L. (December 2009), p. 79. The author however acknowledges an interwoven - distinguishable yet inseparable - "Lefebvrian tripartite view" or "spatialised trialectic" wherein a third dimension of social space comes into play that refers to the lived space as experienced through social interaction (pp. 79-80).

located, for instance in terms of a crowded city or a desolate mountainous area. Accordingly, in this respect location signifies a verifiable territorial spot. On the other hand, location may refer to the perceived or imagined space, i.e. the context wherein stakes are situated. Subsequently, based on the physical properties of the location the human characteristics and attributed representations are essential to describe the context at hand. In this sense, location refers to socially-constructed 'spatial imaginaries' or social realities to shape, organise and grasp the world and people's activities that are based on the discursive framing of economic, political and social spaces while grappling with altering notions of the world.[289] This is important since, as demonstrated before, people need to position a future occurrence in space and time in order to anticipate risks. The concept of spatial imaginaries requires however still some further elaboration before it can be applied to a risk analysis framework for foreign military intervention.

Spatial imaginaries, which are cognitive in nature, find their substance in the perceptions, assumptions, lived experiences and interactions of people with regard to (social) spaces.[290] People attribute significance to these spaces in order to categorise or position themselves and their activities, other people, events and processes in the world. Accordingly, spatial imaginaries disclose how people perceive the world and their activities across supranational, (inter)national, regional and local levels and simultaneously how they determine risk at a certain point in time.[291] It implies that these imaginaries touch upon the discourses that are in place. People shape these discourses through their (spatial) activities and subsequently, despite constraints deriving from the discourses, strategically define the boundaries of the underlying spatial imaginaries.[292] Obviously, the reverse line of reasoning is also valid as existing hegemonic or prevailing discourses and subsequent spatial imaginaries shape the living space, perceptions and identities of people.[293] In that sense, the framing of spatial imaginaries also denotes the inclusion of some people and the exclusion of others. Hence, spatial imaginaries can have a valuable social function as they bolster identity building and may stimulate societal cohesion between people with shared identities.[294]

Some of the spatial imaginaries will be legally confirmed, thereby assigning a formal or administrative status to the imaginary and altering it into a bounded space. An example of such a formalised imaginary is the concept of the nation state with its defined territory and official borders.[295] Nonetheless, there are countless different spatial imaginaries in society, for instance the political, public, private, academic, media, economic and security spheres. These spatial imaginaries can overlap, clash and - although related to spaces and territory - do not necessarily correspond to formalised (legal) boundaries. People can move through these different imaginaries whereby they are believed to adopt diverse identities and to act differently.[296] To conclude, spatial imaginaries bridge (dominant) discourses with people's notions and activities with regard to space. For these reasons, spatial imaginaries cannot be seen as distinct, closed and static spaces since they evolve over time.

Although 'spatial imaginary' is predominantly applied within the discipline of social geography, in this thesis preference is given to the term '**domain**' which seems more broadly understood across academic and popular circles. Domains are defined as the *on various levels (supranational, (inter)national, regional and local) socially constructed interrelated 'spaces' based on*

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[289] Based on Larner, W. (2008), pp. 44-45

[290] Stoltman, J.P. (1995); Wolford, W. (June 2004), p. 409; Entrikin, J.N. & Tepple, J.H. (2006), p. 31

[291] Larner, W. (2008), p. 45

[292] Müller, M. (March 2008), pp. 322-338

[293] Müller, M. (March 2008), pp. 322-338

[294] Vonk, R. & Dijksterhuis, A. (1999), p. 202

[295] As Van Houtum, Kramsch and Zierhofer (2005) assert: "[i]n fact, the existence of the nation state itself is a normative concept: Most importantly, a territorial *b/order* is a normative idea, a belief in the existence and continuity of a territorially binding and differentiated power that only becomes concrete, objectified and real in our own everyday social practices. The border of a province or a nation-state is first and foremost a legal fact, one that is reproduced, literally kept alive by a large ensemble of connected practices, ranging from printed bodies of law and maps to corporeal inscriptions and the surveillance of boundaries on the landscape. The *b/order* is an active verb. (Houtum, H. Van, Kramsch, O., & Zierhofer, W. (2005), p. 3, original italics utilised)." Thus the nation-state and its borders is a social reality with various functions.

[296] Vonk, R. (1999), p. 260. Evidently, the array of spatial imaginaries suggests also the presence of multiple different identities in society which people can adopt. Nevertheless, this adoption of identities is not without restraints since it can be enforced upon people by external forces like the prevailing discourse or other people (Bureau Sociale Cohesie, (2000), p. 17; Müller, M. (March 2008), pp. 322-338). Such an imposed identity does not necessarily embody the identity someone prefers him or herself.

human-made and natural systems wherein particular processes take place and where specific actors apprehend and process the world surrounding them, interact, and constitute their social life. Domains are essential to the conceptualisation of risk of foreign military intervention, since - as Rosa (2003) and Vertzberger (1998) indicate - risks are shaped by factors of influence stemming from political, economic, military, social and cultural domains. [297] In addition, domains are important as they not only considerably influence the nature of risk, but they also enable risk analysis later on by grasping the various complex and ambiguous circumstances in which a foreign military intervention will most likely be applied. [298] That is, risks cannot be separated or judged independently from their context. [299] To be more precise, risks can find their roots in multiple domains. Conversely, risks - similar to foreign military interventions - may also affect other domains than where they initially arise from. For example, Marthaler (May 2004) stresses that the impact of an intervention always includes "effects that go beyond the planned results and cannot be separated from the wider social, political, institutional and cultural context." [300] Altogether, it suggests that alterations in one domain might have implications for other domains. [301] Nevertheless, this does not signify that everything is related to everything, because as Heuer Jr. (1999), Vonk (1999b) and Taleb (2007) highlighted earlier in this thesis, some relationships are more prevalent in the human mind than in reality. [302]

This brings forward the question of which domains are indispensable to a risk analysis framework for foreign military intervention. Particularly risk specific frameworks appear to be limited to just a few single (security) domains, while the broader context analysis frameworks as a rule take a broader view (mainly grasping the political, security and socio-economic domains and on occasion implicitly the institutional domain) but here risk plays only a marginal or one-dimensional role if at all. [303] The effect is that a more profound understanding of the assumed military operational area (contextual awareness) and the potential consequences of a foreign military intervention cannot be developed. [304] Even the military PMESII approach, as described in chapter 1, which attempts to take multiple domains into account, cannot obtain a more comprehensive situational awareness since it suggests that not all its domains are always necessarily to take into account and also since it still tends to be predominantly military and opponent focused. This 'adhocracy' or erratic adoption of risk domains spoils the potential accuracy of estimated risks and simultaneously fuels stove-piped thinking and analytical processes. Moreover, such analysis is interpreted in a narrow sense since it focuses first and foremost on possible threats inherent to the intervention and to own personnel through the lens of one's own safety and security. Despite that this rational focus appears almost intrinsic to nearly all

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[297] Vertzberger, Y.Y.I. (1998), p. 21; Rosa, E.A. (2003), p. 56
[298] Rosa, E.A. (2003), p. 56; Drennan, L.T. & McConnell, A. (2007), pp. 201-203. The use of domains is even more relevant in case of jointly processing a risk analysis, because every participant will judge risk based on his or her own field of activity and related experiences. For instance, a medical aid organisation like 'Doctors without Borders' will probably mainly perceive risks from a socio-medical perspective as it is active in the health and social domains, while these domains are perhaps far less important for the commercial bank focusing on making the maximum financial benefit in the economic domain.
[299] Jaeger, C.C., Renn, O., Rosa, E.A. & Webler, T. (2001), cited in Drennan, L.T. & McConnell, A. (2007), p. 67; interviews 3 and 22
[300] Marthaler, E. (May 2004), pp. 4-5
[301] The Dutch Ministry of Defence, (30 October 2008, non-finalised concept), pp. 17-18
[302] Heuer, R.J. Jr. (1999), p. 127; Vonk, R. (1999b), p. 145; Taleb, N.N. (2007), p. 62
[303] Gordon, S. (13 July 2001); https://www.cra.com/. Examples that were studied for this thesis and/or were discussed with respondents include, amongst others, the yearly updated Risk Map of Control Risks Group Limited that focuses on foreign investors and the set-up of international business by combining the security and political domains of different countries in their risk analyses to determine the national economic climates (Control Risks Group Limited, (2008)); NATO documents concerning safety, security and supplier quality; the safety and security guidelines of Doctors without Borders that mainly assesses factors of influence and risks in the security, environmental and health domains (http://www.msf.ca/recruitment/safety-and-security/); banks like Rabobank mainly look into the financial or economic domain and - on occasion - into the socio-political, institutional or security domains (interview 9); the 2009 Verification Framework, which informs the Dutch parliament on an intended military deployment, delves primarily into the political and security domains to analyse subsequent risks (The Dutch House of Representatives, (21 July 2009), pp. 3-5); Shell looks into the most domains of all (economic, political, security, social, environmental and technical) but mainly in terms of how these domains may affect the own organisation (interview 5). None of the organisations analyses the impact of other similar organisations within a common operational area.
[304] Middelmann, M.H. (2007), p. 37; https://www.cra.com/

analysed risk frameworks, it overlooks the required more broad-based attention, in particular when one desires to foster a comprehensive approach or grand strategy with regard to the entry state.[305]

As foreign military intervention always includes (unexpected) effects beyond its intended objectives and involves numerous non-military actors, a risk analysis framework for military intervention has to be sensitive (and flexible) in order to avoid the narrowing down of people's thoughts. At least those domains have to be included which can be affected by the interventionist troops as well as the domains that can affect the interventionist military. It suggests that the more complex an intervention and simultaneously its risks become, the more comprehensive or multidimensional the risks analysis should be.[306] Otherwise, it would be extremely difficult to develop appropriate awareness about the alleged intervention's costs and benefits. To conclude, despite the given that the adoption of multiple domains definitely makes risk analysis more complex, it will be no more complex than triangulating different analytical frameworks which still leaves the danger to overlook significant domains. In the table below the risk domains are identified that follow from the conditions that can be influenced by foreign military actors similar to the domains that are used in the military PMESII approach, those which are applied in broader societal risk specific and contextual analytical frameworks and as unfolded in this thesis earlier on.

Risk domains from a military perspective[307]	Risk domains from a societal perspective[308]	Risk domains identified in this thesis[309]
political	political	political
military	security	security
economic	economic	economic
social	social	social
-	institutional	institutional
-	health	health
infrastructural	environmental	natural and manmade infrastructural
informational	-	-
-	technical	-

Table 3: Overview of possible relevant domains for risk analysis for foreign military intervention

Following table 3, it appears that consensus seems to exist on the majority of domains although from a military and societal perspective not all these domains are considered together in the subsequent analytical frameworks. In addition, it appears that the analytical frameworks from a societal perspective frequently evolve around lists of specific topics (or even check lists) instead of explicit domains. These lists can be quite unsatisfactory in comparison with the use of broader domains, since domains provide the opportunity and flexibility to involve and classify multiple groups of related subjects. Moreover, the sum of the different domains has the advantage that it compels people to analyse mutual connections across dissimilar domains simultaneously thereby putting analyses into perspective.

It is remarkable that from the institutional domain in table 3 onwards differences arise between the three perspectives. This can be explained as the institutional, health, infrastructural, informational and technical domains are often related to specific interests or organisational capabilities. For instance, the health domain will be stressed in the context analyses by medical NGOs like Doctors without

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[305] Middelmann, M.H. (2007), p. 37

[306] Middelmann, M.H. (2007), p. 36

[307] These risk domains stem from PMESII risk domains as acknowledgement in military circles. See the section *Relevance* in chapter 1 of this thesis. In PMESII the domains are not described, though the Dutch Ministry of Defence listed an overview of potential topics per domain (The Dutch Ministry of Defence, (30 October 2008, non-finalised concept), p. 19).

[308] These risk domains stem from risk specific and contextual analysis frameworks. Specht, (2008a/b, contextual: social, political, security and institutional domains), Information Risk Management, (risk specific: security domain), p. 7; Shell (contextual: economic, political, security, social, environmental and technical domains); Risk Map of Control Risks Group Limited, (2008) (risk specific: economic, security and political domains); Doctors without Borders (risk specific: security, environmental and health domains); Global Business Group/the Monitor Group as cited by Schwartz and Randall (2007) uses amongst others 'STEEP' for processing information (contextual: social, technological, environmental, economic and political domains (p. 100)); banks like Rabobank (risk specific: economic, socio-political, institutional and security domains); the 2009 Verification Framework (risk specific part of the framework: political and security domains).

[309] These risk domains stem from conditions that can be influenced by foreign military interventions. See the section *Defining foreign military intervention* in this chapter.

Borders, or the institutional domain by NGOs like the Dutch Cordaid or ICCO that are predominantly focused on capacity-building. In concordance with table 3, the domains will be discussed on their own merits, i.e. whether they are indispensable to analyse risks of a foreign military intervention.

The *political domain* is the first domain to begin with, since the deployment of a foreign military intervention *is* foremost a(n interventionist) political decision or choice (which always involves political incentives) of how a country puts its "national prestige [and] the lives of its military personnel" at risk in another sovereign sphere of influence (i.e. entry state).[310] Then again, as this chapter demonstrated, the nature of a foreign military intervention depends strongly on the political relationship of the interventionist party with the regime of the entry state, whether it is supportive, non-sided or hostile. Here, a trend seems discernible whereby foreign military interventions are increasingly deployed to fragile and failed states or to countries that are deemed not to comply with international rules and mores.[311] Further, from the 1990s onwards political consensual support from the international community is often considered vital with regard to foreign military intervention as many troop contributing countries prefer to promote common interests and deploy their troops within a multinational setting.[312] Besides, the political domain is also relevant because of the rise of a more multi-polar world of manifold dominant political sovereign powers as well as influential non-state actors which make foreign military intervention even more complex.[313] Foreign military intervention thus directly touches upon international power relations. For these reasons, the political context - subsequently the political domain - is exceedingly relevant, not only for the analysis of risks of foreign military intervention but also in the interventionist decision-making process.

Second, the *security domain* pertains to the deployment of foreign military resources and the interventionist military's forces escalatory ability to use force which has an immediate impact on the military - or more broadly the security - conditions in the entry state. Besides, the local security context in the entry state also determines the complex circumstances the internationally deployed troops will have to cope with. For instance, from the late 1990s the interventionist countries increasingly encounter asymmetrical (guerrilla style) combat wherein armed non-state actors turn out to be the military opponents.[314] In addition, in many intrastate conflicts and crises the state's regime might be a source of insecurity itself, for example when it backs militias, paramilitary divisions and rebel groups or act as an aggressor itself.[315] Altogether, these circumstances touch directly upon the safety and security of the (deployed) people. Therefore, the security domain is essential to analyse the diverse risks of foreign military intervention. That is, in this thesis, preference is given to adopt the term 'security' over 'military' domain as the former is broader in its focus and concentrates less on military benchmarks, operational outputs and threats. Furthermore, the term 'security' also seems to touch less upon negative associations than its military sibling that unavoidably will include the perception of the military ability "to kill people and break things."[316]

The *economic domain* is noteworthy, since a foreign military intervention has multiple economic dimensions, in the intervening country itself as well as in the entry state. The most perceptible is the interventionist dimension wherein the financial costs related to the actual military

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[310] O'Hanlon, M. (2007), p. 320. Clausewitz framed it as follows: "war [but also foreign military intervention] is not merely a political act, but also a real political instrument, a continuation of political commerce, a carrying out of the same by other means (Clausewitz, C. (1997), p. 22)."

[311] Klein, A. & Oporia-Ekwaro, J. (2002), p. 220; Huria, S. (February 2009), p. 1; The Fund for Peace, (2010b), political indicator 12: Intervention of other states or external political actors

[312] Ortega, M. (March 2001), p. 70. Nevertheless, with the Bush administration in the United States national interests (including self-protection) also gained importance again in American foreign policies and subsequently in the American foreign military interventions (pp. 72-76). For more in-depth information see chapter 3 the section *International legitimacy*.

[313] Vasconcelos, Á. De (October 2009), p. 1; Peral, L. (October 2009), p. 122. This multi-polar world refers to the global re-balancing of powers whereby new powers (either states or non-state actors) challenge the supremacy of the former super powers (i.e. the United States or the Soviet Union) in an ideological, diplomatic, socio-economic and military manner.

[314] Creveld, M. Van (2007), p. 303

[315] Huria, S. (February 2009), p. 1. Moreover, Collier and Hoeffler (2007) note that "[t]he governments of many developing countries face a risk of a coup d'état perpetrated by their own military establishment. The phenomenon is especially acute in Africa (Collier, P. & Hoeffler, A. (October 2007), p. 2)."

[316] Bonn, K.E. & Baker, A.E. (2000), p. 2. In addition, the label 'security' instead of 'military' domain might also encourage joint interdisciplinary risk analysis later on, since non-military stakeholders can be more open to non-militaristic, more positively associated terminologies. That is, words convey always a certain internal subjectivity, since they are emotionally charged but also sometimes can have different meanings to different people (Duursma, L., Bosch, J. Ten & Ligteringen, T. (2008), pp. 133-148).

deployment, continuation of the deployment (including the maintenance of military hardware), withdrawal of the intervention and military aftercare of formerly deployed personnel are essential. As such, an intervention may be(come) extremely expensive and may put a severe strain on the national (military) budget of the troop contributing country.[317] In an entry state the arrival of foreign actors may devastate local economic sectors and infrastructure (which can be considered an external shock), but simultaneously generate work and income thereby encouraging the establishment of temporary economic bubbles or a shadow or even black economy.[318] Altogether, it might create a war economy, which makes prolonged conflict, instability and foreign involvement for some keen (belligerent) traders exceedingly lucrative.[319] Hereby it appears that foreign military interventions are often deployed in (post-conflict) low-income countries with immense (exportable) natural or labour resources.[320] Altogether, it makes the economic domain highly important to put risks of foreign military intervention into perspective.

Over the years, the social context grew in importance with regard to foreign military intervention, as interventionist troops increasingly encroach upon the public space or *social domain* in the entry state. This can be partly explained by the tactic of some entry states' regimes next to non-state actors such as OAGs to use violence as an instrumental device to specifically target civilians and disrupt society.[321] At this point, the non-state armed combatants draw interventionist troops further into the social domain as they may live and hide amid the local populace.[322] This is reflected in the substantial numbers of civilian casualties that are caused not only because of internal war and retaliation attacks, but also as a result of foreign military operations. Besides, from an interventionist perspective two other important issues play a considerable role. The domestic social domain is important to the military, because it refers to the expected support base at home not only for a particular expeditionary deployment but also for the recruitment of new employees.[323] In addition, the military is "continually concerned about the ability of the public to tolerate casualties."[324] The relevance of the social domain is also emphasised in the given that contemporary military operations frequently require non-conventional military aptitudes. In order to establish and maintain a secure and stable environment, parallel efforts by the military are required that aim to win the hearts and minds of the local populace and the strengthening of local institutions.[325] In the end, these tasks have to be taken over again by civilian authorities, which make the social domain even more important.

The take-over by civilian authorities directly touches upon the *institutional domain*, which has a special status since it is in fact a refinement of other domains. As mentioned in the first sections of this chapter, the military capabilities for nation-building and the strengthening of subsequent institutions within the entry state have amplified in the last decade. Moreover, they have gradually become firmly embedded in the military mandates.[326] From an interventionist politico-military perspective, the strengthening of institutions might bolster the consolidation of statehood and governance in the entry state and simultaneously prevents the creation of breeding grounds or

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[317] See for instance the Dutch Ministry of Defence which struggles with its deployability and operational flexibility due to considerable budget deficits. Its financial shortfalls causes the armed forces to continuously balance to keep within the limits of their capabilities, since - amongst others - soldiers cannot be adequately trained, more and more scarcities arise in military hardware (like ammunition and spare parts for machinery) and new recruits cannot be hired (The Hague Centre for Strategic Studies, (19 August 2010); Algemeen Nederlands Persbureau, (4 November 2010)). Nevertheless, concerning upholding international stability and security it is implicitly claimed that (additional) funding of the interventionist abilities of armed forces can be valuable since a 100 million dollars investment in foreign military intervention initiatives would reduce the risk of (renewed) conflict from "around 38% to 16.5%" over a ten years time-span (Collier, P. & Lomborg, B. (30 April 2008)).

[318] Andreas, P. (November-December 2008), pp. 5-6 and 9. Nevertheless, armed forces are considered to treat the economic effects of their deployments as "inevitable or inconsequential" which may lead to a "source of tension with the humanitarian community and can undermine the pursuit of sustainable solutions (Gordon, S. (13 July 2001))."

[319] Allen, Ch. (September 1999), p. 371

[320] Billon, Ph. Le & Nicholls, E. (2007), p. 613; Strüver, G. (October 2010), pp. 23-24

[321] Allen, Ch. (September 1999), pp. 368-369

[322] Creveld, M. Van (2007), p. 303; interview 6. In addition, these combatants habitually "depend on civilian populations for the labour and resources needed to wage war (Humphreys, M. & Weinstein, J.M. (August 2006), p. 429)." Originally, the authors write about civilian abuse by warring factions in armed conflict.

[323] Larson, E.V. (1996), p. iii

[324] Furedi, F. (2009), p. 219

[325] Brzoska, M. & Ehrhart, H-G. (November 2008), pp. 10-11

[326] Brzoska, M. & Ehrhart, H-G. (November 2008), pp. 10-11. Unfortunately, these embedded goals are not always adequately incorporated into the military strategies as the operations, for instance, in Afghanistan and Iraq demonstrate.

sanctuaries for terrorism, criminalisation (illegality) and therefore instability and insecurity.[327] Moreover, in case of regime change it is often argued that the interventionist parties have at least a moral and political (and legal) responsibility to restore order (i.e. "durable peace[, ...] good governance and sustainable development") and to prevent the undermining of the international state system.[328] That is, ideally an entry state should be able to function without large external interference afterwards. From a local perspective, the capacity of the state to effectively deliver essential basic public services (for example security, health (sanitation and medical facilities), education and public transportation) is critical for the legitimacy and acceptance of the state apparatus and governance.[329] Hence, the entry state requires the establishment of functioning institutions. At last, the relevance of the institutional domain is also highlighted in the assumption that adjacent countries will not face negative spill-over effects (refugees, criminality) nor that they are tempted to fill a power vacuum in their border areas. When a state governs its own territory effectively, it often will be a less probable threat to regional peace and security and to its own population. For these reasons, the institutional domain will be included as an individual domain in the risk model for foreign military intervention.

The value of the *health domain* is normally explicitly highlighted with regard to the interventionist (military) stakeholder as it directly refers to the safety and security of the personnel involved.[330] That is, the expeditionary nature of current interventions brings military troops frequently into operational areas that have quite different geographical (e.g., climatic, environmental and man-made conditions), cultural, medical and security circumstances and facilities than at home, which can involve considerable (mental) health risks.[331] Hereby, foreign military stakeholders are often better protected against the negative consequences of diseases and injuries than the local population in the entry state. From a local perspective, a foreign military intervention might also have significant influence on the health domain. Apart from direct victims from conflicts, crises and intervention, the total number of casualties stemming from indirect war-induced causes like ruined livelihoods (economic disruption), destroyed harvests, and the non-existence or breakdown of (basic) medical facilities and access to clean water is even higher.[332] On the other hand, the interventionist military might assist in the improvement of an area's health situation by the provision of medical treatments (including casualty care), veterinary programmes, the deliverance of a provisional military field hospital or medical logistics (including medical evacuation).[333] Such military medical support is however not without tensions, since it is not necessarily rooted in genuine altruism.[334] Altogether, it necessitates that the health domain should be incorporated to understand the wider risk context of foreign military intervention.

Further, table 3 shows three labels to address the broader geographical environment within the entry state: natural and manmade infrastructure, infrastructure in general and environmental circumstances. Such a *geographical environment domain* points most clearly at the territorial

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[327] Collier, P. & Lomborg, B. (30 April 2008); Ghani, A. & Lockhart, C. (2008), p. 4

[328] International Commission on Intervention and State Sovereignty, (2001), p. 39 and the rest of Chapter 5

[329] For instance, the Organisation for Economic Cooperation and Development (OECD) (2010) identifies 'output' or 'performance' legitimacy as one of the four sources to determine state legitimacy. The OECD hereby refers to the state's "effectiveness and quality of public goods and services (in fragile situations, security will play a central role) (Organisation for Economic Cooperation and Development, (2010), p. 8, original brackets applied)."

[330] For instance, the Dutch 2009 Verification Framework that obliges the Dutch government to inform the parliament on an intended foreign military intervention when the government examines whether a Dutch contribution is feasible and necessary, explicitly takes risks (deriving from medical, sanitation, security and climatologic circumstances) into account that can affect the military troops' wellbeing directly (The Dutch House of Representatives, (21 July 2009), p. 5). The same is found in military operational doctrines (The Royal Netherlands' Army, (2006)). With regard to the obligation of the Dutch government to inform the parliament; this includes all interventions other than deployments obligated under the Western European Union or NATO-treaty, deployments within the Netherlands Kingdom (the Antilles and Aruba included), the application of special operations, individual deployments to international military headquarters, staff or missions (also in times of peace), deployments in response to humanitarian disasters in the absence of armed conflict or aggravated security risk, deployments of soldiers to smaller-scale civil interventions, and the deployment of civilian staff (The Dutch House of Representatives, (21 July 2009), pp. 1-3).

[331] Based on Lehmann, Ch. (6 August 2004), p. 13. It is increasingly acknowledged that the complexity of present interventions may result not only into actual injuries but also into psychological disorders like combat stress (also known as post traumatic stress disorder).

[332] Ugalde, A., Zwi, A. & Richards, P.L. (1999), p. 112

[333] Baker, J.B. (September-October 2007); Thompson, D.F. (May 2008), pp. 1-8

[334] Thompson, D.F. (May 2008), p. 1; Feldbaum, H., Lee, K. & Michaud, J. (April 2010), p. 88

surroundings in the entry state. The geographical or environmental circumstances all come down to, for instance, the prominence of water courses, composition and cultivation of terrains but also to purely man-constructed infrastructure (like frontiers, transportation lines or economic hubs as harbours and airports) as well as to a region's meteorological characteristics and processes.[335] These features may have considerable impact on interventionist troops when carrying out the assumed foreign military intervention.[336] Conversely, foreign military interventions may also significantly affect local infrastructure bringing to mind military capabilities to make and break(down) things.[337] Alterations (i.e. the construct, improvement or collapse) in the existing infrastructure in the entry state can have profound consequences for the local populace whereby life patterns are changed. Accordingly, the geographical environment will be inserted as one of the domains relevant for risk analysis for military intervention.

The PMESII approach then introduces the informational domain, which apprehends (intra-organisational) information flows, command and control, (strategic) communication possibilities and the role and relationship with the media.[338] Indeed, these aspects, which directly touch upon military intelligence, the exchange of information between stakeholders, image building and propaganda, are important. Nevertheless, similar to the institutional domain, such an information domain is in fact a refinement of the other domains as it cuts across them. Hereby, the value of the information domain, as suggested by the PMESII approach, comes mainly in the executive phase of an intervention. For example, when sharing arrangements have to be made between interventionist actors, when a media strategy has to be developed to influence the actors in the political-social domains (either at home or in the entry state), and when military intelligence assets have to be devoted to find out more about factors of influence. As such, the information domain seems more process-oriented. To conclude, the information domain does not fit as one of the basic domains for a risk analysis framework for foreign military intervention. It should, however, be included as an additional domain in case an intervention is specifically aimed at changing the information setting and subsequent stakeholders.

The last domain that is identified in table 3 refers to the technical domain. This domain is derived from analytical instruments used by the commercial sector to analyse the available systems, facilities and hardware to implement a project. From a military perspective the value of this technical domain is also acknowledged, for instance when the impact of weather and terrain on the military equipment and operation is assessed.[339] Definitely, technological innovations have shaped or changed modern conventional warfare, for instance by enlarging the military's lethal escalatory capacity.[340] However, in nowadays conflicts the technical factor is rarely decisive since intervention success depends also on other factors than the ability to eliminate or neutralise the enemy alone.[341] In addition, the technical aspect of readiness for military battle is covered within the security domain. Hence, the technical domain will not be included as one of the standardised domains in a risk analysis framework for military intervention.

Insofar, seven standard domains have been identified, i.e. the political, security, economic, social, geographical environment, institutional and health domains. Hereby, it became clear that there is some overlap in domains. The delineation of the domains is obviously subjective and therefore potentially quite complex and blurred as to where domains intersect. Nonetheless, in table 3 one crucial domain has remained absent. The changing nature of humanitarian crises and armed conflict in the world alongside altering norms of military warfare and the "inviolability of [s]tate sovereignty" have made the legal context (i.e. legal domain) indispensable, especially with regard to a foreign

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[335] The Royal Netherlands' Army, (2006), pp. 70-85; interview 5; The Dutch Ministry of Defence, (30 October 2008, non-finalised concept), p. 19

[336] Based on Stoltman, J.P. (1995); The Royal Netherlands' Army, (2006), pp. 70-85

[337] See the section Defining foreign military intervention in this chapter.

[338] The Dutch Ministry of Defence, (30 October 2008, non-finalised concept), p. 19

[339] The Royal Netherlands' Army, (2006), see for instance the appendixes F, G, H, and I

[340] Ibrügger, L. (November 1998), chapters 2 and 4; Bonvillian, W.B. (2007), pp. 57-58; Roland, A. (February 2009). Other increased military technological abilities involve: "[i]ncreased volume and precision of fire[, b]etter integrative technology leading to increased efficiency and effectiveness[, i]ncreasing ability of smaller units to create decisive results[, and g]reater invisibility and increased detectability (Sullivan, G.R. & Dubik, J.M. (February 1993), as cited by Ibrügger, L. (November 1998), chapter 4, section 13)." For potential effects (advantages) see: chapter 5 about new operational concepts and chapter 6 on potential impacts for the military alliance in Ibrügger, L. (November 1998).

[341] Ibrügger, L. (November 1998), chapter 2 (section 5); Roland, A. (February 2009)

military intervention whereby the soldiers are assumed to be armed and mandated to use force (whether for self-defence or other purposes) or when they are deployed in an hostile operational environment.[342] At this point, branches of national and international public law do apply, which can be quite complex and sometimes paradoxical or insufficient.[343] Moreover, the legal framework for a military deployment will be far different in peacetime than during times of armed conflict, especially when facing armed resistance.[344]

The relevance of the *legal domain* and the complexity of law issues are demonstrated by the growing legal dilemma between the often hostile and dynamic operational environment on the ground, ambitious but unsatisfactory military mandates and the behaviour and level of lethal force applied by the interventionist military.[345] That is, the legal position of interventionist soldiers on the ground can become extremely uncertain when there is a war without fronts, the soldier performs a vigorous or deadly use of force, while the legal recognition of armed conflict is missing in conjunction with the possibility that an acceptable level of force is not stipulated or merely vaguely determined.[346] In addition, Lietzau and Rutigliano Jr. (2010) point out, that "[f]ailing to comprehend how legal authorities will be perceived could affect a nation's foreign relations for years to come."[347] Foreign military interventions with all their restraints and errors trigger the question whether interventionist states and their soldiers can be held accountable for their (non)actions, especially in the 'fog of war.'[348]

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[342] Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), p. 30

[343] Borghouts Committee, (August 2006), p. 69; Knoops, G.J. (October 2008), pp. 2404-2409. Gill and Fleck (2010) explain that the relevant international law regimes are "scattered across a huge array of documents, treaties, and academic references (Gill, T.D. & Fleck, D. (2010a), p. 5, section 4)." Relevant international law branches may pertain to the "law governing the use of force […], international humanitarian law […], the law of the sea, [the legal regimes concerning the] military use of airspace," case law, customary international law and international human rights law (p. 3, section 1). Relevant national law may include "military criminal justice and disciplinary regulations (p. 4, section 1)." Other arrangements, like Rules of Engagements (ROEs) and Status of Forces Agreements (SOFAs), intersect international and national law (p. 4, section 1). When different types of law norms contradict, the 'lex specialis derogat legi generali' principle generally determines that "[e]ither the specific rule is to be read and understood within the confines or against the background of the general rule, as an elaborating, updating, or specification of the latter," [or "t]he specific rule is applied instead of, and as an exception to, the general rule. Whether a rule is seen as an 'application,' 'modification,' or 'exception' to another rule depends on how those rules are viewed in the environment in which they are applied, including their object and purpose (United Nations General Assembly, International Law Commission, (13 April 2006), paragraphs 56-57 and 97, cited in Kleffner, J.K. (2010), p. 73, section 3, quotation marks as utilised by Kleffner)."

[344] The Royal Netherlands' Army, (1998), p. 460, section 2243. In peacetime a peace agreement, invitation by the entry state, bilateral agreements, international human rights and national law regimes will be sufficient, but in war other legal branches become important. Two branches are significant with regard to foreign military interventions in armed conflict whereby the use of force will be relevant: (1) all legal rules pertaining to 'jus ad bellum' that determines the "legality of the military [intervention] itself" and the use of force, which is found in the Charter of the United Nations (see chapter 3 in this thesis); and (2) 'jus in bello' (sometimes referred to as international humanitarian law) which addresses the conduct of hostilities and provides regulations for the means and methods of military warfare (Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), p. 20). These law regimes are mainly laid down in the 'Law of The Hague' (which mainly regulate the methods and means of warfare) and the Conventions of Geneva (and its three Additional Protocols), the latter concentrating on the protection of vulnerable people (like civilians, military medics and spiritual personnel, and combatants who do not (longer) take part in the hostilities as they have surrendered, put down their weapons, or as they are captured, injured or dead).

[345] Lietzau and Rutigliano Jr. (2010) argue, "[t]he first principle challenging the practitioner of the International Law of Military Operations [read: IHL] is that the law of yesterday is unlikely to fit neatly the conflict of today. Warfare has always been the most extreme bearer of change; and we should not be surprised to find that the very law that attempts to regulate use of the military instrument is not immune from warfare's effects. But we must also ensure that the law does not become warfare's victim (Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), p. 12, section 2)." For potential gaps or challenges in IHL, see for instance: http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/index.jsp

[346] Knoops, G.J. (October 2008), p. 2406. Obviously, when the legality of a foreign military intervention is questioned, a mandate is vague and the level of utilised force is deemed disproportional, the interventionist government, military, or the individual soldier may face legal reprisals afterwards like a parliamentary inquiry or even a criminal prosecution for an international tribune. In the Netherlands the 'Eric O.' affair could be an example, since it involved the military prosecution of a non-commissioned officer after a fatal shooting incident in Iraq, even though the former abided by the military Rules of Engagement (ROE). In the end, Eric O. was found not guilty and the Parliament demanded an investigation into the legal gaps of foreign military intervention by a special committee.

[347] Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), p. 20, section 1

[348] Along this line of reasoning, the current charge against the State of the Netherlands and subsequent Dutch military leadership for their alleged inaction in the Srebrenica massacre by the survivors is interesting. Though the chance of an actual conviction is small, a guilty verdict might have far-reaching implications for other military interventions as troop contributing states will be even more reticent to contribute military personnel as they might fear legal consequences. In the end, the Netherlands is held liable for the deaths of three Muslim men (Trouw, (5 July 2011)).

Another challenge (and risk) is that interventionist troops may be confronted with organised armed resistance by non-state combatants or OAGs and hostilities undertaken by armed civilians.[349] Such military opponents may not always feel obliged to endorse international law standards as they perceive that these are arrangements between nation states.[350] The same dilemma applies to the use of private contractors or security firms during armed conflict by interventionist or local stakeholders, in particular when they perform law enforcement tasks.[351] For all these reasons, the legal domain is of paramount importance to a military risk analysis.

Altogether, the eight above mentioned domains (political, security, economic, social, institutional, health, geographical environment and legal) are considered the basic required categories to obtain a more inclusive awareness of a foreign military intervention and its alleged risks. Nevertheless, this list is not exhaustive as there are numerous domains identifiable in society. Accordingly, for each intervention the domains have to be fine-tuned and perhaps supplemented by additional domains as the political military objectives may differ requiring different focal points, tactics and resources. An example could be in case of a hostile foreign military intervention whereby unmanned aerial vehicles or Special Operations Forces are dispatched clandestinely into the entry state to gather intelligence on terrorist activities, weapons of mass destruction and military installations or to eliminate individual targeted persons. Then, additional communication, media or public relations and technical domains might have to be added. Hence, the insertion of such additional specific domains also sheds light on the organisations' or actors' modus operandi and focal areas. To conclude this paragraph, there remains a general risk that only those topics considered to be part of the domain are looked at whilst excluding all other topics. Therefore, it is helpful to use descriptions of domains that have an open, non-dogmatic character which permits domains partially to coincide. Underneath, descriptions of all eight analytical domains are given in random order. These descriptions will be used as stepping stones in chapter 3.

The *security domain* involves everything that and everyone who relates to (maintaining) security and stability conditions and conflict management. This dimension refers to the degree to which the (entry) state is considered to be the exclusive and legitimate actor to use violence; what the status of security and stability is in the country (e.g. incidents versus outburst of conflict); what role the (local) security sector has in society and how it performs its duties. Furthermore, it also includes human rights violations and sexual crimes, (terrorist) attacks, information theft, (illegal) proliferation (trade in) of weapons and weapon systems, organised and petty crime.

The *geographical environment domain* comprises all that is associated with (artificial) geographical and physical or ecological conditions concerning the interventionist area of deployment. Significant elements are frontiers, climate, weather, seasonality, natural disasters, terrain, flora and fauna, the presence and preservation of (exportable) natural resources; how the landscape is used by its stakeholders (ecological 'foot print,' land rights, cultivation, logistical/mobility opportunities and pressure on resources/resource scarcity); the width and the (hardware) infrastructure of the entry state.

The *health domain* encapsulates everything that relates to the (common) well-being of people (relating to their health). This dimension entails the living conditions of people, their life expectation at birth, and the presence/availability, conditions, roles and performances of (public) medical and sanitary services. It further involves aspects like the guarantee of food supplies, (physical, mental, exotic and transmittable) diseases, pandemics and the possibility of vaccines.

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[349] According to the Conventions of Geneva, combatants - whether they have the right to use violence or not – are required to be clearly distinguishable from civilians, who are protected under IHL against armed violence. However, many non-state combatants' appearances are completely inseparable from civilians. Non-state combatants or OAGs who have a continuous warfare function are only protected under IHL when they are captured, injured, surrender themselves or when they are dead. Contrary to state combatants, such non-state combatants and other armed groups (but also armed civilians participating in hostilities) do not have the right to become a prisoner of war when they get captured and can be prosecuted for participating in armed warfare. Civilians lose their protection (not their rights) when they directly participate in hostilities for the duration of their participation (based on discussions with staff of the Netherlands Red Cross (30 May 2011)).
[350] Through mutual article 3 of the Conventions of Geneva and Additional Protocol 2 (which both address non-international armed conflict), best practices and international customary law formation, armed non-state actors with a continuous warfare function are bound by IHL notwithstanding the given that they did not sign the treaties themselves. The application of international human rights is, however, a bit more difficult, since "a customary process [did not] already reached the point of crystallising into a firm rule (Kleffner, J.K. (2010), p. 67, section 34)." The problem of non-compliance to international law is also present by state parties, which indeed signed and ratified certain international law treaties. Nevertheless, it often remains hard (or sometimes nearly impossible) to force them to abide by international law.
[351] Gill, T.D. & Fleck, D. (2010b), pp. 489-493; see also: http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/privatization-war/index.jsp

The *political domain* entails the presence/availability and role of political institutions and whether these political structures deliver the required public services and protect civil liberties and political rights. Most significant elements will be the political climate (e.g., democracy versus autocracy or a dictatorial regime/functioning, fragile or failing state); power-relations, political decision-making and regulation processes; approval, commitment and burden sharing regarding a foreign intervention; the protection and expansion of the political sphere of influence; political-historical relationships; political stances of the actors involved, and the extent to which political-strategic interests can be assured.

The *social domain* illustrates how citizens of a state live and organise their lives. The centre of gravity will be on demographic features and processes, standards of living, language, social values, presence of tribal structures, cultural awareness, religion, (forced) migration and displacement, human freedom (including civil and political rights and the level of freedom of speech), education and level of literacy, the degree of social cohesion and the commitment of the population to a particular intervention. Just as important is the presence and performance of civil society, lobby groups and NGOs.

The *economic domain* contains both the formal and informal economy and aspects like the strive for and protection of economic interests and (financial) profits (competition), economic exploitation and manufacturing processes, the spread of profits (from scarce resources, services and production/cultivation), economic climate and regulation processes, fiscal boundaries, taxation systems, labour force exploitation, poverty and employment (rates), Gross National Income per capita, trade and transactions, access to local and international markets and the costs (and employment) that come together with a foreign military intervention.

The *legal domain* applies to all what is related to legal institutions and facilities, traditional and customary law systems, legal norms (whether national or international) and their regulation, and disciplinary or prosecution processes in the field of rule of law. The domain may pertain to civilian and military criminal courts, tribunals, truth and reconciliation commissions (either national or international), detention issues, legal advice, and the rights and duties for the establishment and execution of a foreign military intervention.

The *institutional domain* refers to the new or renewed establishment of institutions in the target state, which assist the government to perform and to deliver the required public services. These can be security related institutions (e.g., the military and police), judicial institutions (civil criminal courts, military courts, truth commissions) or political institutions (governmental, parliament and ministries). It may include aspects like accountability, transparency and effectiveness.

Risk impact

As the elements of unexpected risks, factors of influence, the different risk directions in terms of stakeholders and risk domains have now been defined, the following step is to discuss the element of the anticipated impact of risk. Basically, the risk impact refers to the extent to which a risk has effect. In general, the risk impact is expressed in terms of its potential negative effect and its magnitude, intensity or severity. However, the risk impact includes more properties as will be demonstrated in this section. Reiterating Vertzberger (1998), the risk impact refers to the probability that "direct and indirect consequences with potentially adverse values will materialise." [352] Regarding the value expectation and types of risk impact, Vertzberger emphasises the down-side of risk by highlighting 'potentially adverse values' in his definition.[353] At the same time, Vertzberger leaves implicitly an opening for non-adverse i.e. desirable values by using the term 'potentially.' This affirms the notion that risk impacts do not necessarily have to be considered 'bad.'[354] Moreover, Drennan and McConnell (2007) explain that risk comprises a potential "up-" or "down-side," which relate to its possible positive (e.g. the potential for creating benefit or grasping opportunity) and negative effects (e.g. the potential that adversary consequences or the worst case scenario will occur, often in terms of hazards, threat or danger).[355] So, foreign military intervention also has a dual nature, since it might involve

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[352] Vertzberger, Y.Y.I. (1998), p. 22

[353] This value expectation refers to whether the risk impact is expected to be negative, positive, desirable or undesirable (Vertzberger, Y.Y.I. (1998), p. 20). In this thesis, however, only the elements of desirable and undesirable will be applied to the value expectation, as the other two elements are incorporated into the three types of risk impact later.

[354] In other words, "[r]isk in itself is not bad; risk is essential to progress, and failure is often a key part of learning. But we must learn to balance the possible negative consequences of risk against the potential benefits of its associated opportunity (Scoy, R.L. Van (September 1992), p. 3)."

[355] Drennan, L.T. & McConnell, A. (2007), p. 3. Garland (2003) asserts it as follows: "[t]he point is simply that risks are usually a corollary of activities or decisions that are otherwise beneficial in their consequences. Many of the risks inherent in modern life - from car crashes to global warming, from air pollution to obesity - grow out of activities that bring important benefits to individuals, communities, and national economies. In an important sense, risk is the necessary accompaniment of freedom and choice (Garland, D. (2003), p. 68)." In addition, Hillson (2006) asserts that "[m]any organisations are beginning to extend the risk process to deal equally with both opportunity and threat, seeking to maximise the benefits as well as to minimise the downside (Hillson, D. (2006), p. 2)." Also, a positive risk for one stakeholder does not necessarily imply an

significant up-sides (access to international forums and strengthening mutual (socio-political, military or economic) relationships, increased (international and domestic) credibility, and control over extraterritorial resources) and down-sides (international sanctions, loss of credibility or control, and casualties).

The up- and down-side approach toward risk can however be expanded by introducing another type of risk impact possibility where the outcome is neither positive nor negative. In fact, it is possible that an risk impact does not affect or change the status quo (the bigger picture remains unchanged). For instance, one warlord is replaced by another warlord who controls the local public and political domains within the military operational area. This way the risk of warlords has neither decreased nor increased, while the environment has changed without affecting the status quo. Hence, this particular risk appears to have no tangible impact. This risk impact possibility, introduced here as 'neutral impact', is a complex one as it may give people the false impression that a certain risk did not take place since clear positive or negative tangible rewards are lacking. Yet, as neutral impact is one of the potential outcomes of risk, it has to be encapsulated in the risk definition, alongside positive and negative impact.

Further, in his definition Vertzberger (1998) mentions the element of 'direct and indirect consequences.'[356] Though Vertzberger does not further describes what he means, this distinction can be best understood by referring to Kasperson *et al.* (1988), who state that "[i]t also has become apparent that the consequences of risk events extend far beyond direct harms to include significant indirect impacts (e.g., liability, insurance costs, loss of confidence in institutions, stigmatisation, or alienation from community affairs) both directly and indirectly."[357] Since the centre of gravity of risk impacts of a foreign military intervention seems to be on direct impacts, it is useful to explicitly incorporate Vertzberger's 'direct and indirect consequences' into the refined risk concept. This is acknowledged by Furedi (2009) who claims that the indirect impact on public opinion is increasingly important from an interventionist military perspective.[358]

So far, Vertzberger's definition has not specified what the properties of a risk impact are, other than the value expectation of the outcome, the different types of risk impact and that impact refers to direct and indirect consequences. Additional properties of a risk impact comprise the following: size, time span and magnitude. All these aspects are necessary to describe the anticipated effect of risk on what is at stake (the intervention, interventionist military hardware and the lives of stakeholders).

The size of the risk impact refers to the risk's scale or reach across different socially-constructed domains and geographical areas, thereby possibly affecting multiple stakeholders. Thus, it will be no surprise that every risk may differ in size. However, recalling the multiple risk directions, a risk impact might become larger than expected as it spreads through domains in time, especially when it is triggered by reactions and behaviour of others. As such, new impacts materialise from the original one thereby creating secondary impacts, third-order impacts and so on. Accordingly, a foreign military intervention - despite its aim

RIPPLING EFFECT OF RISK

Figure 5: The amplification of risk

for intended effects - is also likely to bring about side effects in its interaction with the diverse stakeholders and the complex dynamics of the operational area. This indicates that risk may have a large temporal, spatial and perhaps even geographical (by crossing borders and affecting multiple
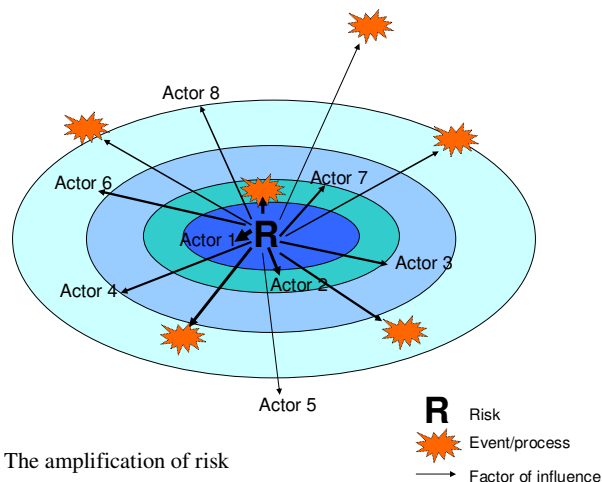
equal positive risk for another stakeholder at the same time. For instance, a member of a resistance movement can be perceived both a hero and a terrorist depending to an assessor's point of view.
[356] Vertzberger, Y.Y.I. (1998), p. 22
[357] Kasperson, R.E., Renn, O., Slovic, P., Brown, H.S., Emel, J., Goble, R., Kasperson, J.X. & Ratick, S. (1988), p. 179
[358] Furedi, F. (2009), p. 219

(third party) stakeholders) scale. Kasperson *et al.* (2003) refer to this as the 'rippling effect' of risk impact and explain that this effect can be illustrated by "throwing a stone in a pond."[359] This is illustrated in figure 5. The spread of the impact will be outwards affecting diverse stakeholders, events and processes within multiple domains in time (illustrated by the differently coloured rings). This also suggests that risk may have a longer time horizon or time span before it becomes visible for a certain stakeholder but also that its effect may linger creating larger social repercussions. Thus, in terms of foreign military intervention, the scale of risk can spread beyond the geographical location of the military operational area. However, it will be analytically very difficult to link third-order impacts to the original one as they are also influenced by wider social and political changes.

Last but not least, the magnitude of the risk impact refers to the (expected) intensity or severity of the impact. In line with Heuer Jr. (1999), similar to the principle of causality, people tend to believe that properties of the origin (read: factor of influence) correspond with the properties of its impact, like "heavy things make heavy noises," small animals leave small tracks, and a heavily armed soldier behaves hostilely and causes a lot of damage.[360] However, the size of a risk and its actual magnitude are not necessarily congruent, as it is possible that even "a small action, seemingly insignificant at the time, may prove to be the catalyst for a major incident."[361] Additionally, Heuer Jr. states, "[…], a little event may change the course of history even though this seems hardly plausible for most people."[362] The problem with such plausibility is that the causal relationship is difficult, perhaps impossible, to prove. The closest approach to 'prove' such causality is by retrospective, since then it is known what is to be looked for and what could have been the overriding factors of influence. Besides, the human mind is by and large inclined to assign more weight to short-term impacts than impacts that take longer to become visible.[363]

Finally, it appears that the actual risk magnitude may be both differently perceived and felt amongst different people. As Middelmann (2007) explains: "[t]he loss of a house in a bushfire would not affect all individuals in the same way. This is because their situations are different, and their access to support networks such as family, friends and the community are different. The ability of individuals to recover financially from a disaster also varies greatly."[364] So, the actual severity of a risk impact depends also on people's individual coping measures and personal characteristics. Altogether, a risk impact comprises three types of impact which refer to the value expectation, direct and indirect consequences, size, time span and magnitude. Now all key elements of risk have been reviewed, it is possible to give an illustrative overview of the risk process. This is depicted schematically in the figure (6a) below, whereby the risk impact aspects are shown in red.

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[359] Kasperson, J.X., Pidgeon, N.F., Kasperson, R.E. & Slovic, P. (2003), p. 16
[360] Heuer, R.J. Jr. (1999), pp. 132-133
[361] Drennan, L.T. & McConnell, A. (2007), p. 67. An example is that of the butterfly (i.e. the flapping of its wings) in Brazil that is believed to cause a tornado in Texas. Though it is not scientifically verifiable, this example builds on Ed Lorenz' chaos theory on the forecasting and mathematical modelling of the weather (Massachusetts Institute of Technology, (30 April 2008), p. 2). Lorenz wondered why it remains so difficult to assemble accurate weather forecasts (or for instance, risk scenarios) that cover multiple days. He came to the conclusion that dynamic systems (such as the atmosphere) are highly sensitive to even the smallest deviation (e.g., wind velocity and temperature) which in itself might have considerable, unsuspected effect on the initial conditions within the system.
[362] Heuer, R.J. Jr. (1999), p. 133. From a hypothetical point of view, a large event might not necessarily involve a large impact.
[363] Posner, R.A. (2007), p. 10
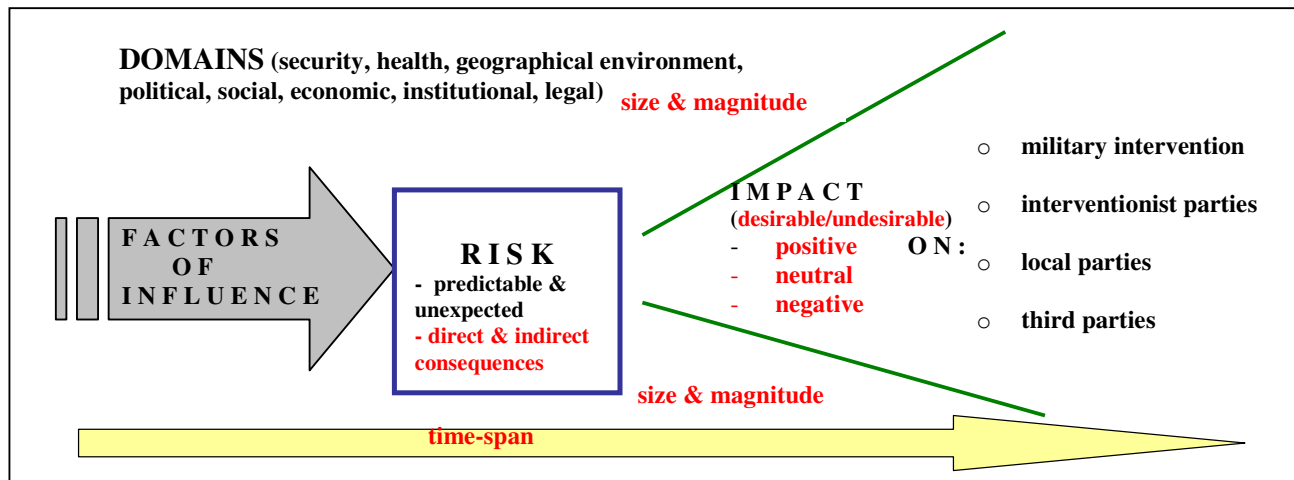[364] Middelmann, M.H. (2007), p. 36

Figure 6a: An overview of the risk development process

Thus far all aspects of the concept of risk have been discussed: the element of unexpected risks, factors of influence, risk directions and subsequent stakeholders, risk domains and the risk impact. Based on this, risk can then be defined as *the likelihood that with a foreign military intervention, from factors of influence, both validly predictable and unexpected, direct and indirect criss-cross consequences will materialise, that may differ in their scale, magnitude and time span and can have positive, neutral or negative impact on either the intervention itself or on interventionist, local or third-party stakeholders in multiple domains*. Now, the next and final step is to link the concept of risk to risk analysis and management.

Three analytical risk types
The last aspect of the risk definition that has to be developed is the inclusion of analytical risk types. Vertzberger (1998) stresses that risk has to be divided into three categories: 'real,' 'perceived' and 'acceptable' risks.[365] This analytical division helps to classify risk and thereby to obtain a better understanding of the concept of risk. *Real risk* is considered the actual tangible or perceptible risk that is posed by a particular situation or behaviour, whether [one] is aware or unaware of it.[366] Accordingly, real risks cannot be considered just present or absent since these risks always exist.[367] For instance, the risk of getting malaria is coped with through vaccination. However, vaccinated people can still become infected by malaria, which did not disappear as there are still malaria-carrying mosquitoes. Hence, the risk of malaria is still real. Havelaar (11 July 2008) points out that the statement that something is present or absent claims more about the method used than the particular risk in itself.[368] Hence, it only suggests that people can be simply unaware of a certain risk just because it did not become visible yet or that it has a negligible intensity or impact. Altogether, real risks may only differ in size and intensity at most.[369]

Perceived risk is linked to a value judgement and reveals how people see the world around them and determine risk. The term 'perceived risk' refers to "the level of risk attributed to a situation or behaviour."[370] Vertzberger (1998) asserts that perceived risk does not necessarily correspond with real risk.[371] Perceptions, which are rooted in people's social-cognitive biases, may be far different than what is actually going on in real-life. For instance, risks are frequently considered more ominous if they take place on unfamiliar ground while encountering the 'unknown.'[372] Besides, there seems to be

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[365] Vertzberger, Y.Y.I. (1998), pp. 18-19
[366] Vertzberger, Y.Y.I. (1998), p. 18
[367] Havelaar, A.H. (11 July 2008), p. 20; Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 118
[368] Havelaar, A.H. (11 July 2008), p. 19
[369] Havelaar, A.H. (11 July 2008), p. 20
[370] Vertzberger, Y.Y.I. (1998), p. 18
[371] Vertzberger, Y.Y.I. (1998), p. 18
[372] Vertzberger (1998) remarks that this view of risk facilitates societal cohesion as it provides a sense of identity in terms of 'us' against 'them' (Vertzberger, Y.Y.I. (1998), p. 63). In addition, Vonk and Dijksterhuis (1999) explain that people are biased in favour of the 'us-group' they belong to by attributing this group with more positive connotations than another group

a tendency that the sooner a risk becomes visible or is expected to do so, the more weight it will be given in people's risk perception as it could have direct (personal) impact compared to risks that will materialise in the distant future.[373] This has a lot to do with people's expectations and their ability to imagine things which may thwart them to take full comprehension of a phenomenon of risk. Especially in times of crisis and high pressure, people are inclined to tunnel their minds to look limitedly beyond their own interests.[374] It becomes even more complicated, because of people's natural cognitive bias to ignore certain information, especially when it conflicts with existing knowledge and mindsets.[375] As Heuer Jr. (1999) puts it, "[w]e tend to perceive what we expect to perceive" thereby failing to see what is not explicitly included in our analyses and search strategies.[376] This seems also applicable regarding people's apprehension of risks which they regard inconceivable or implausible at first sight, thereby overlooking, underestimating or even failing to understand the signals.[377] Accordingly, people are unable to visualise things when they lack points of reference. Altogether, people are inclined to seek confirmative data, better absorb what they already know and there is a subconscious tendency to interpret new information such that it conforms to the existing mindset or to ignore it when it does not fit the mindset.[378]

The last category, *acceptable risk*, has a very political attitude and touches upon "the level of risk representing the net costs that decision makers perceive as sustainable, and are willing to bear, in pursuit of their goals."[379] Some argue that 'tolerable risk' might better reflect the essence of this type of risk as it refers to the idea "[…] that we do not regard [tolerable risk] as negligible or something we might ignore, but rather as something we need to keep under review and reduce still further if and as we can."[380] Acceptable risk is strongly associated with risk appetite that refers to the extent stakeholders are eager to take risks based on their past (perceived) experiences, culture, overarching preferences, outcome expectations and attitudes towards risk-taking. This appetite comprises "a broad continuum that ranges from an 'excessive appetite' for risk-taking at one end to a complete 'aversion' to risk at the other."[381] The level in judgement can vary among diverse actors since their pure objective rationality is plagued by trade-offs, external pressure and constraints from socio-cognitive mechanisms of individual, social, subjective and non-scientific considerations.[382] Finally, according to Vertzberger (1998) this type of risk does not need to be congruent with either real or perceived risk.[383]

Subsequently, figure 6 can be refined further by including the three analytical risk types.

(Vonk, R. & Dijksterhuis, A. (1999), pp. 199-200). The dichotomy between 'us' and 'them' becomes only less important when people have similar common interests or when they face the same foe (Vonk, R. & Dijksterhuis, A. (1999), p. 200).

[373] Vertzberger, Y.Y.I. (1998), p. 26

[374] Verbeek, B. (7 June 2007), p. 12. Verbeek explains that this tunnelling of the mind may result in negligent and reckless policy.

[375] Agrell, W. (28 April 2009)

[376] Heuer, R.J. Jr. (1999), p. 8. Heuer Jr. continues by claiming that people's tendency to perceive what they expect to perceive is by far out greater and more persistent than what they desire to perceive (p. 9).

[377] Taleb, N.N. (2007), p. 77. See his example of the black swans in the section on *Unexpected risks*. On the other hand, human beings are regularly inclined to value unlikely events as more plausible than probable occurrences, since it unintentionally better fits the human mind and seems more appealing (Graaf, B. de & Geraerts, E. (3-4 December 2011), p. 11, while generally referring to Kahneman (no further references made), translated from Dutch).

[378] Heuer, R.J. Jr. (1999), p. 11; Vonk, R. (1999b), pp. 178-179; Taleb, N.N. (2007), p. 12. Vonk explains that especially under pressure (in case when there is limited time to observe manifold ambiguous variables) or when people are not motivated, people are inclined to remember consistent information that fits the existing mindset, because it involves less effort. According to Taleb our memory is limited and filtered, and therefore people are inclined to remember that information that matches the facts. One way or the other, established mindsets are quite difficult to alter (Heuer, R.J. Jr. (1999), p. 14).

[379] Vertzberger, Y.Y.I. (1998), p. 18

[380] Health and Safety Executive, (1988), p. 2

[381] Drennan, L.T. & McConnell, A. (2007), p. 13. See chapter three for more information.

[382] Heng, Y.K. (28 April 2009)

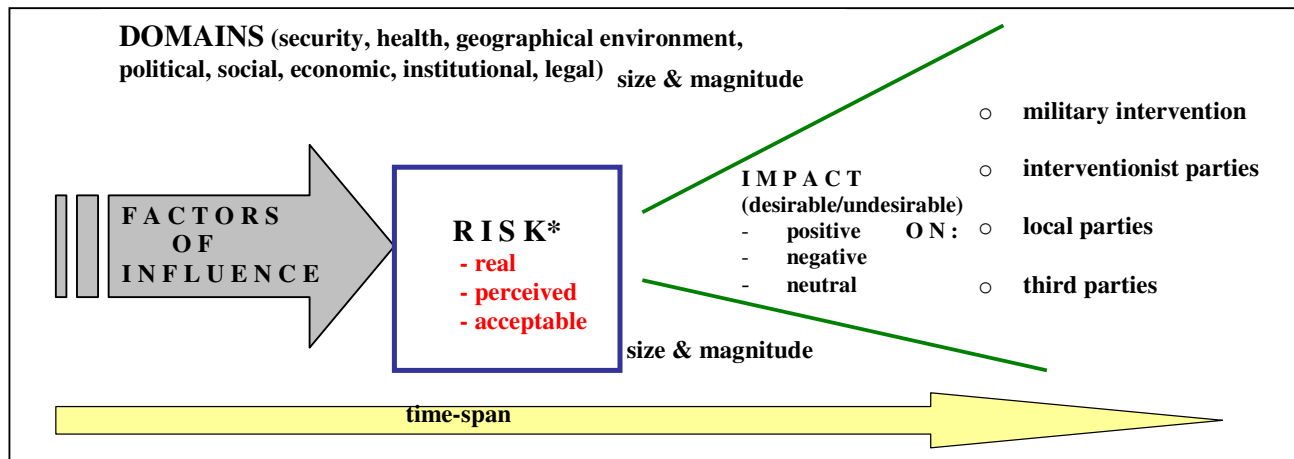[383] Vertzberger, Y.Y.I. (1998), p. 18

Figure 6b: An overview of the risk development process
Risk*: To make the blue square not too convoluted, the previous bullets ('predictable & unexpected,' 'direct & indirect' and 'consequences' are removed.

Obviously, the last type of risk, acceptable risk, touches upon the practical value of risk. In our attempt to anticipate the uncertain future, risk is often analysed with the purpose of *risk analysis and management*.[384] Though it is impossible to identify all potential risks beforehand as a consequence of incomplete or conflicting information, ambiguity of situations and risk outcomes, dissimilarities, 'background noises,' trade-offs and misperceptions, it is important to analyse potential risks as much as possible since "no intervention decision is intended to be carried out at any and all costs."[385] Moreover, risk analysis helps to improve our understanding of risk, raises our awareness and our ability to react.[386]

Central to the decision to intervene will be the question whether the risks perceived as acceptable can be managed as decisions can prove critical and stakes might be high.[387] The potential controllability of risks alludes to risk management. Obviously, only risk impacts that fail our expectations in terms of achieving our goals will lead to risk management. The centre of gravity in this thesis will be on risk analysis whereby a first introduction will be made to risk management as it has to be part of the broader risk analysis process.[388] However, actual risk management is another topic by itself as how to go about managing risks.

Finally, risk is defined as the likelihood that with a foreign military intervention, from factors of influence, both validly predictable and unexpected, *real and perceived,* direct and indirect criss-cross consequences will materialise, that may differ in their scale, magnitude and time span, and can have positive, neutral or negative impact on either the intervention itself or on interventionist, local or third-party stakeholders in multiple domains, *and therefore can give rise to interventionist considerations whether these consequences are deemed acceptable and how they can be responded to.*

2.7 *Sub-conclusion*

This chapter developed concepts for 1) foreign military intervention and 2) risk so that they suit the requirements for developing a risk analysis framework that covers current and future foreign military intervention contexts as much as possible. The two questions that were posed at the start of this chapter were: *What is considered foreign military intervention?* and *What is considered risk in terms of foreign military intervention?* These can now be answered very briefly based on the previous analysis.

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[384] Claes, P.F. (2004), p. 54
[385] Vertzberger, Y.Y.I. (1998), p. 5. This was acknowledged in interview 3.
[386] Havelaar, A.H. (11 July 2008), p. 22
[387] Vertzberger, Y.Y.I. (1998), p. 5. In addition, Vertzberger emphasises two other benchmarks for a positive decision on foreign military intervention: the cost-benefit ratio has to be favourable and the risks involved must be considered acceptable.
[388] Beck, U. (1999), p. 4

The definition developed for foreign military intervention is as follows: 'Foreign military intervention is from divergent (ulterior) rationales and objectives, the offensive either preventive or reactive, continuous but limited in time, dispatch of military resources to another sovereign state, in an individual or collective context, whereby uniformed personnel is given lethal and/or non-lethal responsibilities that can be up- and down-scaled in use of force, in an attempt to influence the political, security, economic, social, institutional, health and/or natural or man-made infrastructural conditions in the entry state in a supportive, non-sided or hostile manner.' This definition is operationalised by the table below which describes the basic premises regarding a foreign military intervention. These premises will be used in chapter three to develop a risk analysis framework for foreign military intervention.

PREMISES FOREIGN MILITARY INTERVENTION supportive, hostile or non-sided
- Foreign military intervention aims from divergent (ulterior) rationales and objectives to influence (political, security, economic, social, institutional, health and/or natural or man-made infrastructural) conditions in another sovereign state. - Foreign military intervention is deployed offensively, preventively or reactively while being continuous but limited in time. - Foreign military intervention is the dispatch of military resources in an individual or collective context. - The most significant feature of foreign military intervention is the ability to use force even when pursuing non-lethal responsibilities.

Table 2: Premises for foreign military intervention

The definition developed for risk with regard to military intervention is as follows: 'risk is the likelihood that with a foreign military intervention, from factors of influence, both validly predictable and unexpected, real and perceived, direct and indirect criss-cross consequences will materialise, that may differ in their scale, magnitude and time span, and can have positive, neutral or negative impact on either the intervention itself or on interventionist, local or third-party stakeholders in multiple domains, and therefore can give rise to interventionist considerations whether these consequences are deemed acceptable and how they can be responded to.' Also here, the definition can be operationalised into a table as is shown below.

PREMISES MILITARY INTERVENTION RISK real, perceived, acceptable
- Risk has considerable social features as it is rooted in peoples' perception and judgement; - Risk is linked to uncertainty in terms of outcome ambiguity; - Risk can be both predictable and unexpected; - Risk exists especially in interaction with other stakeholders who operate in different domains; - Risk stems from factors of influence (behaviour or 'spontaneous' events and natural/historical processes) however this link is not univocal; - Risk can materialise directly or indirectly in multiple domains (scale) while having impact (positive, neutral or negative) on either the foreign military intervention or on interventionist, local or third stakeholders; - Risk impact may differ in its size, magnitude and time span; - Risk is utilised for the practical purpose of risk analysis & management.

Table 4: Premises for risks of foreign military intervention

The next chapter will apply the above mentioned definitions and premises to develop a framework for risk analysis for foreign military intervention.

Chapter 3   FROM CONCEPTS TO A RISK ANALYSIS FRAMEWORK

> I will never get to know the unknown since, by definition, it is unknown. However, I can always guess how it might affect me, and I should base my decisions around that. […] We can have a clear idea of the consequences of an event; even if we do not know how likely it is to occur. Taleb, N.N. (2007), pp. 210-211

Taleb's quotation demonstrates that risk analysis, even if certain aspects remain unknown, is about assessing the consequences in order to inform decision-making and subsequent behaviour. Indirectly, he shows that using risk analysis to *foresee* all kinds of risk is less interesting (or even impossible), but that it is most valuable to understand risk and its effects. In addition, Middelmann (2007) points out that risk analysis may also be used to contribute to risk management in terms of prioritising the risks that have to be targeted for mitigation and for the allocation of (often) limited resources.[389] Hence, in this chapter a risk analysis framework for foreign military intervention is developed that is sensitive to the complex military operational environment, the different kinds of stakeholders involved and the versatility of risk (i.e. the risk directions that refer to the question which parties are anticipated to be affected and thus touch upon the various stakeholders, and the risk domains wherein the risks are estimated to materialise). The constructed concepts of foreign military intervention and risk from the previous chapter will be used as stepping stones to build the risk analysis framework. The sub-question here at hand is: *How can risk analysis for foreign military intervention be structuralised to be sensitive to characteristics of a foreign military intervention, various stakeholders and the multiple risk domains?* Besides in academic literature, this chapter is rooted in more practical or policy-driven applied science from management and commercial sectors.

3.1 *Starting points for developing a risk framework*

Before proceeding with the contents of the risk analysis framework, this first section will justify the choice of the selected format for the framework in terms of the expected aim, the assessors and audience or consumers of the framework. In addition, attention will be given to the analytical nature of the framework, its required flexibility, format or visual display and procedural aspects. All these elements and the framework itself are important to reflect upon, because these influence the way by which one perceives the potential risks of an intended foreign military intervention.

The aim of the risk analysis framework is the identification, analysis and evaluation of potential risks concerning an envisioned foreign military intervention, thereby bolstering increased risk anticipation and awareness, and informed interventionist decision-making during the pre-deployment planning and decision-making phases. Ideally, the framework requires to be jointly or cross-organisationally processed by assessors stemming from the plethora of relevant interventionist stakeholders - military and civilian, governmental and non-governmental - in order to become not only sensitive to the complexity of today's foreign military interventions and military operational areas but also to people's personal biases. The output of the framework is thereby particularly useful for higher-level or senior political-military and non-state civilian leadership of interventionist stakeholder groups. Hence, these stakeholders are considered the target audience or consumers of the framework.

A qualitative versus quantitative analytical nature
In chapter 2, the objective and subjective risks discourses were discussed, where it was concluded that risk has both objective and subjective aspects. In addition, there is an abundance of risk analysis frameworks available, that have as main difference that they are either predominantly quantitative or qualitative in their nature.[390] These quantitative and qualitative frameworks touch upon the potential calculability and predictability of risk, whereby the experimental and large-scale case-study quantitative methods and practices are on the upper hand in assessing risk in today's society.[391]

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[389] Middelmann, M.H. (2007), p. 32
[390] Evera, S. Van (1997), pp. 3-4 and pp. 50-55
[391] Amoore, L. & Goede, M. De (2008), p. 6

In general, quantitative risk frameworks focus on numerical computing and draw heavily on randomisation and statistical datasets, which are frequently gathered over long periods of time.[392] These quantitative methods pretend to ensure a high degree of objectivity and simultaneously an advantage to undertake trend analysis.[393] Moreover, because of the *ceteris paribus* principle and subsequent simplifying assumptions, quantitative frameworks seem to allow for ready comparisons between variables, i.e. proving isolated correlations or regularities.[394]

In practice however, this principle and attached assumptions are exactly where the shoe pinches since they make pure quantitative frameworks inept to unique, complex, dynamic and frequently ill-defined subjects such as foreign military interventions.[395] Moreover, Korf (2006) points out that causal relationships do not become apparent from quantitative research.[396] In other words: "what causes something to happen has nothing to do with the number of times it happens."[397] Besides, it appears that quantitative practices are quite often not free from gaps in data, indirect, little or poor quality evidence, which make the assumed validity, reliability and accuracy of the output debatable.[398] Besides, it is suggested by Amoore and De Goede (2008) that a risk decision purely based on a risk calculation can never entail an ethical decision which resembles the ambiguity of the future.[399] Lastly, calculated estimates, especially when expressed in numbers, may give the impression that they are absolute thereby creating an illusion of certainty and accuracy.[400] Yet, Taleb (2007) claims that statistics may also have the tendency to stay "silent" to people, because they often remain abstract and therefore they could be less attention-grabbing or persuasive.[401] This is the result of quantitative (statistical) information lacking "the rich and concrete detail to evoke vivid images, [by which] they are often overlooked, ignored or minimised."[402] To conclude, quantitative analytical frameworks pass over the fact that risk analysis itself is essentially about setting criteria, cognitive biases, judgements and the possible consequences of these judgements - which is by nature a subjective exercise.[403]

This conclusion suggests that a non-statistical qualitative methodology, which is more flexibly applicable to dynamic and complex social phenomena which involve abundant stakeholders and variables and which are less likely to be fully controlled or duplicated, better fits the purpose of a risk analysis framework for foreign military intervention.[404] That is, qualitative methods, whereby (single) case studies are pivotal, allow for the examination of underlying processes and causes that led to an outcome.[405] In addition, the Government of Australia (January 2005) claims that qualitative analytical methods are not only "more accessible to stakeholders," but also that these enable "assessors to make judgements that aid decision making."[406] This is after all one of the purposes of the framework under scrutiny.

This however does not imply that qualitative methodologies do not have significant drawbacks. Output of qualitative analytical methodologies bears the danger of greater ambiguity, being subject to biases stemming from smaller unique samples whereby the influence of an individual

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[392] Government of Australia, (January 2005), p. 25. Bouman *et al.* (2009) state that the collection and analysis of data are extremely costly processes, especially when conducted over lengthy periods of time (Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 135).

[393] Government of Australia, (January 2005), p. 25

[394] Government of Australia, (January 2005), p. 25, italics are mine. The ceteris paribus principle, originally from economics, is applied when simulating a complex situation whereby the relation and effect between isolated independent and dependent variables is assessed (Ermers, Ch., Nijenhuis-Van de Kamp, M., Spithoven, A. & Donk, W. Van de (2000), p. 37). This principle and underlying simplification assumptions assume that all other variables than the ones under scrutiny are held constant.

[395] Vertzberger, Y.Y.I. (1998), p. 19; Government of Australia, (January 2005), p. 25

[396] Korf, B. (2006), p. 466

[397] Sayer, A. (1985), cited in Gregory, D. (2000), p. 673, cited in Korf, B. (2006), p. 467

[398] Tierney, K.J. (June 1999), p. 219; Cramer, C. (2002), pp. 1845-1864, cited in Korf, B. (2006), p. 465; Government of Australia, (January 2005), p. 25

[399] Amoore, L. & Goede, M. De (2008), p. 17

[400] Heuer, R.J. Jr. (1999), p. 111; Government of Australia, (January 2005), p. 25; Elden, S. (2007), p. 821; Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 135

[401] Taleb, N.N. (2007), p. 80

[402] Heuer, R.J. Jr. (1999), p. 118

[403] Slovic, P. (1992), cited in Drennan, L.T. & McConnell, A. (2007), p. 67; interview 18

[404] Vertzberger, Y.Y.I. (1998), p. 19; Government of Australia, (January 2005), p. 25

[405] Evera, S. Van (1997), pp. 54-55

[406] Government of Australia, (January 2005), p. 25

assessor may be great.[407] This also prevents that such output can be instantaneously generalised to other 'parallel' cases.[408] For this reason Vertzberger (1998), though claiming that "[r]isk in social life must be approached in a non-technical manner," suggests that "[t]he more that [qualitatively gathered] information is based on comprehensive and independent knowledge, such as valid statistical data or experts' consensus, the more the assessment of risk approximates objectivity."[409] Altogether, the risk analysis framework this paper sets forward has to be rooted in qualitative research and where possible supplemented by quantitative elements.

Analytical flexibility
Since foreign military interventions and their expected risks are highly dynamic, an analytical risk framework necessitates some flexibility in its methods. The same is anticipated for the depth of the analysis, since cognitive processes could - theoretically - be performed at infinity.[410] This depth touches upon three aspects: the expected attention span or time horizon of the analysis (i.e. how far will be looked into the future), the level of detail (i.e. is the emphasis on trends, specific occurrences or both)[411], and the number of times the analysis has to be carried out before reaching a decision point. Evidently, such analytical depth pertains to a rather subjective attitude because what is considered practically reasonable can differ for each type of stakeholder and intervention and also depends on the time available to execute an analysis. For instance, especially in times of crisis, insecurity and high (political) pressure, analysts may be given only limited time to execute a thorough analysis.[412] This could result into serious analytical drawbacks and negligent political intervention decisions, as people are then particularly inclined to tunnel their mindsets to look limitedly beyond their own interests.[413]

The preferred analytical attention span depends on the length of the presumed intervention, the intended intervention objectives and activities, the circumstances in the entry state, which altogether indicate the expected pace of deployment. Hereby, Taleb (2007) points at the given that the further one looks ahead, the higher the analytical error rate will be.[414] On the other hand, according to Heuer Jr. (1999), "[s]hortening the time frame for prediction lowers the probability, but may not decrease the need for preventive measures and contingency planning."[415] In addition, bringing to mind that foreign military interventions by and large are "continuous but limited in time,"[416] this does not imply that its effects are only felt within the short term. The dilemma is reflected in the fact that there is no unequivocal response how to deal with presumed time horizons as scholars and (military) practitioners hold different views and have different guiding principles and experiences to launch interventions.[417]

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[407] Government of Australia, (January 2005), p. 25; Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 135
[408] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 135
[409] Vertzberger, Y.Y.I. (1998), pp. 18 and 19
[410] Interviews 6, 7 and 10; Clingendael expert meeting, (21 November 2008); Exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation, (3-11 December 2008); Health and Safety Executive, (n.d.). In chapter 2 it was already emphasised that people need to attribute time to their analysis, because they will have trouble to imagine possible forthcoming risks and impacts otherwise (Vonk, R. (1999b), p. 145).
[411] Some practitioners apply the principle *as low as reasonable practical* (Interview 5; Health and Safety Executive, (n.d.)).
[412] As indicated by Shell (updated 24 March 2008): "[a]nalyses periods in commercial or financial sectors differ from those in international relations and security studies. NGOs and governments generally have little time to react before a crisis unfolds entirely."
[413] Verbeek, B. (7 June 2007), p. 12; Posner, R.A. (2007), pp. 10-14
[414] Taleb, N.N. (2007), p. 176. In essence, Taleb argues the following: "as [one plans ahead] into the future [one] also needs an increasing amount of precision about the dynamics of the process one is modelling, since [the] error rate grows very rapidly." In addition, Taleb suggests that people should avoid (quantitative large-scale) long-term forecasts, for example for the next thirty years and beyond (p. 203).
[415] Heuer, R.J. Jr. (1999), p. 156
[416] Vertzberger, Y.Y.I. (1998), p. 114
[417] NATO can operate, for instance, with 6 months up to one-year analytical timeframes for its International Security Assistance Force in Afghanistan as these correlate with its operational cycles, but this is not predetermined nor static (Interview 6; Exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation, (3-11 December 2008)). The World Bank utilises time horizons of three years (interview 25). Some think of slightly longer analysis periods (e.g. five years) as this is considered to be still within the foreseeable future (interview 15). Others consider a long-term perspective of ten years a minimum given that this approximates the time required sometimes for desired intervention impacts to become visible (interview 3). This is however a rather difficult matter as an entry state in turmoil or transition faces an unstable future due to ambiguity in situations, intervention outcomes and risk. Then again, some practitioners triangulate several timeframes

This leaves little guidance to set a suitable analytical depth, other than rooting it in intuitive knowledge and applying a rule of the thumb: the risk analysis period should at least cover the whole period of the assumed foreign military intervention. Ideally, this period should be supplemented by a couple of extra years as a minimum to account for significant risk impacts that could materialise with delay. Accordingly, instead of giving fixed timeframes it is better to keep to flexible time horizons.

The visual display of the risk analysis framework
Though qualitative analysis allows for assessing complex environments, every format for a risk analysis framework is in the end a simplification of reality. Yet, it still seems important to pay attention to the visual display of the framework, as it enhances not only the mutual understanding of the gathered information and knowledge but also bolsters the communication of peoples' ideas to one another.[418] It appears that most hands-on risk assessments take place within a matrix-shaped model.[419] Such a matrix can be seen as a cognitive map, which supports the processing of information orderly and facilitates the analytical cognitive process.[420] This seems convenient because a sensitive risk framework for foreign military intervention requires a format that is graspable and detailed but not too convoluted while being utilised to examine the complexities of today's foreign military interventions, military operational areas and risks.[421] A matrix-shaped layout suits most of these requirements. Moreover, such a format makes it possible not only to understand and gain instantly a view of key risk impacts on interventionist, local and third-party stakeholders, but also about the different directions, potential responses and intervention judgement in the end. Additionally, a risk analysis framework for foreign military intervention has to allow for multiple domains and stakeholders to be inserted to better understand the full array of risk possible.

Nevertheless, according to Serwer and Thomson (2007) will "[o]ne size [format] not fit all" when referring to the dynamic environments wherein the military intervention is expected to take place.[422] In addition, others argue that standardised fixed blueprints may create the possibility that "enemy forces could learn to exploit systematic biases in decisions that are informed by particular risk assessment techniques."[423] Accordingly, it remains essential that even the risk analysis framework will not be a fixed template but can be flexibly adapted or fine-tuned to specific dynamic circumstances and features of an intended foreign military intervention.[424] Subsequently, the risk analysis framework for foreign military intervention will be visually displayed within a flexible matrix-shaped format.

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to avoid tunnelling. For instance, Specht (2008a) applies three timescales pertaining to cycles of one year, five years and ten years (Specht, I. (2008a), pp. 7-9).

[418] Miles, M.B. & Huberman, A.M. (1994), cited by Bernard, H.R. (2002), p. 433

[419] Johnson, Ch.W. (2007); interviews 5 and 6. Other visual risk displays would be the application of causal flowcharts or standardised checklists.

[420] As mentioned previously, a cognitive map is a simplified constructed mental model on a particular subject that exists in the mindsets or memory of people and which consists of organised compilations of knowledge to tackle indirectly the complexity of the world (Vonk, R. (1999b), p. 144). These maps are activated when people process (new) information. People use (unintentionally) the maps to select, organise and file information to fill gaps in their knowledge and to further complete existing memories, assumptions and cognitive biases.

[421] Nevertheless, as was noticed in interview 5, though a matrix-shaped risk assessment model may not per definition *look* complicated, reality proves otherwise as its assessors have to be trained to run through the analytical process. It was added that it is even more complex for participants who are not analysts themselves, though people do not require special capabilities to imagine consequences of certain factors of influences (interview 18).

[422] Serwer, D. & Thomson, P. (2007), pp. 370-371. This view was also expressed in interviews 5 and 6 and during the Clingendael expert meeting, (21 November 2008).

[423] Johnson, Ch.W. (2007), p. 1. It will be no surprise that exactly these kinds of considerations pinpoint the difficulty of bringing together other relevant stakeholders into the risk analysis process. Ideally, the process of analysis has to be all-inclusive and participatory as this brings about advantages in terms of increased awareness, the possibility to design more realistic interventions, stimulated commitment from different stakeholders and the facilitation of finding common grounds, burden-sharing, cooperation and spread of risk. Moreover, it is claimed that when an analysis is more participatory in nature, an intended foreign military intervention will also be more likely to be successful in practice (Verstegen, S., Goor, L. Van de & Zeeuw, J. De (January 2005), p. 19). According to Eide *et al.* (2005) all participants, either governmental or non-governmental, have to be brought in together as equals in planning as this definitely smoothens the progress of analysis (Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005), p. 18). Nonetheless, as said by Marthaler (May 2004), this is "not always mirrored in practical tools (Marthaler, E. (May 2004), p. 4)."

[424] For this reason, a checklist also seems to be of little value.

The analytical process, a cyclical procedure
The last element in this section refers to the procedural aspects of the risk analysis framework this thesis puts forward. As military operational environments and subsequent foreign military interventions are often highly dynamic both in terms of altering circumstances and people's behaviour, risk analysis should preferably be carried out on a regular base to anticipate risk to the best possible. This is reflected by Heng (June 2002) who asserts that risk analysis is a "cyclical and ongoing process rather than a linear progression toward definite end goals. Such a process is never complete as new risks are always emerging or old risks are reconstituted."[425] After all, as circumstances alter, factors of influence and risks are likely to change as well thereby increasing the likelihood of alternative scenarios.[426] As such, risk analysis for foreign military intervention requires a flexible, on-going updating and adaptive analytical process. In figure 7, the full analysis process is illustrated, whereby the red line reflects the continuing risk analysis cycle.

The risk analysis framework this thesis puts forward focuses only on the first five units in the centre of the figure. The first two units have to be inserted into the analytical process as these provide the points of reference to foster the risk analysis process later on. The next three units touch upon the actual risk assessment by delving into the identification, analysis and evaluation of risks. The risk analysis process will be concluded with an intervention judgment, which can be considered an advice to the senior interventionist leadership who - in the end - has the authority to actually decide on an intended foreign military intervention (the sixth bar, in dark blue).[427] By monitoring

Figure 7: The steps within the risk analysis process
Based on the Australia Standard & New Zealand Standard 4360, (2004), p. 4, as invoked by Middelmann, M.H. (2007), p. 33

and reviewing risk analyses in combination with communication and consultations with stakeholders (which all provide feedback opportunities and directly refer to processes of discussion and learning), peoples' risk perceptions can be influenced.[428] Subsequently, revised risk perceptions may lead to a re-evaluation of the intended intervention, which could lead to a new risk analysis. In this chapter each phase of the risk analysis framework will be illustrated by the different steps from figure 7.

3.2 *A sensitive risk analysis framework for foreign military intervention*

This section will bring forward a risk analysis framework based on the definitions of military intervention and risk as developed in chapter 2. The key elements that are derived from these definitions and that are essential in risk analysis are the following: military intervention (e.g. types and characteristics), expected stakeholders, factors of influence, risk (e.g., domains, directions, types and magnitude) and the link to risk management. At the same time such analysis must take into account the fact that risk is partly a social construct based on perception and judgement.[429]

The framework that is set forth consists of three components. The first component addresses the assumed military intervention (i.e. interventionist context) specifically. It delves into the deployment characteristics in more detail as these not only provide reference points for analysing possible risks, but also as these characteristics can bring forward risks themselves. The second component concentrates on the identification of factors of influence as risk stems from behaviour and (spontaneous) natural or historical processes and events. Simultaneously, the previously identified

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[425] Heng, Y.K. (June 2002), p. 238, cited in Krahmann, E. (2008), p. 21
[426] Interviews 5, 7, 10, 11 and 18
[427] Interview 19
[428] Based on Vertzberger, Y.Y.I. (1998), p. 19
[429] See chapter 2.

stakeholder categories and risk domains are introduced into the risk analysis framework, so that it will be indeed sensitive to t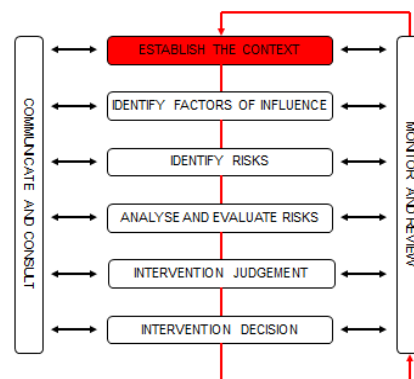he complexities of foreign military interventions, military operational areas and risks. The final component addresses the actual risk assessment in terms of the identification of risks, subsequent analysis and evaluation. Hereafter, the risk part of the analysis will be concluded by addressing the assessor's judgement about the intended intervention.

Part A: Characteristics of military intervention

Interventions vary in a number of ways in their relation to the local regimes, objectives, designs, costs, durations, desired outcomes, and areas of deployment.[430] Subsequently, as foreign military interventions are "complex and multi-faceted" phenomena, every military intervention will have its own peculiarities which could give immediately rise to certain political and operational risks as local, interventionist and/or third party stakeholders act in response to these peculiarities.[431] Recalling chapter 2, where foreign military intervention refers to certain actions, one might assume that it directly touches upon interventionist *behaviour and decisions*. As such, an intervention can be seen as a factor of influence in itself. The multiple underlying elements (or intervention decisions) can then be regarded as internal or organisational factors of influence, which can have effects both vertically (within the military organisation) and horizontally (between different stakeholders).

The first part of the risk analysis framework is descriptive, because some kind of reference is required to enable risk analysis later on. This reference helps people to develop a cognitive map of the assumed foreign military intervention and its characteristics. Therefore, the first part of the framework is in fact a sort of 'Terms of Reference (TOR).' Ideally, this TOR needs to be as specific as possible to identify possible bottlenecks and opportunities for synergy between different stakeholders. But what elements of a foreign military intervention are relevant to insert in this part of the framework? First of all, pointers can be found in the premises that were deducted from the definition for foreign military intervention in the previous chapter, and are recalled below:

PREMISES FOREIGN MILITARY INTERVENTION supportive, hostile or non-sided
- Foreign military intervention aims from divergent (ulterior) rationales and objectives to influence (political, security, economic, social, institutional, health and/or natural or man-made infrastructural) conditions in another sovereign state. - Foreign military intervention is deployed offensively, preventively or reactively while being continuous but limited in time. - Foreign military intervention is the dispatch of military resources in an individual or collective context. - The most significant feature of foreign military intervention is the ability to use force even when pursuing non-lethal responsibilities.

The premises mentioned above identify rationales for intervention, objectives, timing of the deployment, military resources (personnel, hardware and financial), potential partners, ability to use force and responsibilities as the central elements of foreign military intervention. Besides, as consent by the entry state is the main factor to determine both the interventionist legitimacy and what type of intervention (e.g., supportive, non-sided or hostile) is at play, this element has to be applied to the risk analysis framework as well. In addition, in order to frame risk of foreign military intervention, it is required to attribute time and a location of deployment to the assumed intervention, because otherwise it remains challenging for people to imagine the intervention and construct alternative suggestions on the particular intervention.[432] Other relevant elements are considered to be the military mandate (or concept of operation), the strength of force essential to execute the intervention (in terms of amount and assembly of troops, rules of engagement (ROE), force protection, military appearance), the chain

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[430] Vertzberger, Y.Y.I. (1998), p. 3
[431] Vertzberger, Y.Y.I. (1998), p. 3
[432] Vonk, R. (1999b), p. 145. See note 257 for more details.

of command and related responsibility, the duration of the commitment, the potential exit strategy, and the estimated costs of the whole intervention.[433] All these elements are essential to be included into the TOR, but - obviously – this overview cannot be exhaustive and requires to be fine-tuned for each intended intervention.

As it was already decided that a matrix-shaped risk analysis format would fit the requirements, the TOR for a foreign military intervention in this thesis is shown in the table below. Each line will be discussed afterwards:

INTERVENTION CHARACTERISTICS	
Rationales for intervention:	
Name of intervention:	
Type of intervention:	Supportive, non-sided or hostile
Timing:	Offensive, preventive or reactive
Legitimacy:	Approval within entry state (incumbent regime, opponents and third parties)
	International approval (multilateral organisations and observing countries)
	Consent by interventionist's domestic governments and constituencies
Mandate:	– objective(s) (political-strategic, operational and tactical level), – intended partners (their hierarchy or chain of command), – presumed activities, – strength of force (amount of military resources, rules of engagement and force protection), – explicit political and operational caveats, – assumed duration of commitment and exit-strategy.
Indication of financial costs:	
Area of deployment:	

Part A: A sensitive risk analysis framework for foreign military intervention; Intervention characteristics[434]

Rationales for intervention

A foreign military intervention will only be performed when a country believes that significant interests are at stake or that it can to some extent benefit while building or strengthening its (bilateral) relations, as highlighted in chapter 2 where foreign military intervention was defined. Based upon the interventionist state's (perceived) role in the world - which shapes its interests and military attitude - as a rule a state decides to deploy an intervention for the following purposes (or a variation of them): with the intention to self-defence while defending the national territory and that of the allies in case of a military alliance; safeguarding national (or collective) interests (including strengthening partnerships); contributing to and upholding international stability and security; and for the purpose of providing military assistance to (domestic) civil authorities in emergencies.[435] Ideally, these rationales also outline the foundation for the objectives that are written in the mandate of the assumed foreign military intervention. Often, the interventionist initial **rationales** alter or (un)intentionally fade away during the intervention process. It however remains essential to keep track of the underlying motives, since these may help justify or even to persuade other potential interventionist stakeholders to join the intended intervention. Then again, there are also examples of interventions whereby the rationales did not correspond with the public statements or with the set-up of the mission. This implies that the rationales do not necessarily have to match with the public policy.[436]

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[433] The Dutch House of Representatives, (21 July 2009), pp. 3-5

[434] The framework in this thesis differs from the one I developed for the study I conducted for Clingendael (see note 51). In the thesis, the risk analysis framework is purely focused on foreign military intervention and its associated characteristics.

[435] Based on North Atlantic Treaty Organisation, (2006), pp. 18-20; The Dutch Ministry of the Interior and Kingdom Relations, (September 2008), pp. 1-25; Group of experts on a new strategic concept for NATO, (17 May 2010), pp. 19-21

[436] Goodman, R. (2006), p. 129. Sometimes actual motives remain concealed. This way a state is forced to invest considerably in its expressed plausible rationales to make an intervention justifiable.

Name of intervention

Although a **name label** does not seem to be most significant for a risk analysis process and only a small detail of the intervention at first sight, it not only gives the intervention a 'face' to the public but may also bolster the military to perform a public relations campaign and motivate the involved soldiers.[437] It seems however a bit striking for the public that some interventions have highly militaristic name labels like 'Operation Lightening Thunder,'[438] "Operation Iron Fist,"[439] or "Operation Deliberate Force"[440] which make them probably less appealing to civilians. Identification and apprehension of the foreign military intervention by the public is, however, very important as it determines not only the consent and legitimacy of an intervention, but also the expected support base and expectations.[441] As such, a militaristic label may involve the risk of declining public support for a foreign military intervention. This demonstrates the power of words.[442]

Even more important, a name label or the branding of the foreign military intervention provides insight into the mindsets and aspirations of the stakeholders involved, though the actual operational behaviour does not necessarily correspond.[443] In addition, the name giving process may reveal fundamental discrepancies in perspectives on a particular foreign military intervention. These discrepancies have their roots in the given that the diverse stakeholders, even if they are striving for identical objective(s), do not necessarily share similar cultural norms, visions, focus areas and priorities. For example, the Dutch military involvement in Afghanistan with ISAF has been perceived and labelled threefold over time. The Ministry of Foreign Affairs initially identified the involvement as a reconstruction mission, the Ministry of Defence regarded it as a stabilisation and support operation and NGOs considered it a war fighting mission.[444]

Altogether, a jointly agreed name label may help to overcome dispersed perspectives, further enhance an integrated approach and simplifies the mental process during a risk analysis process. In addition, it might stimulate mutual cooperation as similar linguistic goals not only guide cognitive processes, but also enables the development of a shared identity.[445] Besides, it makes references to a certain intended foreign military intervention more convenient and hands-on.

Type of intervention

Hereafter, it is important to determine what **intervention type** (i.e. **supportive, non-sided** or **hostile**) is at hand, because this refers directly to the relation with the entry state *and* the assumed legitimacy to intervene.[446] In addition, the typology indicates the assumed nature of the intervention. Reiterating the definitions from chapter 2, a supportive intervention is deployed by approval of the host country and is

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[437] Sieminski, G.C. (1995), pp. 81-91; Nunberg, G. (30 September 2001); interview 6. Also the military trend of applying "mission statements" (e.g., *Promote Liberty, Restore Hope, Uphold Democracy, Enduring Freedom*) when naming interventions appears not an undivided success (pp. 98-91, the italics are mine). As Sieminski notes: "[t]here is value in this approach because it tends to keep the [foreign military intervention] foremost in the minds of the troops executing it, and it reminds domestic and international audiences why the mission was undertaken. But there is also a certain formulaic monotony about such names which makes them less memorable than they might otherwise be. Like having a 1950s classroom full of Dicks and Janes, it's hard to tell the *Provide Hopes* and *Comforts* apart (pp. 81-91, the italics are mine)."

[438] This joint operation by Uganda in partnership with the DRC and Sudan against the Lord's Resistance Army was launched on 14 December 2008 with support of the United States. It involved aerial bombings and a three-month ground offensive (Schomerus, M. & Tumutegyereize, K. (April 2009), p. 4).

[439] Operation Iron Fist in Iraq was led by the United States within a 'coalition of the willing' from 1 October 2005 until 6 October 2006 to disrupt activities by insurgents in the Al Anbar province near the Syrian border (Global Security, (updated June 2006)). Another military offensive labelled 'Operation Iron Fist' was conducted as early as 2002 to remove the Lord's Resistance Army (LRA) in South Sudan, to capture or kill Joseph Kony and to rescue abducted children (World Vision, (23 June 2008)). This operation was executed throughout South Sudan by Uganda with permission of Sudan and with the help of the United States.

[440] This air operation by NATO against Bosnian Serb military targets was launched on 30 August 1995 for eleven days in response to a Bosnian-Serb mortar attack on civilians in Sarajevo (Global Security, (updated April 2005)).

[441] Nunberg, G. (30 September 2001)

[442] Duursma, L., Bosch, J. Ten & Ligteringen, T. (2008), pp. 133-148. In addition, the different name labels also suggest different legal parameters.

[443] Sieminski, G.C. (1995), pp. 81-91; Nunberg, G. (30 September 2001)

[444] Interviews 1, 2, 6, 17 and 24; Exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation, (3-11 December 2008).

[445] Bureau Sociale Cohesie, (2000), pp. 18-19

[446] See chapter 2, this typology is based on the one developed by Pickering, J. & Kisangani, E.F. (September 2006), pp. 363-376

collaborative in nature. It aims at either backing and strengthening or even preserving (the power base of) the residing regime in the entry state. Non-sided foreign military intervention can be seen as neither in favour of a certain incumbent regime nor against one. This means that such an intervention is not aimed directly at the residing government of the entry state itself, but at realising behavioural change of parties, including those in power. Its aim is the perseverance of peace and cease-fire agreements when these are already in place, the enforcement of these agreements if they are non-existent or ineffective, the protection of (part of) the local population and neighbouring countries and the sustaining of international security and stability. Finally, hostile intervention is understood as an intervention that is deployed without consent of the entry state's regime. Hostile intervention is frequently coercive and lethal in character. It aims at undermining, overthrowing or the take-over of a particular regime while imposing some new political order.

Timing
Another element that relates to the typology of foreign military intervention is the **timing of deployment**, which touches upon factors like the expected legitimacy, combat readiness and resources available.[447] In the previous chapter three options were identified for the timing of an intervention, which pertain to **offensive, preventive or reactive** foreign military intervention. Offensive foreign military intervention can be seen as a first strike or act of aggression all of a sudden against another sovereign country as armed conflict or crisis signals in the latter are missing to legally justify intervention by the interventionist state.[448] As a first strike or act of aggression, approval by the targeted entry state for the intervention will evidently be absent. Preventive foreign military intervention is an intervention that is aimed at preventing the threat or actual outburst of an imminent armed conflict or crisis in another state whereby the (perceived) signals are taken into account to justify the intervention. Once a conflict or crisis has already materialised in another state, a reactive foreign military intervention can be deployed in an attempt to avert further disintegration.

Preventive and reactive interventions can be supportive, non-sided or hostile in character, but offensive interventions seem to be only applicable on hostile grounds. After all, the latter is considered a first strike where justifying intervention signals are missing and consent is lacking to legitimise a foreign military intervention. Subsequently, offensive intervention is directly challenging the sovereignty of the targeted state.

Legitimacy
The legitimacy of an intervention is based on two principles. First, the judicial one whereby the foundation for the intervention is judged on its compliance with national and international law, treaties, customary law and best practices (***de jure* legitimacy or lawfulness**).[449] In other words, especially when a foreign military intervention is assumed to be an armed operation, does it involve a legal breach of sovereignty? Secondly, legitimacy is formed by the general acceptance or with consent of relevant local, interventionist and third party stakeholders (***de facto* legitimacy**). Do they accept and understand the purpose and necessity of the intervention? After all, legitimacy, similar to sovereignty, has to be acknowledged by others to be effective and meaningful and, subsequently, legitimacy has to be acquired (on the job) in the field.[450] The degree of acceptance by the various stakeholders can be a sign of the expected support base and of the commitment to a particular military intervention and may provide insight into the expected behaviour of the relevant stakeholders.[451] Otherwise, in the absence of this de facto consent, the interventionist party may risk considerable backfire effects in its legitimacy and authority while carrying out the intervention.[452] In the framework, legitimacy is divided

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[447] Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (May 2004), p. 64
[448] According to Lahneman (2004) offensive intervention might be applied "to conquer territory or obtain resources" (Lahneman, W.J. (2004), p. 175).
[449] See also notes 343 and 344 in chapter 2.
[450] Serwer, D. & Thomson, P. (2007), p. 384
[451] Ortega, M. (March 2001), p. 37
[452] For instance, when the interventionist military becomes perceived as a direct party to an armed conflict or crisis, it may polarise the (inter)national political landscape and affect the potential successfulness of the intervention. This could eventually undermine the achievement of the objectives of the intervention (United Nations Department of Peacekeeping Operations and Department of Field Support, (2008), p. 32).

between stakeholders in the entry state (incumbent regime, opponents and third parties), international parties (multilateral organisations and observing countries), and by the interventionist's domestic government(s) and its constituencies. Hereby a scenario may arise wherein an intervention is perfectly legal according to (inter)national law, but without any popular support from the people directly affected.

Legitimacy from within the entry state
Legitimacy is foremost "in the eye of the beholder," as Serwer and Thomson (2007) claim.[453] Legitimacy within the entry state can materialise at three levels: **approval by the incumbent regime of the entry state** (de jure legitimacy), approval by **the main influential groups** party to the (political) crisis or armed conflict (which suggests de facto legitimacy since these parties have no formal power), and approval from **the populace and other third parties**[454] (this also involves de facto legitimacy since it pertains to groups without formal power). The level of acceptance from these stakeholders within the entry state is a considerable parameter to determine the course of the implementation of the intended intervention (for example the absence of resistance on the ground and free and unhindered movement of personnel, equipment and supplies). Obviously, consent from within the entry state also bolsters the moral authority of the interveners. Hereby, a foreign military intervention by invitation of the entry state's lawful government provides a strong legal basis to deploy the interventionist military forces. Moreover, "in the absence of any other legal basis, [such] consent is a strict requirement for the deployment of armed forces or the conduct of any type of military operations on another [s]tate's territory."[455] The political consent of the incumbent regime can be laid down in a memorandum of understanding (MOU) or status of forces agreement (SOFA), which can be signed on a bilateral basis or collectively among concordant interventionist parties and the receiving entry state.[456] Nevertheless, especially in armed conflict it is sometimes hard to identify whether the entry state's government has both de jure and de facto authority.[457]

Formally expressed consent does however not automatically suggest that the regime will be cooperative in practice. According to Egeland (1999), one should not naively believe stated intentions, approval and goals at face value as regime leaders might push for ulterior agendas to draw out the status quo since it serves their interests.[458] Egeland refers to his tenure as Norwegian Minister of Foreign Affairs where he has been involved in numerous conflict resolution efforts, where all the leaders at all times claimed their goal was "to end suffering of our peoples. In reality, there were always influential political, military, or economic warlords who had their personal and professional interests tied to continued conflict."[459]

So far, prevailing consent has been considered a risk mitigating factor assuming that local and third-party stakeholders will not obstruct the intervention and that legal implications afterwards are minimal. However, one might "assume that the […] transformation of any society is pursued and thus owned by members of the society themselves," and that has implications for supportive and non-sided interventions in particular.[460] This brings considerations about the importance of ownership of the

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[453] Serwer, D. & Thomson, P. (2007), p. 384

[454] Third parties pertain to groups in society without intention to influence armed conflict, humanitarian crises or conditions in the entry state nor the foreign military intervention. See chapter 2.

[455] Gill, T.D. (2010), pp. 229-232

[456] The main difference between a MOU and a SOFA is that the latter specifically emphasises the legal status and the applicable criminal jurisdiction (often the one from the troop contributing state) when the armed forces are sent abroad. Hereby, interventionist soldiers are habitually given absolute functional immunity with regard to criminal offences that are committed in the entry state when carrying out their duties (based on Voetelink, J. (March 2011), pp. 148-150).

[457] Malanczuk, P. (1997), p. 323

[458] Egeland, J. (1999), p. 544. This was also acknowledged in interviews 5, 8, 9 and 12. The interviewees explained that even with consent by the regime of the entry state foreign military interventions can be still hampered or successfully blocked by the local regime as the required visa applications and internal travel permits can be turned down or the procedures can be delayed infinitely. The interviewees pointed at UNAMID to illustrate this. UNAMID mainly lacks personnel and hardware to implement its mandate as the Government of Sudan refuses to grant visas or employs tactics to delay clearance procedures at its borders.

[459] Egeland, J. (1999), p. 544

[460] Reich, H. (2006), p. 8

interventionist objectives, activities and intervention outcomes by the entry state to the attention.[461] Since any foreign military intervention is deemed continuous but limited in time, the transfer of responsibilities to local civil and military authorities is inevitable. Therefore, even when conducting a hostile military intervention, seeking local consent and ownership is an eventual prerequisite (unless the intervention aims to annex another sovereign territory permanently). Moreover, when an intervention can rely on local ownership of the country's state of affairs, the intervention can take a facilitating over a leading (and therefore top-down) role. Considerable local ownership therefore provides an opportunity for the intervention to correspond to the country's requirements.

Yet, there seems a structural challenge with an intervention seeking legitimacy from the entry state. Duyvesteyn (2009) refers to the problem of competition for legitimacy between the interventionist stakeholders and the incumbent regime of the entry state.[462] For the effective execution of their mandates, both institutions are dependent on local popular consent (*de facto* legitimacy). Then again, when a foreign military intervention takes over responsibilities that should ideally be performed by the state, for instance the delivery of security and public services, the legitimacy of the particular regime could further decline.[463] As such, interventionist stakeholders might have considerable power within the entry state.[464] Obviously, this will be a major dilemma with regard to supportive and non-sided foreign military interventions. Though local consent is to be aimed for to carry out an intervention, the aspect of genuine approval of the entry state is sometimes easily disregarded in practise.

International legitimacy

A foreign military intervention involves the crossing of international sovereign borders with the ability to use force, which can be an infringement of the sovereignty of the state that is intervened when it did not invite the interventionist stakeholder or accepted the intervention. Just as important is that such infringement is in fact a violation of the global legal and political state system wherein state sovereignty is regarded a fundamental cornerstone. Therefore, international consent of the intervention is fundamental to legitimise the interference thereby preventing the undermining of the system. This seems even more urgent in case of a multilateral intervention under the auspices of a multilateral organisation or a coalition of the willing.

As mentioned in the previous section, consent from the incumbent lawful regime in the entry state is considered highly important and decisive to determine whether the intervention is lawful, but it is not uncommon that it is sidestepped. Such an infringement of a state's sovereignty is quite a delicate issue, since "no country [desires] to authorise violations of sovereignty lightly" as it may have a rebound effect on its own sovereignty.[465] For this reason, other states are sometimes reticent not only to approve a foreign military intervention but also to commit themselves to one. Then again, besides self-defence, interventions for the purpose of R2P (which in itself has no legal status) have become increasingly accepted as a justification and hence the principle of state sovereignty (and non-interference) has become less absolute.[466]

Though approval can be obtained and mandates be drawn by individual interventionist countries, coalitions of the willing and multilateral organisations like NATO, the EU, AU and OSCE, **international consent** (and both de jure and de facto legitimacy) is foremost sought through **authorisation and/or resolutions** given by the **United Nations Security Council** (UNSC), particularly in case of an armed intervention.[467] Moreover, unlike the other multilateral organisations, the UN is an extraordinary entity as it represents the entire world community of states.[468] Besides, the

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[461] Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005), p. 35. However, as stated by Reich (2006), "[t]he term local ownership is pretentious, because it covers up the difficulties inherent in asymmetrical power relations and in the mandate given to outsiders to be involved in processes (Reich, H. (2006), pp. 14-15)."

[462] Duyvesteyn, I. (2009), p. 22

[463] Duyvesteyn, I. (2009), p. 22

[464] Reich, H. (2006), p. 13

[465] Lahneman, W.J. (2004), p. 175

[466] Lahneman, W.J. (2004), p. 175; Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (May 2004), p. 60

[467] See for instance: The Dutch House of Representatives, (30 October 2001), Article 5.7; interview 16

[468] Though there is some discussion on the exact number of nation states in the world, the UN acknowledges currently 192 member nation-states. In 2006, Montenegro became the latest member that joined the organisation (United Nations, (2011a)).

UNSC is the only multilateral body in the world that can - on the basis of its Charter - lawfully authorise the use of force among nations (jus ad bellum) and thereby an armed infringement on the sovereignty of a state.[469] Most countries, the Netherlands included, thus consider this UNSC approval a prerequisite for a lawful intervention. Simultaneously, this approval "signifies that all UN member states implicitly support the intervention since, under the Charter, all members of the United Nations agree to accept and carry out the decisions of the Security Council."[470]

Albeit authorisation by the UNSC assumes a pure legal process to compare the (intended) foreign military intervention with international law, reality demonstrates that the decision-making process is highly political since the Security Council members are representatives of national governments.[471] Nowadays, the Security Council consists of fifteen member states: five permanent members, with special powers and the privilege of veto-right, that represent the nuclear hegemonies after the Second World War (the United States, Russia, China, France and the United Kingdom), and ten non-permanent members that are selected for the duration of two years.[472] Formally, the UNSC's main principle is not to interfere in "matters which are essentially within the domestic jurisdiction" of states except when these matters involve a threat or actual violation of international peace, as is laid down in Articles 2 (subsection 7) and 39.[473] Still, in case of an actual violation of peace, the UN generally attempt to realise a peace deal between the warring stakeholders first, since "the existence of such an agreement increases the legitimacy of the use of [interventionist] military forces."[474] Subsequently, on the basis of political considerations and by the virtue of Articles 39 and 42[475] of the UN Charter, the UNSC is required to come to a binding verdict by a majority of the votes whether to authorise an armed intervention or not.[476] By exception, the UNSC might authorise an intervention

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[469] Burroughs, J. (2007), p. 36; Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), p. 13. Originally, Burroughs writes about weapons of mass destruction, but nevertheless he also provides insight into the functioning of the UN Security Council. The Charter, originally signed in June 1945 and coming into force by October 1945, is the foundational statute of the UN to take up its responsibility to decide on war and peace. Simultaneously, the UN Charter attempts to reduce the use of "armed force as a casual instrument of national ambition (Wedgwood, R. (2007), p. 587)." The Advisory Council on International Affairs and Advisory Council on Issues of Public International Law (May 2004) point out that according to Article 24, subsection 1, of the UN Charter, the UNSC has the primary responsibility for the maintenance or recuperation of international peace and stability in accordance with the principles and purpose of the United Nations (Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (May 2004), p. 53).

[470] Lahneman, W.J. (2004), p. 173. This obligation to execute the Security Council's decisions does not apply to its "mere recommendations (Malanczuk, P. (1997), p. 374)."

[471] Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (May 2004), p. 55; Wedgwood, R. (2007), p. 590

[472] Malanczuk, P. (1997), p. 373; Kennedy, P. (2006), p. 51. After ending their term, non-permanent members are "not eligible for immediate re-election (United Nations, (2011b))." Since 1 January 1966 the division of non-permanent seats is based on five seats for African and Asian states together, two for Latin American states, two for Western (European) States and one for an Eastern European state (Malanczuk, P. (1997), p. 373). The presidency of the Security Council is a position that is filled by each UNSC member in line with the English alphabetical order of their nations for the duration of one month (United Nations, (2011b)).

[473] United Nations, (June 1945). Article 39 claims, that the "Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 (non-military counter-measures like politico-economic sanctions) and 42 (authorisation of actual military intervention and the use of force), to maintain or restore international peace and security (United Nations, (June 1945))." The Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law (May 2004) suggest however that this 'threat to the peace' has to be interpreted broadly as the UNSC authorised interventions in the past when there were phenomena at play like large-scale human suffering, threat of terrorism, proliferation of weapons and refugee streams (pp. 57-58). This directly touches upon a change in discourse on sovereignty and the use of force. The UN Charter was developed before 1945 when sovereignty was considered a highly absolute given. However, developments like the introduction of the (political) R2P concept have expanded the powers of the UNSC over the years and resulted into an increasing willingness to disregard the notion of sovereignty to prevent large-scale atrocities that violated international human rights standards. Subsequently, it became increasingly accepted that the UNSC can decide to interfere in matters that are indeed within the exclusive domain of any state.

[474] Lahneman, W.J. (2004), p. 170. Besides, Article 2, subsections 3 and 4, of the Charter emphasise the urgency to try first to peacefully solve quarrels (United Nations, (June 1945)).

[475] Article 42 states that "[s]hould the Security Council consider that the measures provided for in Article 41 [politico-economic sanctions] would be inadequate or have proved inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other options by air, sea, or land forces of Members of the United Nations (United Nations, (June 1945)).

[476] According to Article 27 of the Charter, "[d]ecisions of the Security Council on all other [than procedural] matters shall be made by an affirmative vote of nine [out of 15] members including the concurring votes of the [five] permanent member;

after its deployment, but it may be no surprise that these interventions bring about heated discussions on the undermining of the interventionist legitimacy and the credibility of the Security Council.[477] This is however not the only difficulty.

Other significant difficulties include the pace of UNSC procedures and decisions, the lack of in-house UN implementation and coercion capacity, the shift in global power balances and the right of self-defence for individual sovereign nation states. The pace of UNSC procedures and decisions can be very slow in practise, because it requires nine affirmative votes (including the votes of the five permanent members) to vote in favour of a military intervention.[478] Furthermore, as Kennedy (2006) points out:

> […] while the Security Council seemed increasingly willing to mandate lots of [military interventions], it left it to the secretary-general to go, cap in hand, to member states and ask them to contribute troops. Governments in turn might need to consult their parliaments, take advise from their own militaries (many of which are ill equipped for distant operations), and thus respond slowly - if at all. Kennedy, P. (2006), p. 256

Consequently, a UNSC authorisation may only come after the worst breaches of peace have already occurred. This slow pace of procedures directly touches upon the absence of internal capacity by the UN to implement authorisations immediately. The UN has no standing armed forces at their disposal, which affects their performance to respond swiftly and decisively upon an authorisation.[479] Despite the obligation of the member states to execute the decisions made by the UNSC, the eventual intervention authorisation does not necessarily suggest that all individual states can act upon the verdict, given their available intervention capacity, national legal regulations and regional interests.[480] Subsequently, decisions by the UNSC do not always result into concrete action, leaving occasionally the accent more on rhetoric than on enforcement.[481]

The next difficulty refers to the alteration of global power balances, which are not yet reflected in the structure of the UNSC since only the hegemonies of the Second World War are permanent members holding veto power. These permanent members do no longer represent large parts of the world (both in number of states as in population figures), but also deny the rise of new powers at the world stage.[482] These powers refer to upcoming hegemonies from the developing world such as India, Brazil, South Africa and Egypt. Given that the major influential states in Africa, Central Asia and Latin America are not permanently represented at the Security Council while the majority of nowadays armed conflicts take place on these continents, Africa and Asia in particular tend to consider the UNSC as a prejudiced institution of the West.[483]

Finally, there is one lawful justification for states to bypass UNSC authorisation which can be highly controversial when not applied appropriately. Countries may decide to appeal to Article 51 of the Charter, which authorises them to execute a foreign military intervention in absence of approval by the Security Council on the condition of their right to (collective) self-defence when they face an act of

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provided that, in decisions under Chapter VI [peaceful settlement of disputes], and under paragraph 3 of Article 52 [encouraging the peaceful settlement of disputes by regional arrangements], a party to a dispute shall abstain from voting (United Nations, (June 1945)).

[477] Advisory Council on International Affairs & Advisory Committee on Issues of Public International Law, (May 2004), p. 63. The intervention under auspice of NATO in Kosovo in 1999 and the intervention led by the United States in Iraq in March 2003 were not approved by the UN Security in advance of their implementations.

[478] Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), p. 17 (when referring to article 27 of the Charter.)

[479] The UN never managed to develop a standing force, although it was envisioned when the UN Charter was developed (Wedgwood, R. (2007), p. 589). It was suggested that some significant countries, like the United States for instance, feared that they would lose control over their troops when they would permanently be under UN command. Besides, according to Wedgwood, the willingness (and subsequent combat readiness) of possible troop contributing countries "depends crucially on the type of conflict and the identities of the parties (p. 589)."

[480] Although the UNSC can call upon its members to deliver troops, the actually contribution of armed forces remains voluntarily (Wedgwood, R. (2007), p. 590). Kennedy (2006) distinguishes between three categories of member states: those that are incapable of contributing as they are too poor, small or failing states themselves; those that are unwilling to contribute; and those that are willing to assist but suffer "a form of military donor fatigue (Kennedy, P. (2006), pp. 256-257)." For more information on national restrictions, see the section *Political and operational caveats*.

[481] Wedgwood, R. (2007), p. 591

[482] Kennedy, P. (2006), pp. 244-253; Burroughs, J. (2007), p. 37. As such, one might argue that some states are more equal than others within the UNSC.

[483] Fassbender, B. (March 2005), p. 5; Hamilton, A. (13 December 2007)

aggression.[484] Some interventionist countries successfully applied their right of self-defence, while attempts of others were rejected by the international community as violating international law and subsequently had to face reprisals.[485] Nevertheless, breaches of the Charter proved not always to be consistently met with punishment.[486] This illustrates the peculiarities and difficulties "in adapting an international legal framework [Charter] to political and security situations that have worked out differently than earlier draftsmen supposed."[487] To conclude, although UNSC authorisation to justify a foreign military intervention is often seen as important, there are still many pitfalls possible with regard to a(n actual) infringement of the sovereignty of a state. This provides a real challenge not only for the UNSC itself but also for the broader international community.

Legitimacy by interventionist's domestic governments and constituencies
When an interventionist government intends to deploy the nation's armed forces abroad according to the **national and international law frameworks** (de jure legitimacy), this can still become a highly sensitive socio-political and economic matter which may lead to heated domestic discussions within **parliament** and the **public society**. These two groups are believed to account for the potential public support or opposition base of any particular foreign intervention.[488] Though broad-based public support is not always decisive in politico-military decisions in democratic societies,[489] the absence of it may lead to political consequences[490] and "adversely affect the perceived legitimacy of the [foreign

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[484] Article 51 stipulates that "[n]othing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by the Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security (United Nations, (June 1945))." Together with Article 42, Article 51 stipulates when a state is authorised to resort to armed force (Wedgwood, R. (2007), p. 586). Nevertheless, with modern warfare the understanding and limits of self-defence came under pressure whether this article of the Charter, which addresses nation states, is an inherent right of states and can be applied to transnational armed aggression by non-state combatants such as OAGs (Lietzau, W.K. & Rutigliano, J.A. Jr. (2010), pp. 16-17).
[485] The aggressive act by Iraq to intervene into Kuwait in 1990 is an illustration of a foreign military intervention that was widely condemned. On the basis of Article 51 Iraq faced countermeasures: "first economic sanctions, then a naval embargo, and finally the use of force (Kennedy, P. (2006), pp. 64-65)."
[486] For instance, the intervention of the United States into Iraq in 2003 led to heated debates and many believed it was hardly defendable as an act of self-defence (Kennedy, P. (2006), p. 74). The United States (which is also a permanent member of the UNSC) did however not face any reprisals. In addition, Kennedy continues by posing an interesting question: "How could the [UNSC] handle a single assertive nation that by 2003 was spending as much on armaments as the rest of the world together (p. 74)?" It suggests that punishment of breaking the rules can be applied very selective, which puts pressure on the efficiency and status of the UNSC and the Charter, but also on the moral authority of the convention-breaking states. Accordingly, people seem to hold two opposing attitudes with regard to the discrepancy between international law (i.e. UN Charter) and interventionist practise; the first attitude assumes that no matter what violations or to what extent international law is left out of consideration, it will never lose its status (Buhler, P. (2009), p. 9). The second attitude refers to the perspective that international law cannot longer be considered effective, when is does not reflect state practice anymore, thereby becoming a "hollow rhetoric or paper universe (p. 9)." Buhler claims that the second attitude entails a significant danger whereby states confuse "practice and custom" and simply ignore international defined criteria thereby freeing themselves from it (p. 9). Altogether, it illustrates the urgency for the UNSC and its member state to consider loopholes within the Charter.
[487] Wedgwood, R. (2007), p. 586
[488] Advisory Council on International Affairs, (April 2006), p. 7. In addition, the Council distinguishes between three categories of public support: 1) "Public support for the armed forces in general, i.e. the necessity and desirability of having armed forces;" 2) "Public support for the various tasks of the armed forces, such as national defence and contributions to international peace and security;" and 3) "Public support for specific military operations. A further distinction can be made in this case between the degree of support before, during and after an operation (p. 8)." The Council claims that with regard to the third category, the support for specific foreign military interventions "varies and may sometimes be much lower" compared to the former two categories, especially when taking into account the Dutch contributions to the foreign military interventions in Iraq in 2003 and the deployments into Afghanistan since 2005 (p. 9, thereby referring to the study carried out by Everts, P.P. (2006)).
[489] Advisory Council on International Affairs, (April 2006), p. 14, while also referring to Everts, P.P. (2002). Nevertheless, it is claimed that "ordinary [people have] a significant impact on public policy (Posner, R.A. (2007), p. 9)." Posner continues by invoking what a science advisor of President Bush Jr. once told him, that although asteroid strikes were considered a considerable risk justifying to take countermeasures, the investment of national resources for detection and protection "would not be made because the American people simply do not worry about asteroid strikes, even though such a strike could, depending on the size of the asteroid, do incalculable damage up to and including the extinction of the human race (p. 9)."
[490] Advisory Council on International Affairs, (April 2006), p. 14, when referring to Everts, P.P. (2005), p. 1

military intervention] and even support for the armed forces generally" in the long-term.[491] The **domestic support** or *de facto* legitimacy of an intended intervention is determined by certain factors, like the expected international lawfulness of the intervention, its impending nature and objectives, its perceived successfulness, its prospective and actual financial and material costs and risks in terms of casualties, and convincing or credible political leadership that is capable of vigorously clarifying why military intervention is necessary thereby positively influencing public perception about the intervention and mobilising public support.[492]

Hereby, it is found that public support is the strongest when the foreign military intervention is authorised or mandated by the UNSC, national interests are directly at stake (for instance, in case of self-defence against an aggressive foreign opponent) or when generally shared values are at risk such as persistent large-scale violations of universal human rights.[493] In addition, the public seems more willing to accept risky intervention decisions and (human) costs when the intervention is aimed at the defence or prevention of - what the public perceives as - *important* (national) interests or losses.[494] Oppositely, the public seems to have less preference for interventions aimed at "ousting unfriendly regimes or maintaining friendly regimes in power."[495] Likewise, a foreign military intervention is often believed to generate less public support when the risk of casualties (and others costs) is expected to be excessive, a topic that will be dealt with later in this paragraph.[496] Nevertheless, even when (broad-based) public support for an intervention remains absent, it does not automatically mean that the public does not support the troops involved and the work that they do.[497]

The media also plays a key role in shaping the political and public opinion and thereby influences potential public support (and associated cash flow), de facto legitimacy of the intervention and a country's foreign policy.[498] That is, the mass public has to rely on mainstream media and their news coverage for pinning down the government's actual intentions and to judge an impending foreign military intervention.[499] These media are highly diverse and not per definition objective.[500] When, for instance, the accessibility of armed conflict or humanitarian disaster-ridden sites is troubled, journalists may prefer to become embedded with the foreign military intervention. This embedding may however affect their objectivity. Moreover, exclusive footage and articles on casualties, incidents and alleged misdemeanours seems often most newsworthy which not only underexposes the bigger picture and the complexities in the military operational area but also could frighten the public which consequently becomes risk-averse.[501] This specific media attention brings to mind again the perception that a foreign military intervention generates less public support when the risk of casualties is expected to be excessive, which is sometimes referred to as the casualty or body-bag hypothesis.[502]

Although the potential effect of the casualty hypothesis is not denied, it is not supported by conclusive evidence.[503] In addition, some suggest that politicians opportunistically invoke the hypothesis when they have hesitations about a proposed intervention.[504] Further, Larson (1996)

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[491] Advisory Council on International Affairs, (April 2006), p. 14, when referring to Wecke, L. (2005), pp. 31-35

[492] Larson, E.V. (1996), p. 12; Advisory Council on International Affairs, (April 2006), pp. 10-12

[493] Perla, H.Jr. (2011), pp. 140, 143 and 160; Advisory Council on International Affairs, (April 2006), pp. 10-11. According to Larson (1996), this public support can be lost when the foreign military intervention is perceived "not [to] live up to the expectations upon which initial support was premised (Larson, E.V. (1996), p. 100)."

[494] Based on Advisory Council on International Affairs, (April 2006), p. 18

[495] Perla, H.Jr. (2011), p. 144

[496] According to the Council, it should be emphasised that references to casualties generally cover "fatalities and not [...] invalids[, ...] wounded[, or psychosomatically affected]" soldiers or the local population in the entry state (Advisory Council on International Affairs, (April 2006), p. 19).

[497] Advisory Council on International Affairs, (April 2006), p. 10

[498] This phenomenon is also known as the 'CNN effect' (Livingston, S. (June 1997), p. 1; Moelker, R. & Soeters, J. (2003), p. 90). Especially through television and digital media coverage, the domestic mass public is enabled to watch over the military's shoulder whereby the activities highlighted by the media in the military operational area can be taken out of their context (Moelker, R. & Soeters, J. (2003), p. 90). Livingston concludes, however, that to what level media coverage has effect depends on the type of intervention and the level of interest by the media to cover the specific intervention (p. 15).

[499] Wecke, L. (2005), p. 35; Perla, H.Jr. (2011), p. 141

[500] Moelker, R. & Soeters, J. (2003), pp. 67-70; Wecke, L. (2005), p. 35

[501] Moelker, R. & Soeters, J. (2003), pp. 69-70; Wecke, L. (2005), p. 35; Krahmann, E. (2008), pp. 14-16

[502] Everts, P.P. (2000); Advisory Council on International Affairs, (April 2006), pp. 18-20

[503] Everts, P.P. (2000); Advisory Council on International Affairs, (April 2006), p. 18. In addition, Everts suggests that in case the casualty hypothesis exists, also wider factors of influence are at play eroding the public support.

[504] Everts, P.P. (2000); Advisory Council on International Affairs, (April 2006), p. 19

explains that the "unwillingness of the public to tolerate very high casualties in some recent military operations [of the United States] has had to do with the fact that majorities - and their leaders - did not perceive the interests and principles at stake to be particularly important."[505] Nevertheless, as a result of previous high-casualty interventions, Larson thinks that the public "does not expect - and is unlikely to demand - that all future [foreign military interventions] be bloodless. Indeed, it is more accurate to say that the public hopes for low-to-no casualty operations but fears a very different outcome."[506] To conclude this section, in the end interventionist domestic de facto legitimacy remains a balancing act between pushing the political or nations' interests and keeping pace with the will of the domestic constituencies. For this reason, it is relevant to insert the issue of domestic legitimacy into the intervention characteristics as well.

Mandate
Central to the overview of intervention characteristics is the interventionist **mandate** that allots operational direction to the whole intervention in terms of authorisations and limitations to the military assignment.[507] A mandate defines the range wherein the intervention has to take place. In addition, a mandate forms the base for individual concepts of operations: a description of how the interventionist leadership intends to carry out the mission.[508] In practice, this mandate will be given and authorised by a multinational (security) organisation like the UN, NATO, EU, OSCE or AU. The fundamental aspects are the intended (political) objectives, involvement of potential partners (command and control or coordination arrangements), presumed activities or tasks, strength of force (the amount of military resources, rules of engagement and force protection included), supposed duration of the commitment and a potential exit-strategy.[509] These elements will be discussed accordingly.

Objectives
Each foreign intervention comprises one or more (complementary) **objectives** that - ideally - relate to the underlying rationale(s) and touch upon the conditions that can be influenced in the entry state and the perceived risks.[510] Vertzberger (1998) emphasises that it is vital to define these objectives explicitly and detailed "if an intervention is to succeed without introducing new unacceptable risks."[511] Nevertheless, objectives of foreign military intervention might remain vague, opaque, visionary or hidden for political reasons.[512] Besides, the more specific objectives become, the easier it is for parliaments and publics to hold interventionist stakeholders accountable for undesirable outcomes of their intervention. After all, the objectives can be used to measure the value of the intervention's tactical "deliverables."[513] As such, there seems to be a dilemma between the (tactical) need to be specific and the (political-strategic) desire to remain vague.

At the same time, it remains very difficult or sometimes practically impossible to measure progress towards the set objectives, especially in the field of nation and peace building. For instance, Lahneman (2004) argues that objectives like "reduction in ethnic or racial hatred, democratisation, and the establishment of a functioning economy," can only be measured indirectly utilising proxies "whose

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[505] Larson, E.V. (1996), p. 100
[506] Larson, E.V. (1996), p. 101. This is also acknowledged by Advisory Council on International Affairs, (April 2006), p. 19, while referring to the report of the Advisory Council on International Affairs, (March 2004).
[507] The Royal Netherlands' Army, (1999), p. 369
[508] A common heard difficulty with regard to military mandates is that, when they are not defined unambiguously, they can be interpreted differently by each field commander. This may leave some serious complications and consistency issues as will be seen in the section *Strength of force*.
[509] The Royal Netherlands' Army, (1999), p. 21; The Dutch House of Representatives, (21 July 2009), pp. 3-5
[510] In a joint setting, especially in case of hybrid interventions with civilian counterparts, multiple objectives might be identified which are not necessarily congruent but may overlap on a higher-level. This suggests that such interventionist stakeholders should together prioritise the identified objectives and find common grounds to not hamper each other's aims.
[511] Vertzberger, Y.Y.I. (1998), p. 400. By referring to Tellis (1996) Vertzberger explains that well-defined objectives involve the merits of "[allowing] the differentiation between success and failure, [conducting] mid-term assessments for progress, [enabling] realistic time assessments for meeting the intervention objectives, and are a necessary condition for developing an appropriate exit-strategy." In addition, he argues that a well-defined objective "improves the chances of identifying the appropriate means-ends nexus and thus of coming up with an accurate and realistic assessment of the risks of failure." In interview 18 it was stated that, if possible and to ensure that objectives are achievable and measurable later, it is important that the objectives meet the requirements of being as specific, measurable, acceptable, realistic and time-bound as possible.
[512] Interview 6
[513] Hillson, D. (2006), p. 2

values can be estimated with some degree of precision."[514] He gives an example of a decrease in the number of ethnic attacks between one group and another as an indirect indicator that racial tensions can be measured.[515] Besides, intervention outcomes cannot always be directly attributed to the activities undertaken by the interventionist stakeholder(s).[516] In fact, the identified outcomes may stem from multiple factors of influence and even stem from behaviour of others as well.

For the reason that tactical-level behaviour, decisions or events can have strategic-level consequences and vice versa, the interventionist objectives have to include preferably three levels similar to the hierarchy of the intervention: **political-strategic, operational** and **tactical**.[517] The political-strategic objective refers to the desired grand strategy that is critical to any military intervention to succeed.[518] The stakeholders involved are the top management levels of interventionist parties. The operational level concentrates on the translation of the macro-level into a policy-driven strategy or the military concept of operations. This level is the domain of policymakers and planners. The tactical-level objective refers to the lowest level of the intervention. The tactical level is the most concrete and practical of all three levels. Significant tactical-level military stakeholders are the practitioners or the soldiers on the ground, carrying out the interventionist activities.

Integrating these three levels into one model may not only stimulate and secure consistency among them, but also helps to determine possible factors of influence, risks and risk responses in the risk analysis process later. Bonn and Baker (2000) indicate however that as objectives may change over time, it is important to consider whether the particular objective and the intervention tactics are still congruent.[519] Finally, when an intervention grasps a variety of different objectives, interventionist parties are suggested to differentiate between these objectives since they may encompass dissimilar focus areas.[520] These focus areas can encompass different strategies and resources, which comprise the enrolment of personnel and/or hardware possibly supplemented with (small) funds. Nevertheless, the Advisory Council on International Affairs (March 2009) stresses that with a limited amount of objectives the chance increases that those will be realised.[521]

Intended partners
Hardly any of the current foreign military interventions is carried out in isolation, let alone that the subsequent troops will be exclusive actors within the military operational area. Even the United States, so far still the military supremacy in the world, draw on military **partners** in their foreign military interventions for the purpose of "increased political influence and enhanced legitimacy across the international community; shared risk and cost; and increased military power and effectiveness."[522] In addition, potential partners affect the "mix of resources and capabilities available to the alliance."[523] Hereby, it became gradually customary for interventionist military troops to enter into relations or actually join forces with non-military stakeholders, in particular when striving for a 'grand approach' whereby the latter stakeholders fill gaps in military capacity.[524] Besides, the integration of interventionist and local civil stakeholders may bolster the handover of (military) responsibilities and activities in the longer term. In the end, a foreign military intervention remains a temporary endeavour, "continuous but limited in time."[525]

Though the variety of partnering relationships can be immense, four relational mechanisms could be at play: coexistence (working in the same operational area whereby interaction remains absent); dialogue (interaction whereby there is exchange of information and discussion, also to "avoid competition and minimise inconsistency"); coordination ("synchronised regulation of tasks and

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[514] Lahneman, W.J. (2004), p. 179
[515] Lahneman, W.J. (2004), p. 179
[516] See chapter 2, the section *Risk directions and what is basically at stake*.
[517] Donald, D. (2002), pp. 107-108; interviews 6 and 25
[518] See chapter 1.
[519] Bonn, K.E. & Baker, A.E. (2000), pp. 5-11
[520] Interview 25
[521] Advisory Council on International Affairs, (March 2009), p. 48
[522] The United Kingdom Ministry of Defence, (December 2008), cited by Cathcart, B. (2010), p. 236
[523] Overby, M.L. (2005), p. 6. Originally, Overby writes about partnering within the private or commercial sector.
[524] In the private sector, this is also known as outsourcing of activities or processes (Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), pp. 187-195). Examples of such integrated interventions can be found in Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005).
[525] Vertzberger, Y.Y.I. (1998), p. 114

activities whereby a shared responsibility exists to achieve the desired objectives"); and cooperation (actual working together in a joint operation).[526] Military stakeholders can formally put down their principles, agreements and obligations in a MOU and/or in a SOFA, while others settle these in covenants.[527]

Yet, every kind of partnership arrangement always brings about certain challenges and risks whereby partners will always have to balance between their own objectives and interests and those of the coalition.[528] Furthermore, Wedgewood (2007) points out that "[f]orces cannot be intermarried a few days before a particular crisis. A joint war fighting force requires a shared conception of operations, extensive training and exercises, compatible communications, and a practised sense of specific capabilities."[529] The partnering with (local) civilian stakeholders however seems even more difficult, as their cultures, doctrines, planning frameworks, command-and-control (C2)[530] relations and legal statuses can be completely different from those of the military.[531] Usually, these non-military stakeholders are not part of a military chain of command which may give rise to trust issues and hurdles in effective liaison (e.g. sharing of information and access to classified documents). This issue of trust becomes all the more critical when the interventionist military is partnering with local stakeholders. That is, strident local spokespersons or other key figures are frequently not chosen or suggested by the local population itself and may be "part of the crisis or conflict while having blood on their hands but nonetheless became accepted as partners to make transition work."[532]

With regard to the operational functioning of a multilateral foreign military intervention, there will always be countries that are in the lead and take responsibility for fundamental elements or the entire intervention, such as the mission command or C2, decision-making authority in targeting, (partial) disciplinary authority, movement of personnel, and the responsibility for filling the required military resources.[533] Hereby, the senior international military commander has 'superior responsibility' within the C2 structure, which is originally a complex military concept, whereby the commander is legally responsible for the conduct of the troops on the ground.[534] Nevertheless, an international military commander never has full command over all national troops, not operationally nor legally.[535] That is, the troop contributing nations still give orders to their troops and have the final say about how their troops will be deployed, how they act on the ground and how they will be disciplined. These conditions are known as caveats and may restrict the coalition commander's flexibility on the ground.[536] For these reasons, Vogelaar and Kramer (2004) emphasise that mission command is difficult to implement by stating that "[a]lthough mission command is popular in theory, in practice commanders appear to have problems with the delegation of authority."[537] The same is true pertaining to civilian partners, since an international military commander will not be in command

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[526] Based on European Union Voluntary Organisations in Cooperation in Emergencies Group, (March 2009), pp. 3-4. The actual cooperation may also range from shared projects to full-fledged and embedded cooperation.

[527] Interviews 5, 6 and 18

[528] Based on Cathcart, B. (2010), p. 236

[529] Wedgwood, R. (2007), p. 589. It directly refers to the interoperability of military forces. In addition, organisations like NATO have developed joined training for the troops of their member states to overcome the difficulties of joint warfare.

[530] According to Shirreff (23 March 2010), C2 refers to "getting the right capability to the right place at the right time to deliver the right effect (Shirreff, R. (23 March 2010), p. 3)."

[531] Serwer, D. & Thomson, P. (2007), p. 369

[532] Eide, E.B., Kaspersen, A.Th., Kent, R. & Hippel, K. Von (2005), p. 8. This was also acknowledged during the exercise at the Joint Warfare Centre of the North Atlantic Treaty Organisation (3-11 December 2008).

[533] North Atlantic Treaty Organisation, (updated 27 October 2010)

[534] Sliedregt, E. Van (15 February 2011). Superior responsibility is a complex, multi-layered concept that does not intend that individual lower-level military forces are not legally responsible nor that they cannot be prosecuted for their committed (war) crimes. It only means that the higher level command cannot claim ignorance and can be brought to court, when (s)he had a duty to act and had effective control (authority to give orders, to coordinate decision-making and to conduct investigations in combination with ground liability and accountability), had reason to know or should have known the misconduct by virtue of his or her position but failed to act upon it. See for instance, Cathcart, B. (2010), pp. 235-244; Fenrick, W.J. (2010), pp. 501-514 and; Kondoch, B. (2010), pp. 515-536.

[535] Cathcart, B. (2010), p. 237; Sliedregt, E. Van (15 February 2011)

[536] North Atlantic Treaty Organisation, (last updated 27 October 2010). See also the section *Political and operational caveats* in this chapter.

[537] Vogelaar, A.L.W. & Kramer, E.H. (2004), pp. 409-431

of them. Hence, it suggests that a highest-level international commander has a formal title, not a decisive function.[538]

This paragraph indicates that the more partner states and institutions are involved in a foreign military intervention, the more complex the intervention becomes and the more difficult it will be to respond swiftly and decisively within the military operational area. On the other hand, integrating a broad variety of stakeholders and competences into a foreign military intervention increases the intervention's ability to address the multiple challenges on the ground. This suggests that the selection of a partner is a rather delicate process, whereby every stakeholder has to weigh multiple interests and potential flaws against each other to decide whether to join forces with another stakeholder or not.

Presumed activities
During the execution phase of a particular foreign military intervention several concrete tactical-level activities or tasks will be carried out by interventionist parties to accomplish the objectives set beforehand. Insight in the presumed activities provides an idea what interventionist parties may expect on the ground. Therefore, the **presumed activities** will be integrated in this first part of the risk analysis framework.

Given that foreign military intervention is "a complex and multifaceted phenomenon" which outcomes are not at all times unqualified successes or favourable, three remarks have to be made.[539] First, with every foreign military intervention the risk exists that a discrepancy materialises between the objectives and strategy on the one hand and military tactical behaviour on the ground on the other hand (i.e. vertical risk).[540] One has to check whether activities are properly synchronised with the objectives and whether the strategy is well understood and interpreted, thereby being reflected in every soldier's behaviour.

Stahelski (27 August 2003) refers to Iraq where he identified a disconnection between interventionist strategy and tactical behaviour on the ground by pointing at the American strategic goals to make the country secure, to fulfil basic needs, to win heart and minds, and to establish rule of law and democracy.[541] He notes: "[h]owever, if we are making any progress on these goals, it is because of the efforts of dedicated individuals, not because we are organised with good tactical coordination and efficiency."[542] Further, Stahelksi notes that: "[t]he seemingly endless attacks and casualties indicate that [interventionist troops] are using the wrong units and techniques to find and eliminate the attack perpetrators."[543] Another example is when interventionist states like to create the impression that they are present within the entry state to support and protect the local population, meanwhile troops on the ground injure people at a marketplace by patrolling in armed vehicles for security reasons.[544] Similar to Shirreff (23 March 2010), "If, by the way we [read: the interventionist troops] conduct our operations, we alienate [the local populace]; we [give] the advantage to our adversaries. Protection of the people means people-centric campaign design."[545] Subsequently, behaviour on the ground directly affects the perception of the populace in the entry state thereby influencing the local public support for the intervention. It can cause implications for achieving the interventionist goals, as well as in terms of reputational damage. It suggests that while an intervention is being executed, regular reality checks are required to examine whether the interventionist objectives and strategy are understood and match the tactical activities.

Second, as local expectations can be very high it is essential to adapt local instead of 'Western' realities and standards since this allows for the development of more realistic and suitable objectives and activities.[546] What is considered appropriate in the West does not necessarily meet local requirements. Serwer and Thomson (2007) illustrate this by pointing at the fact that in many receiving entry states were a form of democracy is established with the help of interventionist (military) parties,

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[538] Sliedregt, E. Van (15 February 2011)
[539] Vertzberger, Y.Y.I. (1998), p. 3
[540] Stahelski, A. (27 August 2003), p. 4; interview 6
[541] Stahelski, A. (27 August 2003), p. 4
[542] Stahelski, A. (27 August 2003), p. 4
[543] Stahelski, A. (27 August 2003), p. 4
[544] Interview 6
[545] Shirreff, R. (23 March 2010), p. 3
[546] Drennan, L.T. & McConnell, A. (2007), p. 169; interviews 1, 2, 6 and 22

formal legal systems rarely exist outside urban regions, especially in those areas where the people rely still very much on traditional structures that are commonly accepted.[547]

Furthermore, in the interventionist military's desire to seek de facto legitimacy, it is essential to avoid 'mission creep' in interventionist activities.[548] This mission creep denotes that an interventionist stakeholder can become perceived as indispensable by local parties through its commitment and activities.[549] In addition, mission creep can overstretch initial interventionist objectives, raise costs, fall short on public and political expectations, strain public support for foreign military intervention, and - last but not least - can disrupt local society.[550] Besides, the risk exists that "the broad mandate causes [interventionist military troops] to do a little bit of everything, instead of developing a coherent and prioritised approach."[551] According to some, mission creep could be set in motion easily when the military is providing humanitarian aid or assistance or carrying out quick impact projects to obtain local loyalty, also known as winning 'hearts and minds.'[552] To conclude, even more important with regard to foreign military intervention is the fact that: "[i]f the intervening country becomes deeply involved in the [entry state] for a lengthy period, it is likely to become part of the problem rather than the solution - either as the leading but illegitimate bearer of order, or as the pivotal institution in policy making."[553] As such, the combination of mission creep and long-term commitment constitute a risk in itself.

Strength of force
One of the defining features of a foreign military intervention is the dispatch of national military resources across the border to another sovereign state or territory. Another essential characteristic pertains to the given that the military can be authorised and mandated to use force in pursuit of the interventionist aims. Together, these two features touch upon the assumed **strength of force** of the intended intervention in terms of the **expected military resources**[554] to be deployed, the **subsequent rules of engagement** (ROE) concerning the means and methods of conducting warfare and the carrying out of activities, and the level of **force protection** that will be required to appropriately execute the intervention or realise mission accomplishment.

The expected military resources involve considerations on what kind and how many resources need to be deployed. These resources are important, because a foreign military intervention could be severely hampered when it lacks adequate personnel, military hardware and funds compared with the interventionist ambitions, the local realities on the ground and the size of the military operational area. This seems particularly reflected in multilateral interventions under the auspices of the UN, where potential troop contributing nations fail or are unwilling to send enough and qualified resources.[555]

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[547] Serwer, D. & Thomson, P. (2007), p. 376. Prunier (2009) explains that the difficulty of democracy "as a form of government" lies within the fact that it assumes "a certain degree of social integration, the existence of a political class with some concept of the national interest, and a minimum of economic development" that are frequently absent in newly set-up democracies, such as the DRC (Prunier, G. (2009), p. xxxii (Introduction)). This also suggests that attention has to be paid to both governmental 'top-down' and grass root 'bottom-up' approaches.

[548] Information derived from interviews 6 and 15

[549] Lahneman, W.J. (2004), pp. 174-175, 191. At the same time, Lahneman warns that countries that require a foreign military intervention are usually those in which the likelihood of successful nation-building is the lowest (p. 189). This intends that the avoidance of mission creep will be a lot more difficult. Altogether it implies that the interventionist military stakeholders always have to balance between their lethal and non-lethal capacities to achieve their objectives.

[550] Lahneman, W.J. (2004), p. 191; Frerks, G., Klem, B., Laar, S. Van, & Klingeren, M. Van (May 2006), p. 103

[551] Frerks, G., Klem, B., Laar, S. Van, & Klingeren, M. Van (May 2006), p. 103

[552] Interview 6. These kinds of activities performed by soldiers can fuel heated debates since such efforts are typical actions that lay in the realm of civilian actors.

[553] Colijn, K. (15 August 2009), p. 32

[554] Bringing to mind the definition of military resources in chapter 2, these refer to personnel (human resources) and military hardware (ordnance, logistics, engineering or medical equipment), optionally supplemented with funds (financial resources) to carry out QIPs, CIMIC or 'hearts and minds' projects. The funds will be dealt with later in this chapter, in the section *Indication of financial costs.*

[555] Lahneman (2004) points out that prosperous states (Western countries in particular) desire to avoid national (military) fatalities during the intervention and thus "favour the use of troops from developing world countries instead (Lahneman, W.J. (2004), p. 175)." Consequently, Western states are not only often poorly represented in current military missions worldwide but they also seem to be reticent or at least very selective to contribute troops to new intervention missions. A distinctive example was the worsening situation in the DRC in 2008 whereby the "passionate" call of Belgium for a temporarily deployment of an European Union mission did not find a response in the end (Melander, I. & Brunnstrom, D. (8 December 2008); Watson, R. (13 December 2008)). Though initially backed by Spain and Sweden, the deployment of European troops

Subsequently, risks not only materialise in the given that the committed troops will become inflexible and overstretched with tasks, but also that they will become inept to carry out their mandate.

Nevertheless, the amount of soldiers and equipment is not of overriding importance for the presumed intervention to succeed or fail. For instance, it is feasible to generate immense effect with a relatively small number of troops, as was the case with the French-led European military intervention *Artemis* in the eastern Ituri district in the DRC in 2003.[556] On the other hand, the excessive commitment of troops (and an authorisation of greater use of force) cannot always overcome each challenge the military forces will face in the entry state, as the American-led intervention in Afghanistan demonstrated over time.[557] In the end, the intended number of military resources might disclose to what extent interventionist stakeholders attach priority and feel committed to an intervention.[558] Also, the estimates provide insight into what extent there will be a strain on the interventionist military capacity and ability to perform its national duties and to execute interventions elsewhere.

The strength of force becomes most visible when addressing the use of force itself. Here, the ROE are perhaps the most significant part of the military mandate as they pertain to the binding military instructions that specify the *circumstances*, *conditions*, *degree* and *manner* in which interventionist troops are authorised - but not necessitated - to apply force, whether for the purpose of law enforcement or the conduct of hostilities.[559] Along these lines, congruent with national and international law and how interventionist troop contributing countries desire to operate militarily, the ROE provide "restraints on a commander's action" in terms of restrictions to prevent the use of excessive force at tactical level.[560] As most interventionist states desire to perform their foreign military interventions within a multilateral setting, an umbrella organisation like the UN, NATO, EU, AU or the OSCE will typically draw up the international ROE.[561] Nevertheless, within the boundaries of those specific rules of engagement, individual troop contributing nations always have the opportunity to attach tighter national ROEs on their own troops.[562] In case of a unilateral foreign military intervention, the interventionist state itself will draw up the ROE in line with national and international laws and a UNSC resolution when available.[563] In the end, the ROE "can be further limited by every commander within the limits of the ROE and guidance from higher commanders," whereby at the individual (the soldiers') level brief abstracts will be made for all military personnel.[564] This suggests that multiple ROEs may exist within one military chain of command, reflecting different interpretations regarding the intended interventionist objectives and congruent military activities and the specific dynamic (violent) challenges on the ground in the entry state. Hence, Chesterman (n.d.)

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got rejected since other governments considered the existing UN mission, MONUC, sufficient. This sounded strange, as one of the common accusations was that MONUC lacked human capacity to carry out its mandate. However, calls by the United Nations for expansion of the intervention did not result in the dispatch of more military personnel on the ground (Melander, I. & Brunnstrom, D. (8 December 2008); Watson, R. (13 December 2008)). Although MONUC's forces were greatly overstretched, France blocked the commitment of additional European troops. Interestingly, France rejected the call as it perceived MONUC as ill-functioning or inconvenient.

[556] Council of the European Union, (n.d.)

[557] Regehr, E. (21 April 2010)

[558] Nevertheless, it has to be remarked that the intended and authorised amount of military resources can be dissimilar from the quantity that will be actually deployed.

[559] Bonn, K.E. & Baker, A.E. (2000), p. 98; Haverman, B. (n.d.) while citing from the North Atlantic Treaty Organisation Military Committee 362/1, (July 2003) on the ROE; Holt, V.K. & Berkman, T.C. (2006), p. 79; North Atlantic Treaty Organisation, NATO Standardisation Agency, (22 March 2010), p. 2-R-10. Gill and Fleck emphasise that the ROE can be considered "hybrid constructions" which "combine legal, policy, and operational considerations and [MOUs] relating to various topics such as, for example, [SOFAs] outside of a formal treaty relationship (Gill, T.D. & Fleck, D. (2010a), p. 10, section 1.03)." It has to be remarked that the ROE directly relate to the next section in this thesis; *Political and operational caveats*. Nevertheless, since the ROE are predominantly military in their nature and the strong connection to the expected strength of force, I decided to deal with these subjects separately.

[560] Holt, V.K. & Berkman, T.C. (2006), p. 80. It has to be mentioned that the ROE can never authorise an application of force that is forbidden under international and national law (Haverman, B. (n.d.)). For more information about the legal base to use force, see the sections on the expected legitimacy of foreign military interventions.

[561] Knoops, G.J. (October 2008), p. 2406

[562] Nye, J.S. (7 December 2006); interviews 6 and 23. Regarding the NATO allies in Afghanistan, Nye points out that an international summit in Riga in November 2006 helped to "[relax] some of [the] caveats to allow assistance to allies in dire circumstances" but it did not prevent an imbalanced burden-sharing.

[563] Knoops, G.J. (October 2008), p. 2406

[564] Haverman, B. (n.d.)

cites Anthony Zinni, a Deputy of Operations for the UN intervention in Somalia from 1992 to 1993, who remarks that the various ROEs "[make] life interesting when the shooting begins."[565]

With regard to the expected degree or intensity of force, many interventionist states seem to have a preference for a more robust mandate in case of complex circumstances, which provides some leeway to modify the level of force.[566] This way the mandate involves the possibility of 'up-scaling' armament and the degree of force when necessary, but also leaves opportunities for 'down-scaling' if desired.[567] Nonetheless, it is suggested that:

> [t]he more advanced, sophisticated or deadly the weapon or weapons system, the more stringent one would expect the controls in orders or ROE to be and the higher the command level at which one would expect orders to fire to be given and those weapons [such as sniper rifles, heavy machine guns, drones and tanks] to be controlled. Rogers, A.P.V. (2004), p. 118

Then again, the rules of engagement can never prevent the use of force in case of self-defence in line with Article 51 of the UN Charter.[568]

In practice, the ROE however hide a significant risk that only becomes visible when the troops are actually deployed. As ROE are generally expressed with a certain latitude and ambiguity, they can be understood differently along the chain of command, especially in coalition interventions, and between civilian and military stakeholders.[569] Though the ROE often provide the necessary flexibility for tactical-level decision-making to execute the mandate, too narrow or far-fletched interpretations of the rules may have significant adverse consequences. Interventionist military forces that employ insufficient or excessive (i.e. disproportionate or over-responsive) force may trigger risks like (indecisiveness to) violations of international humanitarian law (IHL), unnecessary civilian casualties, destroyed infrastructure, undermined legitimacy of an intervention, politico-military embarrassment and alienation with the local and domestic support base.[570] It suggests that a military authorisation to use a certain degree of force does not automatically intend that the military forces involved act (completely) likewise in the field or that it is always constructive.

Finally, the last consideration pertaining to the intended strength of force relates to the interventionist force protection, which signifies the safety of the interventionist personnel and their intervention. The force protection can entail the protection of people, (military) infrastructure like warehouses and bases or the access to roads and sites. In fact, force protection is a type of risk reduction or mitigation for the military that falls under risk management that will be dealt with later in the risk analysis framework. The force protection can be delivered by the interventionist state itself, one of the partner states in case of a multilateral intervention, the entry state's forces or it can be outsourced to a private security company.[571] In any case, force protection - whether limited or excessive - may invoke severe risks.

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[565] Chesterman, S. (n.d.), p. 16. At this point, additional agreements like SOFAs and MOUs might create only further confusion (Holt, V.K. & Berkman, T.C. (2006), p. 93).

[566] Interview 6

[567] An extreme example of the latter is, for instance, when soldiers are unarmed when the intervention entails the deployment of military observers and the like.

[568] Rogers, A.P.V. (2004), p. 118. At the same time, however, the issue of self-defence always comes down to an important dilemma: "[m]ust one wait for the first shot to be fired before acting in self-defence (Buhler, P. (2009), p. 7)?"

[569] Chesterman, S. (n.d.), p. 16; Holt, V.K. & Berkman, T.C. (2006), pp. 83, 91. Holt and Berkman claim that some countries consider the ROE as strict orders which they have to follow bluntly, while other countries perceive the rules more as plain guidance (p. 92). In addition, it seems not uncommon that the (tactical-level) military and civilian logic and behaviour take longer to adapt to the new legal realities when the military mandate and ROE are revised during the intervention. For instance, Holt and Berkman point to the UN intervention in the DRC and its underlying robust and assertive resolution (UNSC resolution 1592 of 30 March 2005), where interventionist military forces were authorised (beyond self-defence) to use "all necessary means, within [their] capabilities and in the areas where [their] armed units are deployed, [...] to ensure the protection of civilians under imminent threat of physical violence, from any armed group (pp. 91-95)." The authors claim that many interventionist troops gave the impression to be unaware of the flexibility in the (revised) mandate that allowed them to take preventive action to protect civilian lives. Instead, many troops adhered to a more low-key monitoring role.

[570] Bonn, K.E. & Baker, A.E. (2000), p. 10

[571] Prominent private security companies include for instance Blackwater or DynCorp, whose staff regularly consists of former soldiers. The services of these companies may include a broad range of activities like force protection, but also the training of combatants (whether these may be national armed forces or militia), the distribution or proliferation of weapons and the carrying out of law enforcement operations or hostilities (Maas, T. van der (2010), p. 322). However, significant controversial legal and political dilemmas may arise when hiring such companies, especially when performing authorised law enforcement operations (Gill, T.D. & Fleck, D. (2010b), pp. 489-493). That is, private contractors are civilians from a legal

For example, the prohibition of the use of air protection when troops are close to populated areas or restrictions in foot patrolling by night or only in safe areas might hamper force protection and/or turn out to have adverse effect on the mission's execution and the stakeholders involved. [572] Also when patrolling or guarding troops decide to immediately shoot at alleged opponents and not fire warning shots in advance, this might lead to increased casualties, potentially alienate local and third-party support and undermine the legitimacy, authority and image of the interventionist stakeholders and intervention.[573] Risks may also arise in case the interventionist military demonstrates to be insensitive to local cultural and gender norms.[574] To conclude, a wide-spread local accusation refers to the use of military convoys and interventionist driving styles for force protection. For example, military forces can be erratically driving around in the entry state in armoured vehicles without adhering to local traffic rules with a desire to reduce the risk of roadside attacks thereby injuring or infuriating the local population and destroying their support.[575] Altogether, the expected force protection has become an important socio-political factor over the years when deciding on a proposed foreign military intervention. In addition, as military forces appear to take force protection into account as one of the standardised elements, it is useful to insert it in the first section of the framework while addressing the characteristics of a particular intervention.

Political and operational caveats
The TOR on intervention characteristics continues by outlining the **political and operational caveats** that are strongly related to the ROE. Practically each multilateral foreign military intervention will be confronted with these caveats, which refer to the individually stipulated political and practicable restrictions to how a nation's military resources may be used to carry out the interventionist (joint) mandate.[576] That is, every international troop contributing military partner always has the autonomy to impose political caveats on its contribution in terms of what responsibilities its military forces are allowed to engage in. From a political perspective, such caveats might involve policy decisions on the degree to which troops are allowed to "act as well decisions not to act"[577] (for example, may the soldiers participate in combat (when not for self-defence) or law enforcement activities?), where will the military forces be deployed geographically within the broader interventionist military operational area, how flexible will be their freedom of movement (for instance, are the troops allowed to leave their area of responsibility to come to the rescue of their interventionist partners and local civilians?), what attitude and behaviour is expected from the military towards the local populace (must they be accessible, respectful and friendly?), and in which country (the interventionist state or entry state) will the interventionist military be prosecuted when they commit misdemeanours or violate IHL (in other words: will the interventionist military have legal immunity within the entry state?).[578] Sometimes these political caveats are given beforehand in MOUs, SOFAs and ROEs, but it is also possible that some of the caveats are brought in later during the particular intervention. This suggests that political caveats have to be considered to be flexible and subject to change.

Political caveats can bring about serious risks during the implementation phase of an intervention. For instance, troop contributing states that are risk-averse may employ foreign policies aimed at avoiding offensive operations.[579] Subsequently, such troops will not be deployed in conflict-prone areas or they lack political permission to act in case of civil conflict and social breakdown, nor are they given permission to leave their areas of deployment to come to the immediate response when their partner military forces or the local populace are under attack.[580] In addition, the particular troops of a risk-averse country cannot back up military forces of other interventionist military forces when

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perspective and are usually not incorporated into the armed forces when they are hired, which makes it unlawful when they engage in direct warfare activities. In addition, it appears that these contractors are not covered in military law and IHL.

[572] Brown, S. (2006), pp. 31-32; Hale, J. (21 September 2009)

[573] Discussions with staff of the Netherlands Red Cross (14-18 February 2011)

[574] Interview 6

[575] Hale, J. (21 September 2009); Woodward, B. (2010), pp. 152-153, while referring to the interventionist armed forces in Afghanistan.

[576] Nye, J.S. (12 July 2006); interview 23

[577] Drennan, L.T. & McConnell, A. (2007), p. 165

[578] Interviews 6 and 23; Holt, V.K. & Berkman, T.C. (2006), p. 93; Hale, J. (21 September 2009)

[579] An example pertains to Germany that was known for a long time not to authorise its troops to engage in combat functions. See for instance Woodward, B. (2010), p. 135.

[580] Interview 6; Hale, J. (21 September 2009)

they are involved in violent lethal or robust activities, leaving the latter with the burden of performing warfare responsibilities. Altogether, political caveats affect field commanders' "maximum operational [and tactical] capability," thereby sometimes tying "their hands in combat scenarios, restricting who they can call to perform certain missions."[581] Hence, this creates a huge problem within a multilateral intervention to effectively conduct operations and to respond to local developments when the overall mandate is hampered by different sets of national political caveats.[582] It suggests that the issue of actual burden-sharing continues to be problematic.

Minimising political caveats remains however a quite sensitive and delicate process as each country has absolute autonomy as to how to apply its international prestige.[583] Hale (21 September 2009) therefore emphasises that "[th]e balancing act is to push countries to loosen the rules [read: political caveats] as much as possible but not to push so hard that they withdraw troops from the field."[584] Other measures to overcome the insertion of political caveats is to pursue a policy of seeking like-minded coalition partners or to act unilaterally. Nonetheless, the latter will be impossible for most countries as they simply lack sufficient military capacity.

Operational caveats relate to the constraints in interventionist capacity and interoperability to deploy and sustain an intended foreign military intervention. Evidently, such caveats are far less flexible than the political caveats since the availability of these resources are the result of multi-year advance planning, budgeting and investments by the interventionist government.[585] The operational caveats are found in interventionist countries' limited military resources, in particularly concerning certain specialisms and hardware that are only scarcely available like Special Operations Forces, engineers, medics and air forces such as strategic or tactical 'airlifts,'[586] refuelling tankers, helicopters and fighter jets.[587] Besides, the actual execution of an operation requires significant parts of the intervention's overall resources to be allocated to training and turnover, apart from the deployment itself.[588] In addition, a large part of the deployed resources will be dedicated to the support of the troops on the ground. Therefore, a nation's armed forces will only be partially deployable for foreign military interventions.[589]

Finally, the expected military operability refers to the ability of military forces to operate together and/or with civilian partners in a joint intervention. This operability pertains to linguistic challenges,[590] incompatible or competing technical systems and the increasing technological gap principally between the United States and the rest of the world's armed forces.[591] So, apart from the political caveats, the operational caveats are just as important to take into account for a risk analysis framework to determine potential risks for an intended foreign military intervention. Therefore, both types of caveats are highlighted in the risk analysis framework for foreign military intervention.

Assumed duration and exit-strategy
In this thesis, it is stressed that foreign military interventions are meant to be continuous, but limited in time.[592] Additionally, the significance of the intended timing of the intervention was already discussed previously. Nevertheless, there are other time issues that are essential and which relate to the envisioned period of military deployment. Here, the **assumed duration** and the **exit-strategy** of

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[581] Hale, J. (21 September 2009)
[582] Brown, S. (2006), p. 31
[583] O'Hanlon, M. (2007), p. 320. Another complicating factor is that political caveats strongly relate to the manner in which the intervention was communicated and sold to the interventionist domestic constituencies (Hale, J. (21 September 2009)). This directly touches upon the domestic de facto legitimacy of the intervention.
[584] Hale, J. (21 September 2009)
[585] Interview 6
[586] Interview 6. Airlift denotes the ability to transport personnel and equipment through the air.
[587] Brookes, A. (2005), p. 13; Robertson, G. (2005), p. 10; Cammaert, P. (25 November 2009)
[588] Robertson, G. (2005). 10; Lijn, J. Van der (January 2008), pp. 26-31. Van der Lijn specifically addresses the limitations to the deployment capacity of the Dutch armed forces for foreign military intervention.
[589] Robertson, G. (2005), p. 10; Lijn J. Van der (January 2008), pp. 26-31; interview 15. Regarding the EU, Brookes (2005) points out: "[i]f you add up all the money that EU nations spend on defence, you come to quite a large figure. But only 3% of European service personnel are combat effectives. As Niall Ferguson put it so succinctly, the rest are simply unemployed people in uniform (Brookes, G. (2005), p. 13)."
[590] Interviews 12 and 15
[591] Ibrügger, L. (November 1998), chapter 6; Brookes, A. (2005), p. 12; Sinks, G. (2005), pp. 13-14
[592] Vertzberger, Y.Y.I. (1998), p. 114

the intervention come into play. Considerations about the assumed duration or time span of the foreign military intervention can be essentially divided into two categories: concerns over the intended length of deployment and concerns related to partnering arrangements.

With regard to the first consideration, interventionist governments may feel inclined to encourage public support for an intervention by shortening its initial duration, even though such government foresees pressure that an actual deployment will become protracted.[593] It is argued that such an approach not only negatively affects the expected legitimacy and functioning of the intervention but also the credibility of the interventionist government.[594] Besides, interventionist states seem to have an operational preference for pledging short-term distant deployments entailing only a couple of years rather than costly "decade-plus commitments" of their limited military resources.[595] However, this often does not correspond with the ambitious objectives and mandates many of the interventions nowadays have. That is, current interventions are, ideally, part and parcel of a grand strategy, for instance when aimed at nation-building, and therefore in need of longer-term commitments.[596] At this point, an assumed lengthier duration presumes that conditions on the ground may be enhanced sufficiently for local or third stakeholders to (re)take control and responsibility in the entry state. Curbing the duration of the foreign intervention can lead to a worsening reality (including the further deepening of a prevailing power vacuum) in the entry state when the interventionist stakeholders cannot handover responsibilities to partners in a responsible way.[597] Then again, when foreign military interventions become enduring whereby no deadlines for withdrawal are given, its legitimacy erodes and the intervention may become perceived as a form of neo-colonialism.[598] Altogether, Dobbins *et al.* (2003) emphasise that staying long does not guarantee success for the interventionist stakeholders, while leaving early definitely ensures failure.[599]

The second consideration relates to deployment durations and subsequent risks in case of partnering, whether militarily (either bilaterally or multi-nationally) or in a hybrid construct when partnering with civilian stakeholders. On the whole, military forces have shorter mandates than their civilian counterparts, but can - within their political and operational caveats - theoretically be redeployed endlessly.[600] Non-state stakeholders such as NGOs (when they do not hurry themselves into a new crisis) and the business community generally aspire to establish long-standing local relationships and as a result they aim frequently for a prolonged stay in the entry state.[601] Moreover, the military turnover during the intervention is frequently higher compared to their civilian partners, which limits the military's institutional memory, challenges the establishing of effective relationships and actual cooperation, and finally complicates the implementation of a consistent grand strategy.[602] Subsequently, this leads to the conclusion that either a realistic extension of interventionist time frames is required to achieve the objectives identified *or* the objectives have to become less ambitious and be brought in line with the shorter time spans.

The expected exit-strategy is directly related to the assumed duration of a foreign military intervention. According to the Institute for Strategic Studies (2008c) "[a] country supplying [military] forces must have clear extraction policies to ensure that [its soldiers] do not become entrapped in a

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[593] Advisory Council on International Affairs, (March 2009), p. 49

[594] Advisory Council on International Affairs, (March 2009), p. 49. In addition, it may negatively affect the efficiency of the actual foreign military intervention.

[595] See also the considerations expressed by the Australian government when it was requested by the United States to take over the role of the Netherlands in Uruzgan in Afghanistan (Khosa, R. (2 November 2009), p. 5).

[596] Dobbins *et al*. (2003) explain that nation-building presumes establishing "ties of both affection and dependency" that often persist long after the end of the intervention (Dobbins, J., McGinn, J.G., Crane, K., Jones, S.G., Lal, R., Rathmell, A., Swanger, R.M. & Timilsina, A.R. (2003), p. 165).

[597] Duyvesteyn, I. (2009), p. 25. This is illustrated by the United States that set a "highly optimistic" time-frame for the completion of its interventionist objectives in Afghanistan, thereby bringing about the risk of seriously undermining its own strategies and desired end-state (Coughlin, C. (31 March 2010)).

[598] Duyvesteyn, I. (2009), p. 25

[599] Dobbins, J., McGinn, J.G., Crane, K., Jones, S.G., Lal, R., Rathmell, A., Swanger, R.M. & Timilsina, A.R. (2003), p. 164

[600] Frerks, G., Klem, B., Laar, S. Van, & Klingeren, M. Van (May 2006), p. 106; interviews 5, 6, 13, 15, 18, 22 and 23

[601] This does however not intend that these stakeholders have a permanent or fulltime presence in the entry state.

[602] Frerks, G., Klem, B., Laar, S. Van, & Klingeren, M. Van (May 2006), p. 106. Though many exceptions, it implies that military encounters with civilian counterparts and the local population can be experienced by the latter two as disillusioning and demoralising, since many soldiers (but also international diplomats) may have only a brief period of effective work between the moment they arrive and the moment they leave again (The Royal Norwegian Ministry of Foreign Affairs, (2 June 2009), p. 26).

civil war [or in a political vacuum]."[603] Such an exit-strategy can be divided into two types. On the one hand an exit-strategy can refer to drilled procedures in case of an emergency, in the worst case leading to an extraction or evacuation.[604] On the other hand it can refer to a policy and time frame to handover responsibilities to local authorities or other interventionist partners in the entry state, in particular when striving to an effective grand strategy whereby the military intervention should eventually merge into concurrent political and development activities. Hereby, the exit-strategy may be aimed at an explicit *end-state*, which relates to achieving the desired objectives of the foreign military intervention or entering a desired transition phase.[605] It is also possible that the exit-strategy is aimed at achieving a desired *end-date* whereby the interventionist commitment expires.[606] Yet, such an end-date seems not a hard deadline in practice, because interventionist troop contributing states not always adhere to the initial end-date.[607]

        With regard to a planned exit-strategy it can be remarked that "even under the best circumstances, it is unlikely that any exit-strategy determined in advance will remain completely intact once the intervention has begun."[608] Besides, interventionist countries may shorten their intended contribution and pull out their troops irrespective of whether the initial end-date has expired.[609] Altogether, an exit-strategy is an important factor when assessing risks of a potential foreign military intervention as it touches upon the terms and conditions of an interventionist country for terminating its contribution. In the risk analysis framework for foreign military intervention the intended duration and exit-strategy are considered the last elements of the mandate within the intervention characteristics.

Indication of financial costs
The possible **financial costs** of an anticipated foreign military intervention often appear an underestimated factor. Despite that interventions and the deployment of military resources are known to potentially become extremely costly - especially when involved in protracted interventions aimed at armed conflict or post-conflict nation-building - the financial costs have remained difficult to predict.[610] Moreover, the costs of the intervention could profoundly strain interventionist national military budgets in such a way that its military capacity, politico-military ambitions and military credibility become threatened.[611] Hence, the expected financial costs or burden (in combination with life-and-death issues) may trigger vigorous discussions among the interventionist domestic constituencies, especially in times of "fiscal austerity."[612] In addition, it is claimed that military expenditure is not "particularly popular in most countries, including the United States."[613] This is reflected in some interventionist nation's public opinion where constituencies are believed to be "more likely to accept cuts in spending on the armed forces than on, […] health care or education."[614] Nevertheless, it is examined that - although military spending slowed down in many parts of the

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[603] Institute for Strategic Studies, (2008c)

[604] This kind of planning is referred to as contingency planning, whereby both soldiers and civilians can be extracted or evacuated when necessary (interview 6; The Dutch House of Representatives, (21 July 2009), p. 5).

[605] Interviews 6 and 15. This desired end-state does however not always involve change as it may also entail the maintenance of the existing status quo (Claes, F.P. (2004), p. 38).

[606] Interviews 6 and 15

[607] Dobbins, J., McGinn, J.G., Crane, K., Jones, S.G., Lal, R., Rathmell, A., Swanger, R.M. & Timilsina, A.R. (2003), p. 164

[608] Lahneman, W.J. (2004), pp. 178-180

[609] An example may be the debates in the United States where the government on the one hand intends to speed up the withdrawal of its troops from Afghanistan in advance of the presidential elections in 2012 and declining domestic support for the intervention, and on the other hand struggles with shifting deadlines and objectives (i.e. are the objectives aiming for a "complete withdrawal of [United States'] troops[or] for transitioning to Afghan leadership with continued U[nited States'] and NATO assistance?") (Miller, P. (24 February 2012). See also footnote 597 in this thesis). Another example is the decision by France to accelerate its withdrawal from Afghanistan following the death of four French troops as well as in the context of the upcoming French presidential elections (Chrisafis, A. (20 January 2012). The question is whether these developments eventually jeopardise the coalition's initial objectives and achieved results.

[610] The Guardian, (10 March 2008); Hartung, W.D. (7 April 2011). The authors point at the extremely costly interventions in Iraq and Afghanistan, which absorb billions of dollars each year.

[611] Hartung, W.D. (March 2003); Nieuwsuur, (21 October 2010); Algemeen Nederlands Persbureau, (4 November 2010); Nederlandse Omroep Stichting, (31 May 2011)

[612] Hartung, W.D. (7 April 2011)

[613] Advisory Council on International Affairs, (April 2006), p. 17

[614] Advisory Council on International Affairs, (April 2006), p. 17, whereby the Council refers to the Netherlands.

world- global military expenditure increased in 2010, whereby the United States accounted for the majority of the world's military costs.[615]

In this thesis, the financial costs of an intervention pertain to the expected deployment and sustainment (operational) costs of the intervention, salaries and daily allowances, arms and equipment expenses, support costs and funds for QIPs. These costs are often paid by the troop contributing state itself since the common-funding of foreign military interventions or through an umbrella organisation habitually remains limited.[616] Hereby, the troop contributing states which "make the biggest and most sustained investments in modernising their military capabilities are […] the nations who are constantly asked to make the biggest operational commitments and, by implication the biggest financial contributions."[617] Altogether, the willingness to bear the financial burden of an intended foreign military intervention and subsequent risks should be considered important indicators of the interventionist states' political willingness to deploy an intended intervention. For this reason, the financial costs are part of the intervention characteristics.

Area of deployment
Finally, it is important to stress where the presumed military intervention will be located geographically, as this partly determines what opportunities exist and what constraints the intervention and relevant stakeholders might face.[618] The intervention characteristic introduced here is the **area of deployment**.[619] Like mentioned before, this particular location also relates to how people process information. Without defining the geographical location, people will probably be less able to imagine and forecast the proposed intervention and subsequent risks as their mindsets require the attribution of a location as a point of reference.[620]

Evidently, a geographical location might bring about both natural and human-made obstacles like terrain conditions (e.g., swamps, mountains, deserts), climate-driven conditions like dust and sand, natural disasters (e.g., earthquakes, hurricanes, drought, monsoons and floodings) and soil use (e.g., urban or rural areas, road blocks, mines) which not only could constrain foreign military mobility and intensify corrosion of military hardware, but also instigate considerations about bringing along special (technical) supplies.[621] For instance, the operational area of the intended foreign military intervention can be located far away from the interventionist state, remotely in the interior of a large entry state wherein (logistic) infrastructure remains poor or even absent. Accordingly, the interventionist troops will have to rely on long logistic supply lines and strategic or tactical airlift.[622] This can be quite problematical or even dysfunctional, because strategic airlift in particular is worldwide in short supply.[623] Hence, some operational areas might be inaccessible to the interventionist military despite their technological advantages. Besides, the remoteness of the military forces may cause that the forces can come too late to the rescue of civilians when they have to rely on roads instead of airlift.[624] Another example refers to civil warfare whereby the foreign military troops are operating in a densely populated area, particularly when they perform their activities at the highest level of use of force possible. In such a setting of urban civil warfare the probability of civilian

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[615] Stockholm International Peace Research Institute, (11 April 2011). According to the Institute, military expenditure pertains to "all government spending on current military forces and activities, including salaries and benefits, operational expenses, arms and equipment purchases, military construction, research and development, and central administration, command and support."
[616] Homan, K. (2006), pp. 20-31
[617] Homan, K. (2006), p. 31
[618] The Royal Netherlands' Army, (2006), p. 11; Drennan, L.T. & McConnell, A. (2007), p. 202.
[619] In practice the area of deployment is sometimes also referred to as the area of responsibility.
[620] Vonk, R. (1999b), p. 145
[621] Drennan, L.T. & McConnell, A. (2007), p. 202; Trouw, (30 April 2008); The Dutch Ministry of Defence, (8 April 2011), p. 3. It appears that Western military hardware wears out more rapidly in climates of nowadays' interventions. The consequence is that interventions outside Europe in countries like Afghanistan, involve higher costs to sustain and replace military hardware (Trouw, 30 April 2008); The Dutch Ministry of Defence, (8 April 2011), p. 3. An example of special military hardware is the purchase and use of Bushmaster-vehicles by the Netherlands to avoid or minimise the risks of roadside explosive devices for its armed forces in Afghanistan (Homan, K. & Zandee, D. (2012), p. 6).
[622] Interviews 15 and 23. Strategic transport denotes the transport of people and equipment, often over long distances, to areas of deployment. The transport within the area of deployment is considered tactical transport (The Dutch Ministry of Defence, (8 March 2004)).
[623] Robertson, G. (2005), p. 10
[624] Interviews 4 and 6

casualties and collateral damage will evidently be much higher. Altogether, the area of deployment brings about risks for interventionist, local or third-party stakeholders.

Another reason why the area of deployment is important has to do with the concept of domains. In the previous chapter, eight domains (i.e. the security, geographical environment, health, political, social, economic, legal, and institutional domains) were already identified. The area of deployment runs through all these domains and has its own peculiarities. Foremost, an area of deployment will hardly ever be a homogenous entity, since it may encompass diverse groups of stakeholders, a patchwork of areas that remain tranquil, pockets of conflict and areas that are in complete turmoil. In case of a coalition or a multilateral embedded foreign military intervention, the intended area of deployment can be divided into several smaller (national) areas of responsibilities corresponding to the diverse possible interventionist partners. Hereby, geographical locations may complicate things all the more when local and international power relations are at play. Similar to conflicts, crises and domains, an area of deployment does not necessarily have to be congruent with national borders as it might overlap territories of different entry states. However, cross-border interventions require to be mandated explicitly and are in need of multiple formal approvals by the other intended entry countries.[625] Altogether, such considerations trigger the idea that it remains important not only to look at the local situation but also to include the broader picture of the wider region.[626] To conclude this paragraph, the aforementioned intervention characteristics together are considered essential elements in framing a foreign military intervention and its organisational context. Clearly, this list will not be exhaustive and therefore the TOR has to be adapted or fine-tuned to each foreign military intervention. The next paragraph will now delve into the factors of influence.

Part B: Factors of influence leading to actual risk
The second part of the risk analysis framework for foreign military intervention concentrates on **factors of influence**. The factors of influence are considered prior to risk given that, recalling chapter two, risk does not exist in itself and has in any case to materialise through such factors. The factors of influence pertain to tangible or estimated phenomena, which arise from the behaviour of certain actors or which are set forward by natural and historical processes and 'spontaneous' events. One particular factor of influence may provoke multiple risks in various domains.[627] However, the causal relationship between a factor of influence and a risk cannot be considered too strictly as there always is a certain degree of uncertainty or inconsistency in reality.[628]

Since factors of influence are identified through empirical (past and current) observations in combination with peoples' assumptions about the world and the future, they can be both real and perceived.[629] It will only become apparent over time which factors of influence were estimated accurately and which were not. Similar to the intervention characteristics, the factors of influence will serve as points of reference or narratives to enter the actual risk analysis process within the framework later.[630] To conclude, the second part of the risk analysis framework for foreign military intervention looks as follows and will be discussed accordingly.

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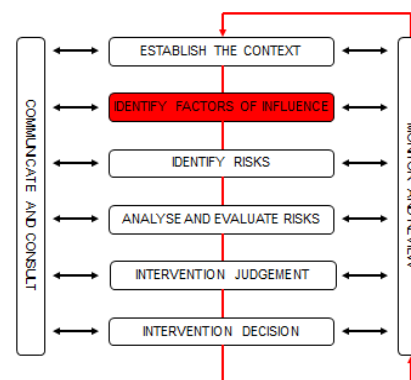
[625] Interview 6. Evidently, the risk analysis process will become more complex in case a foreign military intervention entails a larger area of deployment covering multiple entry states.
[626] Taleb, N.N. (2007), p. 208
[627] Domains are defined as the on various levels (supranational, (inter)national, regional and local) socially constructed interrelated 'spaces' based on human-made and natural systems wherein particular processes take place and where specific actors apprehend and process the world surrounding them, interact, and constitute their social life.
[628] Taleb, N.N. (2007), p. 62
[629] Vonk, R. (1999b), pp. 173-174; Bernard, H.R. (2002) pp. 455-457
[630] As such, factors of influence have some kind of signalling function whereby the 'connecting of the dots' may indicate a certain risk. Subsequently, deductive reasoning will be at play when relating a factor of influence to a risk (Bernard, H.R. (2002), p. 9). On the other hand, reasoning what factors of influence should be present or not to explain a particular risk refers to inductive reasoning.

RISK TO WHOM:	• To interventionist stakeholders:	
	• To local stakeholders:	
	• To third parties	

		Security factors	Geographical environment factors	Health factors	Political factors	Social factors	Economic factors	Legal factors	Institutional factors	
FACTORS OF INFLUENCE (driven by behaviour)	Interventionist self-behaviour									HUMAN-MADE FACTORS
	Behaviour by local stakeholders									
	Behaviour by third party stakeholders									
FACTORS OF INFLUENCE (driven by 'spontaneous' particular events or shaped by natural or historical features)										NATURAL FACTORS

IDENTIFICATION OF THE FACTORS OF INFLUENCE (either real or perceived)

Part B: More comprehensive risk analysis framework for foreign military interventions; Factors of influence

The second part of the framework discloses the diverse stakeholders and domains, which are included to make the subsequent analyses of factors of influence and risk account for the complexities of today's foreign military interventions and military operational areas. After all, the identification of stakeholders and domains not only provides insight when determining possible factors of influence and risks, but it may also bolster the allocation of responsibilities to each relevant stakeholder once risk management is deemed necessary.[631] In this paper, three types of **stakeholders** (**i.e. interventionist, local or third-party stakeholders**) and eight basic required **domains** (**i.e. political, security, economic, social, institutional, health, geographical environment and legal domains**) are taken into account.[632] Hereby, it may be very difficult to look at individual stakeholders, since people can be extremely heterogeneous and dynamic.[633] Accordingly, it seems less complicated to consider groups of stakeholders based on their general characteristics, though such populations still might be highly diverse.[634] Therefore, in this thesis groups of stakeholders are taken into account unless there are strong indications that certain factors of influence and risks stem from a particular person.

Stakeholders serve three roles in the risk analysis framework: as the originators of risk (alongside natural factors of influence), as receivers of risk as they can become affected by certain risk impacts, or as potential risk managers. This is illustrated in the framework in both the top row (risk to whom) and in the columns on the left - where stakeholder's behaviour (and also their underlying intentions) is a factor of influence resulting in potential risk. Yet, the last category of potential risk managers will be only reflected upon in the next and final part of the framework under 'Potential risk response to meet goals.' In the end, the classification of stakeholders and the separation into domains cannot be taken too strictly, since it is possible that people switch categories while manoeuvring though different domains as they can change their mind, intentions, behaviour and commitment over time.[635] Subsequently, identified stakeholders eventually move from one category into the other. New stakeholders may also enter the military operational area or disappear from it in the course of time. In the table below the descriptions of all eight basic analytical domains are given again.

The *security domain* involves everything that and everyone who relates to (maintaining) security and stability conditions and conflict management. This dimension refers to the degree to which the (entry) state is considered to be the exclusive and legitimate actor to use violence; what the status of security and stability is in the country (e.g. incidents versus outburst of conflict); what role the (local) security sector has in society and how it performs its duties. Furthermore, it also includes human rights violations and sexual crimes, (terrorist) attacks, information theft, (illegal) proliferation (trade in) of weapons and weapon systems, organised and petty crime.

The *geographical environment domain* comprises all that is associated with (artificial) geographical and physical or ecological conditions concerning the interventionist area of deployment. Significant elements are frontiers, climate, weather, seasonality, natural disasters, terrain, flora and fauna, the presence and preservation of (exportable) natural resources; how the landscape is used by its stakeholders (ecological 'foot print,' land rights, cultivation, logistical/mobility opportunities and pressure on resources/resource scarcity); the width and the (hardware) infrastructure of the entry state.

The *health domain* encapsulates everything that relates to the (common) well-being of people (relating to their health). This dimension entails the living conditions of people, their life expectation at birth, and the presence/availability, conditions, roles and performances of (public) medical and sanitary services. It further involves aspects like the guarantee of food supplies, (physical, mental, exotic and transmittable) diseases, pandemics and the possibility of vaccines.

The *political domain* entails the presence/availability and role of political institutions and whether these political structures deliver the required public services and protect civil liberties and political rights. Most significant elements will be the political climate (e.g., democracy versus autocracy or a dictatorial regime/functioning, fragile or failing state); power-relations, political decision-making and regulation processes; approval, commitment and burden sharing regarding a foreign intervention; the protection and expansion of the political sphere of influence; political-historical relationships; political stances of the actors involved, and the extent to which political-strategic interests can be assured.

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[631] Smith, H.A., McKeen, J.D. & Staples, D.S. (2001), p. 3
[632] See chapter 2, the section Stakeholders in foreign military intervention.
[633] Havelaar, A.H. (11 July 2008), p. 12
[634] Havelaar, A.H. (11 July 2008), p. 12. The author explains that in the scientific discipline of microbiology statistics are used to elaborate on general characteristics of populations.
[635] In addition, the behaviour of stakeholders may be completely different under different circumstances (Vonk, R. (1999c), p. 260). Regarding risk management and dealing with risk, the legal aspect of risk might be important when causation and legal liability become issues (Rehmann-Sutter, Ch. (1998), pp. 122-126).

The *social domain* illustrates how citizens of a state live and organise their lives. The centre of gravity will be on demographic features and processes, standards of living, language, social values, presence of tribal structures, cultural awareness, religion, (forced) migration and displacement, human freedom (including civil and political rights and the level of freedom of speech), education and level of literacy, the degree of social cohesion and the commitment of the population to a particular intervention. Just as important is the presence and performance of civil society, lobby groups and NGOs.

The *economic domain* contains both the formal and informal economy and aspects like the strive for and protection of economic interests and (financial) profits (competition), economic exploitation and manufacturing processes, the spread of profits (from scarce resources, services and production/cultivation), economic climate and regulation processes, fiscal boundaries, taxation systems, labour force exploitation, poverty and employment (rates), Gross National Income per capita, trade and transactions, access to local and international markets and the costs (and employment) that come together with a foreign military intervention.

The *legal domain* applies to all what is related to legal institutions and facilities, traditional and customary law systems, legal norms (whether national or international) and their regulation, and disciplinary or prosecution processes in the field of rule of law. The domain may pertain to civilian and military criminal courts, tribunals, truth and reconciliation commissions (either national or international), detention issues, legal advice, and the rights and duties for the establishment and execution of a foreign military intervention.

The *institutional domain* refers to the new or renewed establishment of institutions in the target state, which assist the government to perform and to deliver the required public services. These can be security related institutions (e.g., the military and police), judicial institutions (civil criminal courts, military courts, truth commissions) or political institutions (governmental, parliament and ministries). It may include aspects like accountability, transparency and effectiveness.

Altogether, the above mentioned domains are considered the basic required categories to obtain more inclusive awareness enabling to examine factors of influence and their alleged risk impacts. This implies that these domains can be further fine-tuned, by adding additional relevant domains as was illustrated in chapter 2. To conclude, the second part of the risk analysis framework for foreign military intervention provided the qualitative inputs of the stakeholders and the domains from which the factors of influence may materialise. The final part of the risk analysis framework will identify, analyse and evaluate the risks stemming from the factors of influence identified, and eventually touch upon the intervention judgment.

Part C: Risk and its expected impact

Procedurally, this last part of the risk analysis framework delves into the identification of risk, its analysis, evaluation (which jointly shape the actual risk assessment) and finally the potential analytical judgement about the intended intervention, thereby encapsulating the typology of risk by entering the arena of real, perceived and acceptable risk. As mentioned in chapter two, risk pertains to *the likelihood that with a foreign military intervention, from factors of influence, both validly predictable and unexpected, real and perceived, direct and indirect criss-cross consequences will materialise, that may differ in their scale and magnitude and can have positive, neutral or negative impact on either the intervention itself or on interventionist, local or third-party stakeholders in multiple domains, and therefore can give rise to interventionist considerations whether these consequences are deemed acceptable and how they can be responded to.* The elements of risk that are indispensable to this part C of the framework are based on the risk premises that were identified in the previous chapter and are re-invoked in the table below.
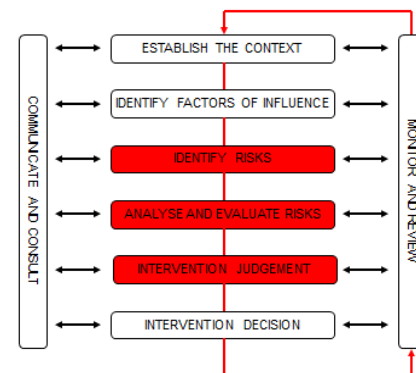
PREMISES MILITARY INTERVENTION RISK
real, perceived, acceptable
- Risk has considerable social features as it is rooted in peoples' perception and judgement;
- Risk is linked to uncertainty in terms of outcome ambiguity;
- Risk can be both predictable and unexpected;
- Risk exists especially in interaction with other actors who operate in different domains;
- Risk stems from factors of influence (behaviour or 'spontaneous' events and natural/historical processes) however this link is not univocal;
- Risk can materialise directly or indirectly in multiple domains (scale) while having impact (positive, neutral or negative) on either the foreign military intervention or on interventionist, local or third parties;
- Risk may differ in its size and magnitude;
- Risk is often linked to a practical value in terms of risk analysis & management.

First of all, the risk premises draw again attention to the issues of stakeholders, domains and factors of influence, which ensures that this part of the framework builds naturally on part B that was discussed in the previous paragraph. In addition, the risk premises point at the expected impact (i.e. positive, neutral or negative), size and magnitude of risk, which correspondingly suggest the introduction of risk levels with the purpose of prioritising identified risks. Bringing to mind that risk analysis is frequently meant to eventually contribute to (political) decision-making and practical risk management, the relevance is emphasised of bringing in the first steps towards risk management when assessing the risks of an intended foreign military intervention.[636] Simultaneously, this demonstrates the significance of inserting some form of intervention judgement, which - as mentioned earlier - can be considered an advice to the highest-level interventionist leadership who in the end has authority to decide on an intended foreign military intervention. Accordingly, taking the above-mentioned elements into account, the final part of the risk analysis framework for foreign military intervention looks as follows and is discussed accordingly.

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[636] Based on Beck, U. (1999), p. 4; Middelmann, M.H. (2007), p. 32

POTENTIAL IMPACTS:	Security Risks	Geographical environment risks	Health risks	Political risks	Social risks	Economic risks	Legal risks	Institutional risks	
For interventionist stakeholders									REAL & PERCEIVED RISK
For local stakeholders			**RISK IDENTIFICATION**						
Third party stakeholders									RISK ASSESSMENT
RISK LEVEL:									
OVERALL RISK LEVEL:									PERCEIVED & ACCEPTABLE RISK
WILL AND/OR ABILITY TO INFLUENCE RISK:			**RISK ANALYSIS AND EVALUATION** (risk profile included)						
POTENTIAL RISK RESPONSE TO MEET GOALS:									
OVERALL JUDGEMENT:			**INTERVENTION JUDGEMENT**						

Part C: Sensitive risk analysis framework for foreign military interventions; Risk

The identification of risk

The first step in the risk assessment is the identification of risks by estimating what risks might occur. More precisely, such risk identification pertains to who or what[637] is deemed to be affected and in what manner or what kind of **risk impact** (positive, neutral or negative) is anticipated.[638] Here, both the stakeholders and the factors of influences come into play once more as risks are considered to materialise from the behaviour of the former or from natural and historical processes and 'spontaneous' events. Yet again, the causal relationship between a factor of influence and a risk cannot be considered linear as risks depend on the wider context and can come unexpectedly.[639] The latter situation arises when people do not have past experiences with a certain risk or either misinterpret or fail to notice particular factors of influence.[640] Besides, risk always involves a certain degree of outcome ambiguity as the premises show. Only over time it will become clear whether the identified risks were in fact real (or became real, perhaps due to the principle of the self-fulfilling prophecy), while others will never become visible.[641] Altogether, this suggests that people have to be as open-minded as possible towards controversial views to identify risks and simultaneously have to conclude that they have to be flexible in interpreting their risk analyses by not drawing too firm conclusions.[642] In addition, as mentioned previously, they need to consider the less likely (rare) risks when they do not want to be caught by surprise, but this is, of course, easier said than done in practise. Nevertheless, the identification of possible risks is still valuable, because recalling chapter two, "no intervention decision is intended to be carried out at any and all costs."[643]

Furthermore, since risk has multiple dimensions, it is necessary to again take all identified domains into account within this third part of the risk analysis framework.[644] Simultaneously, the risk analysis framework will provide insight in the expected scale and directions of a risk impact as it might spread into different directions affecting multiple domains and stakeholders. Accordingly, one particular risk impact might pop-up twice within the risk analysis framework when it is expected to have a larger size. Taking these domains into account helps to gain insight into the full array of risk whether known or unknown, despite the fact that it perhaps remains practically impossible to identify all potential risks beforehand as a consequence of incomplete information, ambiguity of situations and risk outcomes, dissimilarities, 'background noises,' trade-offs and misperceptions.[645] In the end, the anticipated risk impacts can be put down into the first three rows of the final section of the risk analysis framework for foreign military intervention.

Risk analysis and evaluation, and the first steps towards risk management

The second step in the risk assessment refers to the actual analysis and evaluation of the estimated risk impacts, since "[overviews] of potential [risk impacts] are of little value in isolation and need to be supplemented by an estimation of the likelihood of their occurrence."[646] In addition, a risk prioritisation is

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[637] The risk analysis framework only addresses the risk impact on stakeholder groups as risk is to some extent understood to have "no meaning[,] where there is no effect on people (Perelman, L.J. (28 September 2009))."

[638] Heuer Jr. (1999) suggests that when the assessors start brainstorming they are required to "elicit every possibility, no matter how remote, before judging likelihood or feasibility (Heuer, R.J. Jr. (1999), p. 98)." Hereafter, they should discuss which estimated risk impacts are interesting to be scrutinised in greater detail within the subsequent analysis, ideally by trying to falsify these.

[639] Taleb, N.N. (2007), p. 61; Marthaler, E. (May 2004), pp. 4-5. On the one hand, one particular factor of influence might set off multiple risks, which can materialise in various domains. On the other hand, a risk may also have its roots in multiple factors of influence.

[640] Drennan, L.T. & McConnell, A. (2007), pp. 61 and 63; Taleb, N.N. (2007), p. 78

[641] The latter may have three reasons; the expected risks did not materialise because of the countermeasures that were taken, they just did not become visible yet or they only existed in the minds of people but were no real risks in reality.

[642] Marthaler, E. (May 2004), p. 5. Therefore, Heuer Jr. (1999) asserts that conclusions will be tentative at best (Heuer, R.J. Jr. (1999), p. 107). In addition, Heuer Jr. explains that "[o]ne cannot foresee all the circumstances that might cause an exception to the general rules, so the best that can be expected is that the given conditions will lead to the specified outcome most of the time (p. 36, footnote 39).

[643] Vertzberger, Y.Y.I. (1998), p. 5. This was acknowledged in interview 3.

[644] Vertzberger, Y.Y.I. (1998), p. 21; Rosa, E.A. (2003), p. 56

[645] See chapter 2

[646] Drennan, L.T. & McConnell, A. (2007), p. 65

required to gain insight into which risks should be given priority (i.e. attention and action) in order to potentially manage them.[647]

Here, the assessment of "risks in terms of likelihood [is] important but […] only one part of the overall risk evaluation process" as risks might also differ in their (anticipated) impacts.[648] Then, Taleb (2007) urges that the ranking of identified risks should be done based on its expected harm (read: impact and magnitude) instead of its plausibility or likelihood.[649] After all, such impacts are "considerably easier to ascertain" than the likelihood, following the principle of "the rarer [the risk], the fuzzier the odds."[650] As such, he claims that risk assessors need to focus more profoundly on the potential risk impacts rather than on the odds of these outcomes when giving advice to the senior interventionist decision-makers on an intended foreign military intervention and in particular on risk management strategies.[651] Yet, the likelihood aspect of risk is still analytically valuable because, despite the given that people seem incapable to estimate exactly the likelihood of a risk impact, they can have an idea about its plausibility at least, whether accurate or not. Accordingly, both aspects of risk are thus adopted in the risk analysis framework for foreign military intervention whereby the probability estimates will only come second when ranking risks.[652] In the end, the ranking will pertain to four underlying considerations: "1) What are the gains and losses associated with each known outcome? 2) What is the probability of each outcome? 3) How valid are the outcome probabilities and gain-loss estimates?" and 4) Is the full range of identified risk impacts known?[653]

At this point, the risk analysis framework takes the step from risk identification to the analysis and evaluation of risk. This particular step entails procedures of ranking, whereby value scores are attributed to individual categories of risk to assess them.[654] As such, perceived risk is at the heart of this section of the risk analysis framework. It is however claimed that jointly looking at risk within a group of multiple risk assessors may have different calculated ends than individual thinking.[655] Group thinking may surpass individual thinking in perspectives and subsequent risk appetites, whereby people tend to be willing to take collectively more or greater risk than they would do on an individual basis.[656] Yet, ranking seems relevant, especially regarding the early stage of planning and designing an intended foreign military intervention, as it frequently involves tight time tables that require prioritisations and immediate responses. This way, the ranking of risks may help mobilising relevant stakeholders to take action when addressing potential risk countermeasures within the scope of risk management. Simultaneously, ranking provides insight into the risk appetite of a risk assessor. It seems hereby that someone with little risk appetite is likely to "set the criteria for ['high' risk properties] at a lower level" compared with someone else with a strong risk appetite.[657]

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[647] Hillson, D. (March 2003), p. 23; Claes, F.P. (2004), p. 110. These requirements seem reflected in the majority of risk analysis frameworks which focus predominantly on the estimation of likelihood and the priority that has to be given to the risks identified.
[648] Drennan, L.T. & McConnell, A. (2007), p. 65
[649] Taleb, N.N. (2007), p. 203
[650] Taleb, N.N. (2007), pp. 210-211. Posner (2007) illustrates this by pointing out that the "human mind has great difficulty thinking in probabilistic terms, especially when the probabilities are low [or unknown] (Posner, R.A. (2007), p. 9)." That is, the difficulty of estimating probability lies in the given that the "range of things that may happen is literally infinite (p. 9)." Besides the human mind seems not focused on low or unknown risk impacts as there is "no payoff to being quick-witted about probabilistic events about which one could do very little or nothing (p. 9)." To conclude, particularly non-experts are believed to "handle probabilistic risk impacts very badly, sometimes exaggerating them unreasonably but more often writing them down to zero [read: ignoring them] (p. 9)."
[651] Taleb, N.N. (2007), p. 211
[652] Vertzberger, Y.Y.I. (1998), p. 20
[653] Based on Vertzberger, Y.Y.I. (1998), pp. 20 and 21. Originally, Vertzberger writes about decision-makers and their vantage point, but I think it will also be applicable to risk assessors conducting an analysis process according to the risk analysis framework for foreign military intervention.
[654] Drennan, L.T. & McConnell, A. (2007), pp. 65-68; Havelaar, A.H. (11 July 2008); Control Risks Group Limited, (2008)
[655] Claes, F.P. (2004), p. 21; Schulze, K. (29 April 2009)
[656] Claes, F.P. (2004), p. 21; Schulze, K. (29 April 2009). Besides, individuals might estimate risk more positively within a group than they would do individually. Hence, it is also important that people are aware of their personal thresholds towards risk-taking.
[657] Drennan, L.T. & McConnell, A. (2007), p. 65

The risk analysis framework for foreign military intervention now introduces '**risk levels**' which can comprise two elements. On the one hand risk levels refer to the expected *magnitude* of a certain risk impact and on the other hand assesses the *likelihood* of risk. The risk magnitude - which presents its expected strength - can be applied to risk levels varying, for instance, from 'insignificant,' to 'low,' 'medium/moderate,' 'high' or 'extreme/catastrophic' risk.[658] Also a risk magnitude can be perceived differently by different stakeholders, for instance, when a small company suggests that it is facing a large magnitude this does not necessarily have to be the case for a bigger company.[659] Accordingly, it is argued that with these kinds of risk estimates the potential magnitude is preferably interpreted in terms of its threat to the (possible execution and) continuity of the intended foreign military intervention.[660]

The likelihood of a particular risk impact can then be expressed in levels ranging from 'rare,' 'unlikely,' 'likely,' 'very likely,' to 'almost certain' concerning its expected occurrence.[661] This approach refers to a 'subjective or personal probability' judgement, which might pertain to ambiguity and misunderstanding among risk assessors and between assessors and interventionist decision-makers when the levels are not clearly explained and communicated.[662] However, the mutual ambiguity and misunderstanding can be surmounted by supplementing such subjective probability judgment with an "odds-ration (for example, less than one-in-four chance) or a percentage range (5 to 20 per cent or less than 20 per cent)."[663]

In the risk analysis framework for foreign military intervention, it is - both with the expected magnitude and the likelihood - important that a whole domain is taken into account, as this prevents an overdue attention for outliers that may give rise to a deceptive risk picture. Subsequently, in this thesis two five-level qualitative scales are utilised: 1) to anticipate magnitude levels which includes an assessment of how serious the identified risk in the domains are considered to be and 2) to gain an insight into the expected risk likelihood. Nonetheless, the underlying reasons to apply a certain score are far more interesting than the score in itself.[664] Hereby, a mental difficulty in estimating the risk levels appears, since people are generally inclined to "overestimate the importance of factors that have only a minor impact on their judgement and underestimate the extent to which their decisions are based on a few variables."[665] In the end, according to Tierney (June 1999) are "[r]isk levels [...] continually in flux because risk is a product of how social actors behave."[666] The risk levels for magnitudes and likelihood look as follows:

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[658] Herman, M.L., Head, G.L., Jackson, P.M. & Fogarty, T.E. (2004), p. 24, cited by Drennan, L.T. & McConnell, A. (2007), pp. 65-66, table 3.2; Control Risks Group Limited, (2008), pp. v-vi. Regarding a quantitative approach, risk would be estimated as a chance at a scale from zero to one. The value '0' means that the risk is considered not to materialise and the value '1,' obviously, means that the risk is considered to definitely occur whereby a negative outcome is expected. In quantitative risk analyses, risk outcomes are usually expressed in terms of quantitative units, for example, the loss measured in euros, number of wounded persons, or number of days delay. Altogether, the value zero does not mean that it is impossible for a particular risk to materialise (Kaan, M. (2 May 2011), p. 19). That is, this attribution of a '0' means only that people *perceive* a risk as extremely unlikely to occur, but it might be still possible that such a risk happens after all (although perhaps not within the estimated time).

[659] Claes, P.F. (2004), p. 131

[660] Claes, P.F. (2004), p. 131. Originally, the author writes about business companies. Remarkable is that the objective prospect of the risk harmfulness is always present from a scientific point of view, but that it will be normatively denied by a lot of people (p. 20). That is, despite incongruity with reality, there seems to be a dominant logic active that risks and its negative impacts in particular, will not happen to us.

[661] Herman, M.L., Head, G.L., Jackson, P.M. & Fogarty, T.E. (2004), p. 24, cited by Drennan, L.T. & McConnell, A. (2007), pp. 65-66, table 3.1

[662] Heuer, R.J. Jr. (1999), pp. 152-153. Heuer Jr. explains that such verbal subjective probability levels have no clear meaning by themselves. Accordingly, the "reader or listener fills them with meaning through the context in which they are used and what is already in the reader's or listener's mind about that context (p. 153)." Hence, the mutual understanding of a particular likelihood level can be flawed and perceived differently by the different risk assessors and broader interventionist stakeholders.

[663] Heuer, R.J. Jr. (1999), p. 156. In addition, Heuer Jr. suggests that the application of odds-rations is "often preferable, as most people have a better intuitive understanding of odds than of percentages (p. 156)."

[664] Hence, such a risk model will not be reduced to a mathematical instrument whereby (individual) scores are important.

[665] Heuer, R.J. Jr. (1999), p. 56

[666] Tierney, K.J. (June 1999), p. 229

By attaching a value to each risk domain the risk prioritisation will become visible as it makes clear where the centre of gravity in terms of risk is expected to lay. It is here that the introduction of a risk profile becomes opportune. A risk profile can be described as an overview of the most important risk

categories (read: domains) in combination with the desired countermeasures to manage the identified risks, thereby paving the way for the first steps towards risk management.[667] Meanwhile, since those domains are intertwined, one cannot focus on only one risk domain to increase the risk and contextual awareness. Accordingly, risk analysis needs to determine a risk interpretation for the intervention as a whole whereby all domains are taken into account. This interpretation is based on the previous scales and encapsulates all domains at once in a non-mathematical way. In the risk analysis framework for foreign military intervention this is labelled the **overall risk level**. The following step will now touch upon potential risk management.

Potential risk management; some light in the anticipated darkness
After the risk evaluation, it is time to take the last step within the risk assessment by determining whether the interventionist parties involved have the **will (eagerness) and/or ability to influence the identified risks** through the application of risk management procedures. At this point, the concept of acceptable risk comes into play which has a very political tone and refers to "the level of risk representing the net costs that decision makers perceive as sustainable, and are willing to bear, in pursuit of their goals."[668] As such, acceptable risk is strongly associated with risk appetite or the willingness to take risk.[669] Furthermore, it touches upon value expectations of risk and subsequently the question whether the assessors are willing to bring the initially unacceptable risks to a level whereby they become acceptable.[670]

The risk appetite comprises "a broad continuum that ranges from an 'excessive appetite' for risk-taking at one end to a complete 'aversion' to risk at the other."[671] As such, the acceptability of risk necessitates the seeking of consensus by setting boundaries to what extent interventionist stakeholders are willing to bear a risk impact or desire to take countermeasures. This brings about the intended risk threshold. With regard to foreign military intervention, the difficulty is however that "political decision-makers, especially foreign policy decision-makers, are not accustomed to defining their level of acceptable risk precisely and systematically prior to making a decision."[672] Then again, both the public and particularly the media play significant roles in framing the socio-political risk perception and subsequent behaviour and thus in determining the risk threshold throughout society, even though these might be plagued by a rather limited understanding of risk and triggered by scaremongering tactics.[673] Yet, the risk threshold is also considerably determined by peoples' personal risk perceptions which are rooted in peoples' past experiences and observations, cultural values,[674] overarching preferences, age,[675] and in their outcome expectations and risk awareness in terms of how frequent, serious, large and urgent they expect the risk to be and whether they perceive the risk to be manageable or to lead to public outrage.[676] For instance, the events of 11 September 2001 in the United States triggered a number of states to adopt an aggressive *zero tolerance* attitude towards terrorism and potential terrorists, while urging

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[667] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 40
[668] Vertzberger, Y.Y.I. (1998), p. 18
[669] Claes, F.P. (2004), p. 49
[670] As suggested by Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 137
[671] Drennan, L.T. & McConnell, A. (2007), p. 13
[672] Vertzberger, Y.Y.I. (1998), p. 17. Vertzberger argues that this is the result of the absence of consensual norms of what political decision-makers consider reasonable practices: "[in] politics […] a consensual normative framework that distinguishes the gambler from the astute, responsible government leader has yet to emerge, let alone become an integral part of decision-making culture. The absence is manifested in the on-going debate over such questions as: What constitutes good judgment in political issues? Are there criteria to distinguish good decisions from poor ones? What differentiates reasonable risk-taking from adventurous risk-taking (p. 17)?"
[673] Tierney, K.J. (June 1999), p. 228; Krahmann, E. (2008), pp. 14-16. See also the section *Legitimacy by interventionist's domestic governments and constituencies* in this chapter for the role of the media.
[674] For instance, it was found that there were cultural differences between risk attitudes in Japan, China and the United States (Nara, Y. (2008), p. 734).
[675] It is often thought that adults are generally more risk-averse than adolescents (Cohn, L.D., Macfarlane, S., Yanez, C. & Imai, W.K. (1995), pp. 217-222). Nevertheless, Cohn *et al.* show that this is not necessarily accurate since also individual characteristics determine whether a person will be risk-averse or not.
[676] Vonk, R. (1999b), pp. 144-147; Drennan, L.T. & McConnell, A. (2007), p. 69; Middelmann, M.H. (2007), p. 38; Krahmann, E. (2008), p. 14

excessive and far-reaching countermeasures to reduce or even avoid the occurrence of a similar happening.[677]

The potential eagerness towards risk-taking can be visually displayed in a risk acceptance matrix as is demonstrated in figure 8.[678] The expected risk impacts that the risk assessors (and indirectly the senior interventionist decision-makers) are willing to bear is indicated by the yellow part of the matrix.

Evidently, this matrix may have different proportions (the yellow part can be bigger or smaller) as it depends on the risk thresholds people have. Persons who are genuinely risk-aversive and subsequently have a low risk threshold are likely to depict a far larger white section (i.e. risks that fall outside their eagerness regarding risk-taking) than people with an excessive risk appetite. However, this does not mean that once a threshold is set that it is binding or inflexible. The threshold can vary regarding specific risks, but also to specific risk domains and circumstances. In addition, the matrix provides some leeway whereby people might be willing to transfer risks that fall outside their eagerness towards risk-taking to the side that falls within their risk appetite. As such, people may bring unacceptable risks to an acceptable level by taking countermeasures (i.e. risk responses) to reduce the expected negative risk impact and/or to reduce its probability (altogether, thereby potentially increasing opportunities), which touches upon the essence of risk management.[679]

RISK ACCEPTABILITY

Risks that fall *outside* peoples' eagerness towards risk-taking

Risk transferring
a almost certain
b very likely
c likely
d unlikely
e rare
1 Insignificant
2 Low
3 Moderate
4 High
5 Extreme

Risks that fall *within* peoples' eagerness towards risk-taking

IMPACT

LIKELIHOOD

Figure 8: Risk acceptance matrix

Nevertheless, the potential will to act on an estimated risk is strongly bound by the available interventionist abilities in terms of adequate national political-military in-house capacity or resources. This factor seems rather important to determine acceptable risk and to enable risk management later on, although outsourcing of the counter measures is also a possibility.[680] In this thesis there are four possibilities with regard to the intended will and/or ability to influence the identified risks:

1) Risks that fall inside assessors' eagerness towards risk-taking, the risk are thus acceptable and no special countermeasures will be taken;
2) Risks that fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures;
3) Risks that fall outside assessors' eagerness towards risk-taking. There is considered will indeed but no ability to take countermeasures;
4) Risks that fall outside assessors' eagerness towards risk-taking, but there is considered no will to take countermeasures.

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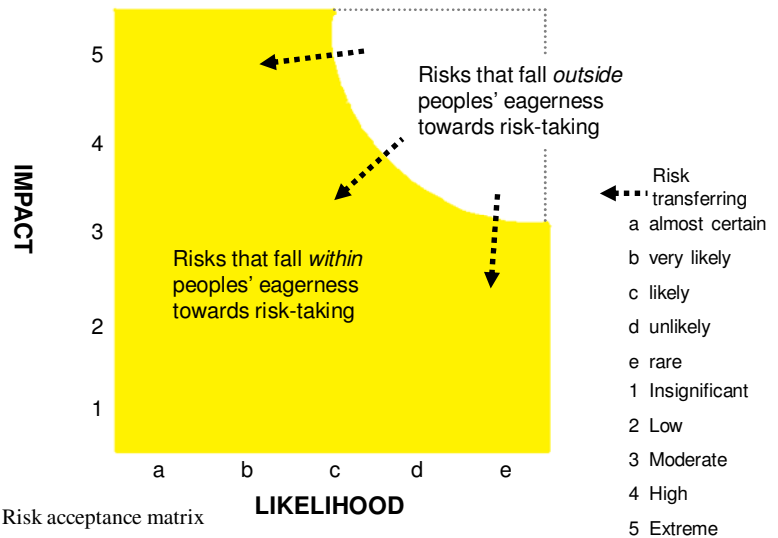
[677] Simon, J. (2008), pp. 79-96. Such a zero tolerance attitude might however trigger significant risks as is demonstrated in Afghanistan with the eradication of poppy fields by United States contractors, thereby forcing that poor poppy farmers to repay their debts - for example - by selling their daughters and turning to the Taliban (Huria, S. (February 2009), p. 3).
[678] Based on Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 136
[679] Hillson, D. (March 2003), p. 23; Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 137. Another option would be to redefine someone's risk threshold through processes of discussion and learning as these will affect people's perceptions.
[680] See the next paragraphs when dealing with risk transfers.

Altogether, once interventionist stakeholders have analysed their potential will and ability to deal with risks, they can start talking about actual risk management responses and which stakeholder will be considered risk manager by having ownership of or being responsible for influencing an identified risk.

In the risk analysis framework for foreign military intervention, risk management is covered under **potential risk response(s)** in order to conduct the intended intervention and meet its (initial) goals. Risk management and its underlying countermeasures have both physical and psychological effects as these touch upon safeguarding the actual well-being of people, the continuation of business and to raise risk awareness.[681] The latter does however not always become visible, as people seem to be habitually inclined to underestimate certain risks while overestimating the potential effects of risk management at the same time.[682] In addition, people are not every time keen to act when anticipated risks did not yet materialise, which might lead to the 'risk regulation reflex' principle in the end. Here, a reflex to new and more vigorous regulations turns up after an accident to avoid similar risks in the future.[683] Nonetheless, potential risk responses have to be analysed beforehand as much as possible in order not only to optimise the intervention within the broader framework of a grand strategy but also to have the ability to choose which risk (and subsequent which countermeasure) will have priority when the interventionist stakeholders will be confronted with the anticipated risks.

There are several possible responses towards risk, though probably not all risks are amendable or required to act upon. As such, risk responses can be categorised into two main groups: inaction (passive risk-taking involving 'laissez-faire' or 'stick in the mud' policies whereby the risks thus fall within peoples' eagerness towards risk-taking) versus action (active risk-taking).[684] Such inaction does however not entail less risk. Inaction by interventionist parties may, for example, severely jeopardise regional or international peace and stability (e.g. Eastern DRC, Sudan and Iraq) or even allow genocide to take place (e.g. Bosnia-Herzegovina and Rwanda). Subsequently, "the choice is not between risk taking and risk avoidance but between different types of risk."[685] Besides, intended risk responses might also trigger (new) risks, which suggests the relevance of a renewed and updated risk assessment and the seeking of alternative countermeasures. This suggests that there are "no risk-free choices, including the decision not to decide" when assessing an envisioned foreign military intervention.[686] Nevertheless, people seem to prefer active risk-taking over inaction when confronted with a (severe) risk, even when the consequences are not clear or in absence of positive reinforcements and tangible rewards.[687]

Regarding potential risk responses, a decision has to be made whether to accept (tolerate), avoid (prevent exposure), reduce, or to transfer the anticipated risk(s) to another stakeholder.[688] Thereby it is possible that a certain risk requires an organisation-wide response addressing more domains since risk can have multiple directions.[689] Risk acceptance is part of passive risk-taking and means that no countermeasures will be taken. The expected losses therefore have to fall within peoples' eagerness towards risk-taking.[690] Bouman *et al.* (2009) emphasise that risk is usually accepted when it is considered to have low priority, because its anticipated likelihood and impact are considered negligible or low.[691] It is suggested that the risk acceptance response "might be appropriate in situations where the benefits

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[681] Claes, P.F. (2004), p. 149
[682] Claes, P.F. (2004), p. 21
[683] Trappenburg, M. (15-16 May 2010), pp. 4-5
[684] Vertzberger, Y.Y.I. (1998), p. 25
[685] Vertzberger, Y.Y.I. (1998), p. 25
[686] Vertzberger, Y.Y.I. (1998), p. 25
[687] Salancik, G.R. (1977), p. 63, as quoted in Vertzberger, Y.Y.I (1998), p. 51; Bibler Coutin, S. (2008), p. 218; interview 12
[688] Drennan, L.T. & McConnell, A. (2007), pp. 91-93; Havelaar, A.H. (11 July 2008), p. 17
[689] Drennan, L.T. & McConnell, A. (2007), p. 67
[690] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 139
[691] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), pp. 139-140. Bouman *et al.* illustrate this with an example of an employee who dies in a plane crash during a regular business trip (p. 140, translated from Dutch). The likelihood that his plane crashes is considered low just like the anticipated impact for the organisation. They argue that it will however be a whole different story when, for instance, multiple key employees of a single organisation would travel by plane and crash (as happened with the senior political-military leadership of Poland in April 2010 (BBC, (10 April 2010)). The probability of a plane crash will then be the same (i.e. low), while the expected impact on the organisation will increase significantly.

outweigh the risks or costs, or when it would be too expensive or inconvenient to change or where the alternatives appear the 'worse.'[692] However, there is also a possibility that a situation entails a risk that has an extreme impact whereas there is an inability to apply risk responses, for instance in case of damage due to terrorism.[693] Consequently, a situation of forced acceptation will materialise whereby the relevant stakeholder can only prepare to absorb the estimated risk impact.[694]

The next potential response entails the avoidance of risk that indicates active risk-taking, as measures are taken to minimise or neutralise the factors of influence that are thought to cause the risk.[695] Bouman *et al.* (2009) postulate that the avoidance of risk will probably only be applied in case of large risks that are difficult to manage.[696] Risk avoidance can be illustrated by not pushing through certain intervention decisions/behaviour or setting a high threshold for foreign military intervention to discourage a positive intervention decision and thereby minimising the potential exposure of the military forces to adverse intervention consequences when not deemed absolutely necessary.[697]

Risk reduction or mitigation responses apply to active risk-taking measures that reduce the probability and/or the impact of the identified risk. The measures that mitigate the most significant risks are often described as key controls.[698] Although it is sometimes possible to reduce risk through available public and military resources in conjunction with an adequate risk appetite, one can never reduce risk to zero.[699] But perhaps the strife for zero-risk is not desirable either, as it also excludes opportunities to gain benefits (i.e. the positive impact of risk).[700] Besides, this particular risk response seems not applicable to all imaginable risks like for instance the weather. In addition, as human, financial and technical resources are finite, resource allocation for risk management will be more difficult when multiple risks are identified. Therefore, Gates (2009) summarises quite catching: "[one] cannot expect to eliminate […] risks through higher budgets, to do everything and buy everything. [He or she] must set priorities and consider inescapable trade-offs and opportunity costs."[701] It is however possible to spread the risks through partnering and burden sharing, which is a form of risk distribution, the last risk response.

Risk transfer or distribution responses refer to measures whereby some aspects of the anticipated risk impact and subsequent responsibility are transferred to another stakeholder to cope with through partnering, outsourcing or subcontracting.[702] Such a risk cannot be considered to have disappeared once it is transferred.[703] An example of risk distribution could pertain to a particular interventionist country which does not possess all capabilities necessary to respond to a risk. In this case, it could be interesting for an interventionist country to have military partners for the benefit of burden and risk sharing. However, when interventionist partners are available then the question arises which partner will be responsible for bearing or dealing with which risk.[704] Outsourcing might bring about other risks again, like a greater level of dependency on external organisations.[705]

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[692] Drennan, L.T. & McConnell, A. (2007), p. 91
[693] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 140
[694] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 140
[695] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 140
[696] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 140
[697] Vertzberger, Y.Y.I. (1998), p. 129
[698] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 49
[699] Drennan, L.T. & McConnell, A. (2007), p. 3; interview 5. In addition, Hillson (2006) emphasises that "[t]he 'zero-risk' enterprise or mission does not exist (Hillson, D. (2006), p. 2, original italics utilised)." With regard to foreign military intervention and security, it can be said that "while the realist concept of security implies that dangers can be eliminated, the probabilistic concept of risk suggests that insecurity can only be managed. A notion of security building on risk means that security can never be attained. Zero risk does not exist. Therefore, the concept of risk guarantees constant demand (Krahmann, E. (2008), p. 11)."
[700] Hillson, D. (2006), p. 2
[701] Gates, R.M. (February/January 2009), p. 37. Originally, Gates writes about the United States safeguarding their national interests against security threats.
[702] Drennan, L.T. & McConnell, A. (2007), p. 92-93
[703] Bouman, F.H.C., Ast, R. Van, Dijk, R. Van & Meenen, D.H.A. Van (2009), p. 141
[704] As such, risk is closely associated with responsibility (Giddens, A. (January 1999), p. 10).
[705] See also footnote 571 in this thesis.

Intervention judgement

Finally, the risks analysis framework requires a decision to be made by the assessors whether the intended intervention should be carried out or not, based on the risks assessment and the acceptability of the anticipated risks (whether accurate or not).[706] In the framework, this **overall judgement** (that is rooted in socio-cognitive factors) bolsters the establishment of informed decision-making for the senior interventionist political-military leadership (i.e. government and Ministry of Defence) which necessitates that risk assessors understand how these decision-makers "process information [in terms of knowing their mindset, what they perceive to be the risks ahead, and where they are confident about the future."[707] However, the adoption of an actual political attitude when judging the intervention and associated risks suggests that the assessor's judgement might be increasingly affected by non-scientific considerations, external pressure and trade-offs to create political-military preferable outcomes.[708] Besides, it seems that people (particularly adults) have a tendency to "judge options for future action according to the amount of effort they have invested in the past, rather than the size of the expected returns."[709] In other words, they are inclined to push through or continue with a(n intended) foreign military intervention based on the investments (i.e. military resources including time and efforts) they already made at the risk of taking regretful decisions and demonstrating "maladaptive economic behaviour."[710]

In this thesis the risk-related judgement of intervention basically involves three options, which are always vulnerable to changing circumstances. The first judgement option entails the decision that both the design of the intended intervention and its expected risks are deemed acceptable. Therefore the intervention can be put into practise as planned. The second option comprises the decision that the intended intervention is not acceptable yet, as it involves still too many undesirable risks. However, these risks are considered to be manageable when the design of the intervention is modified or when the intended intervention is put on hold and performed when the circumstances improve.[711] Hence, the adjusted intervention and its risks are considered acceptable to be implemented. The last judgement option refers to the decision that the current design of the intervention is leading to unacceptable risks whereby adjustments are believed to not convert this judgement as it involves too high costs. As a result, the judgement will be to not carry out the intended foreign military intervention. Yet, in the end it will be the highest-level political-military leadership that has the authority to decide upon the intervention.

To conclude the whole paragraph, the final part of the risk analysis intervention addresses the risk assessment (i.e. identification, analysis and evaluation of risk) and the intervention judgement to examine what potential risks are involved with regard to the proposed intervention and whether these are deemed acceptable to execute the intervention.

Sub-conclusion

This chapter aimed to develop a risk analysis framework for foreign military intervention that is sensitive to multiple stakeholders and risk directions. The sub-question therefore was: *How can risk analysis for foreign military intervention be structuralised to be sensitive to characteristics of a foreign military intervention, various stakeholders and the multiple risk domains?* This question can be answered very briefly. Hands-on risk analysis can be structuralised by using a standardised, however, flexible matrix-shaped format that can be modified and fine-tuned for each intended military intervention. This

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[706] Vertzberger, Y.Y.I. (1998), p. 19

[707] Schwartz, P. & Randall, D. (2007), p. 104. In addition, the authors suggest that risk assessors are required to "[develop] a theory of change for [the senior political-strategic leadership, choose] the words [or compelling narrative] and graphics that will have an emotional impact [on these decision-makers and need to figure] out how they need to hear the story in order to act" when they want to convince them of a particular outcome.

[708] Heng, Y.K. (28 April 2009)

[709] Suliman, M. (November 2005), p. 7

[710] Arkes, H.R. & Blumer, C. (1985), pp. 124-140, cited in Arkes, H.R. & Ayton, P. (1999), p. 591. So, this could also refer to earlier interventions of a similar character and/or earlier interventions in the same country or in similar countries.

[711] This implies a renewed risk analysis process whereby the adapted intervention is run through the framework.

framework grasps the key elements of foreign military intervention and risk while addressing interventionist, local and third-party stakeholders within the different domains. Concerning the latter, in the framework eight basic required domains are identified that refer directly to the domains that can either affect a foreign military intervention and subsequent troops, and the ones that can be influenced by the interventionist military forces and the intervention itself. The identified domains include the security, geographical environment, health, political, social, economic, legal and institutional dimensions. The following chapter will illustrate the risk analysis framework developed here by using an intervention scenario for South Sudan.

Altogether, the whole risk analysis framework for foreign military intervention now presents as follows:

INTERVENTION CHARACTERISTICS	
Rationales for intervention:	
Name of intervention:	
Type of intervention:	Supportive, non-sided or hostile
Timing:	Offensive, preventive or reactive
Legitimacy:	Approval within entry state (incumbent regime, opponents and third parties)
	International approval (multilateral organisations and observing countries)
	Consent by interventionist's domestic governments and constituencies
Mandate:	– objective(s) (political-strategic, operational and tactical level), – intended partners (their hierarchy or chain of command), – presumed activities, – strength of force (amount of military resources, rules of engagement and force protection), – explicit political and operational caveats, – assumed duration of commitment and exit-strategy.
Indication of financial costs:	
Area of deployment:	

Part A: A sensitive risk analysis framework for foreign military interventions; Intervention characteristics

RISK TO WHOM:		• To interventionist stakeholders:							
		• To local stakeholders:							
		• To third parties							
		Security factors	*Geographical environment factors*	*Health factors*	*Political factors*	*Social factors*	*Economic factors*	*Legal factors*	*Institutional factors*
FACTORS OF INFLUENCE (driven by behaviour)	Interventionist self-behaviour								
	Behaviour by local stakeholders								
	Behaviour by third party stakeholders								
FACTORS OF INFLUENCE (driven by 'spontaneous', particular events or shaped by natural or historical features)									

Part B: A sensitive risk analysis framework for foreign military interventions; Factors of influence

POTENTIAL IMPACTS:	Security Risks	Geographical environment risks	Health risks	Political risks	Social risks	Economic risks	Legal risks	Institutional risks
For interventionist stakeholders								
For local stakeholders								
Third party stakeholders								
RISK LEVEL:								
OVERALL RISK LEVEL:								
WILL AND/OR ABILITY TO INFLUENCE RISK:								
POTENTIAL RISK RESPONSE TO MEET GOALS:								
OVERALL JUDGEMENT:								

Part C: A sensitive risk analysis framework for foreign military interventions; Risk

Chapter 4 MILITARY TRAINING ON THE WAY OF BECOMING A VIABLE STATE

"There is no point in being a pacifist in Sudan now." Interview 4

The quote above is just one of numerous opinions on the (impending) state of affairs in Sudan and its upcoming split. It was a comment in response to the conviction that a renewed conflict would be imminent between North and South Sudan. To be more precise, it was argued that both halves of the country would prepare themselves for a new war the moment the South would choose for secession from its Northern sibling. In addition, the Southern populace was believed to be increasingly confronted with severe interethnic communal (or tribal) armed violence. The quotation was by no means meant to justify a foreign military intervention in the highest spectrum of force possible. Nevertheless, it demonstrates that the circumstances in Sudan are seen as becoming progressively more conflict-prone.

First of all, this chapter delves into the present context of South Sudan while elaborating on the political, security, geographical environment, socio-economic, health, legal and institutional domains. Essentially, this country analysis of South Sudan is written to enable the conduct of and justification for an assumed foreign military intervention and subsequent risk analysis as developed in chapters 1 to 3. In practice, such a distinct context analysis might not be needed as the country-related information is provided by the participants partaking in such a risk analysis process. Although, even then, a written context analysis could help every stakeholder to be on the same page and have a shared baseline understanding. The context analysis covers the period between the signing of the Sudanese North-South peace agreement in 2005 and 8 July 2011, the day before South Sudan formally seceded from the North.

After the presentation of the context analysis, the actual analytical process for the risk framework begins. This will be illustrated by following the analytical or procedural steps (chapter 3, figure 7) necessary to complete the risk analysis. A fictive security sector reform scenario for Dutch foreign military intervention will be discussed that illustrates the use, value and possible challenges of the risk analysis framework for foreign military intervention as developed in this thesis. Although the intervention that will be described is illustrative and does not entail any actual intention or initiative of the Netherlands, it can be considered realistic as it has been processed, criticised and verified by several specialists.[712] In addition, in May 2010 one Member of Parliament alluded explicitly to such intervention option during a meeting of the Parliamentary Committee on Foreign Affairs on the extension of the Dutch contribution to the United Nations Mission in the Sudan (UNMIS).[713] The chapter will be concluded by answering the following sub-question: *What does the risk analysis framework this research project puts forward look like when it is applied to a scenario for Dutch military intervention in South Sudan and what are observations in using the framework?*

4.1 *A context analysis for South Sudan*

Sudan is frequently characterised as a sole repressive, fragile or even failed state, but this is actually profoundly inaccurate as the state of affairs is far more complex.[714] For the moment, Sudan consists of a

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[712] Over time the scenario was revised and updated to account for changing circumstances in North and South Sudan, though the nature of the intended foreign military intervention was left intact.

[713] The Dutch House of Representatives, (3 May 2010). Member of Parliament Vendrik (from the political party *Groenlinks)* referred to the given that the Dutch government examined the opportunities to participate in security sector reform in South Sudan by supporting the local police and military. Moreover, he claimed that *Groenlinks* thought such a security sector reform initiative would be a vital and desirable option for a potential Dutch foreign military intervention as the Dutch military is considered to have both expertise and experience in this field. In addition, Vendrik explicitly asked the government when it would inform the Parliament on its explorations.

[714] Based on Tjepkema, A. (2007), p. 2. A repressive state refers to a country wherein "state control over daily life is pervasive and wide-ranging, independent organisations and political opposition are banned or suppressed, and fear of retribution for independent thought and action is part of daily life (Freedom House, (2007))." See footnote 88 for definitions of fragile and failed states.

Northern and a Southern part which are remarkably different from one another.[715] North Sudan is repeatedly typified as the centrally dominated and institutionalised part of Sudan that is repressive and intolerant to other people than Arabic Muslim elites.[716] South Sudan, which still faces enormous challenges pertaining to its upcoming independence, is frequently deemed fragile or failed indeed.[717] Subsequently, as long as South Sudan has not yet become independent, Sudan should be considered a state with repressive, fragile *and* failed features. The current circumstances in South Sudan can be clarified when delving a little bit deeper into the history of Sudan.

The following paragraphs comprise the context analysis of South Sudan, while taking into account the political, security, geographical environment, socio-economic, health, legal and institutional domains. Nevertheless, in some cases explicit information will be given of North Sudan as well as this helps to understand the circumstances in the South and to identify both the factors of influence and subsequent risks in the risk analysis. Subsequent to a general introduction on the Comprehensive Peace Agreement in Sudan in 2005, the context analysis is divided into three sections that pertain to all eight domains. The first section deals with the political domain, the second paragraph comprises the security and legal domains, and in the last section the geographical environment, socio-economic and health domains are grouped together. The institutional domain is applied to all sections. As such, the context analysis illustrates that the domains are interwoven and that the context itself is incredibly complex. In the text, **red numbers** have been inserted which are used in the risk analysis later in this chapter to refer to the associated parts from the context analysis and scenario. Sometimes, numbers are repeated as they refer to the same issues in different parts of the context analysis.

A peace agreement with challenges
After decades of devastating armed civil conflict between North and South Sudan and under pressure of the international community, the two main warring factions signed the Comprehensive Peace Agreement (CPA) in January 2005, which shaped a road map for peace and marked a six-year transition period until 9 July 2011.[718] The North was represented by the National Congress Party (NCP), while the Sudan People's Liberation Movement/Army (SPLM/A), which was initially a rebel group, represented the South.[719] Other active armed stakeholders like rebel groups, warlords or pro-government militias were however left out of this truce as they were considered either to be integrated into the standing forces of the North and South or to be demobilised.[720] Also, several third-party states became involved in the Sudanese peace negotiations thereby becoming interventionist stakeholders.[721] They, among them the Netherlands, co-signed the CPA and committed themselves to monitor and support its implementation.[722]

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[715] By 9 July 2011 the Southern halve of the country will become independent and the peace agreement between Northern and South Sudan will come to an end.

[716] Tjepkema, A. (2007), p. 2; Evans, G. (9 March 2009)

[717] The Fund for Peace, (2009). The Fund for Peace asserted in its yearly *Failed States Index* that the Sudanese leadership in 2009 remained weak and its military, police, judiciary and civil service - although some slight improvements - continued to be poor.

[718] Murray, Ch. & Maywald, C. (2006), pp. 1207-1208; United Nations Security Council, (5 September 2007)

[719] United Nations Security Council, (5 September 2007)

[720] In this thesis, such combatant groups are labelled 'other armed groups' (OAGs). De Waal (2007b) claims, amongst others, that international parties thought that bringing in all Sudanese stakeholders into the peace negotiations would be too complicated, since the remaining parties were considered not only to have less significant military power but that their interests could be addressed once the North-South conflict had been solved (Waal, A. De (2007b), p. 17).

[721] Waal, A. De (2007b), p. 20; Mason, S.J.A. (2008), p. 72. Originally, foreign engagement or influence on the peace negotiations was meant to be limited to a bare minimum. The regional African organisation Intergovernmental Authority on Development (IGAD) made efforts to mediate between the NCP and the SPLM/A. Later, when the influence on the peace process by the Kenya-led IGAD weakened because of internal differences, countries like the United States, United Kingdom, Norway and organisations like the EU and the UN stepped in.

[722] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. xiv-xvi. Apart from the Netherlands, also Kenya, Uganda, Egypt, Italy, Norway, the United Kingdom, the United States, the African Union, IGAD, the League of Arab States and the United Nations witnessed and co-signed the CPA. The introduction of the CPA calls on these states and organisations to actually support the implementation of the agreement. In addition, some articles of the provisions within the CPA unambiguously call for them to monitor the implementation proceedings like article 2.4 of the July 2002 Machakos Protocol that addresses the set-up of "an independent Assessment and Evaluation Commission, drawn from

In addition, the United Nations received a task in supervising the execution of large parts of the agreement.[723] Subsequently, these foreign affiliations to the agreement and in particularly the role of the UN make the international community also partly liable for the CPA's accomplishment.

The CPA was an important milestone for South Sudan since the agreement implicitly acknowledged a substantial level of autonomy for the South by authorising the set-up of its own institutions and concurrently the agreement provided the SPLM/A political legitimacy. During the years of negotiations the CPA developed into a document that contains numerous chapters, protocols, provisions and annexes that address a selected number of the main disputes between the North and the South. First there is the Machakos protocol of 2002 which stipulates a six-year transition process, the relationship between state and religion, the structures of government and, most critically, the right to self-determination for the people of South Sudan.[724] The second protocol covers the power-sharing arrangements that include the governing arrangements between the Government of Sudan (GoS)[725] and the Government of South Sudan (GoSS),[726] decentralisation and democratic transition, human rights and fundamental freedoms, the census, national elections, oversight/monitoring committees, and the location of the national capital.[727] Hereby, the GoS is supposed to promote national unity.[728] The third protocol deals with wealth distribution, in particular by initiating the process pertaining to disputes over land tenure and ownership of natural resources (here, the rights to pasture cattle are included as well as compensation for inhabitants whose rights had been impeded by oil exploration and production), management of oil resources and subsequent revenues and non-oil revenues, monetary policy, national and international reconstruction and development funds in support of transition.[729]

Then, the CPA entails two special protocols for the disputed and conflict-torn North-South border states or transitional areas of *Southern Kordofan*[730] and *Blue Nile* and the border area of Abyei within Southern Kordofan, which also touch upon the North-South border demarcation.[731] Southern Kordofan and Blue Nile will have popular consultations to determine whether the CPA will constitute the definitive settlement of the North-South conflict in these states or whether negotiations should be re-opened with the GoS.[732] Abyei should have had its own referendum whether it desired to retain its special administrative status in the North or would become part of the state Northern Bahr el Ghazal in the

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these organisations and states, to monitor implementation and produce a mid-term evaluation of the CPA (Thomas, E. (2009), p. 21)." Another article indicating the supporting role of the international community that witnessed the peace process, is article 2 of the September 2003 Agreement on Security Arrangements that "requires international monitoring for the ceasefire (Thomas, E. (2009), p. 21)."

[723] United Nations Security Council, (January 2007)

[724] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 1-8

[725] See the next paragraph *One state, two political systems* for more details.

[726] See the next paragraph *One state, two political systems* for more details.

[727] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 9-44. Though the words 'federal' and 'federalism' were avoided in the CPA, Murray and Maywald (2006) claim that most scholars would agree that Sudan can be considered a federation given the way in which powers are divided (Murray, Ch. & Maywald, C. (2006), p. 1208). As such, Sudan is divided into two regional administrative units, which entail 25 states together. The administrative units will be further explained in the next paragraph *One state, two political systems*.

[728] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 24-25

[729] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 45-62

[730] Southern Kordofan is sometimes labelled as Nuba Mountains, though the latter is also known as a region within the state.

[731] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 63-83. Abyei did become part of Southern Kordofan as late as in 1905.

[732] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 74; Murray, Ch. & Maywald, C. (2006), p. 1220. It remains however vague what precisely is meant with these consultations as most people seem unfamiliar with the terminology, what procedures have to be set-up in advance and what (new) timeframes will be applied as important deadlines for determining legislation have passed already (Murray, Ch. & Maywald, C. (2006), p. 1220; Temin, J. (September 2009), p. 1). According to Temin, some people in Southern Kordofan and Blue Nile even believe that popular consultations will open the door to become independent from either North or South Sudan, which is a rather big step further from semi-autonomy with regard to Khartoum (p. 1). For all these reasons, Flint (January 2011) concludes that these protocols could be considered working plans instead of final settlements, which "failed to satisfy the aspirations of the Nuba [one of the ethnic groups living in Southern Kordofan and Blue Nile] - most importantly, their long-standing demand for self-determination to protect their society and their culture and reverse decades of marginalisation and discrimination (Flint, J. (January 2011), p. 7)."

South.[733] The final, but not least important, protocol takes care of the security arrangements for the Northern and Southern armed forces in terms of permanent ceasefire agreements, redeployment protocols for the troops alongside the supposed (not yet formal) North-South border, the establishment of a Joint Defence Board and Joint Integrated Units (JIUs),[734] the inclusion of OAGs[735] or their demobilisation, disarmament, reintegration and reconciliation,[736] and the establishment of a United Nations (military) peace support mission.[737]

Some of the main achievements of the CPA were the establishment of a North-South power-sharing national government, an autonomous Southern government, associated government institutions (civil service) like the judiciary, joint defence board and JIUs, special boards such as the demarcation and land committees, and the development of supreme law like the interim national constitution (INC) and the interim constitution for South Sudan. This however does not mean that each established institution functions effectively or that all law provisions are endorsed. At the same time the peace agreement "proves to be difficult to monitor, because it sets up so many institutions and processes across multiple levels of government across a vast country" that complete oversight is practically impossible.[738] Although the CPA brought the North-South divergence successfully into the political domain by reducing the amount of armed confrontations between the North and South, the cease-fire arrangements were seriously violated between 2005 and 2011.[739] Altogether, this suggests that the agreement is not without challenges. These challenges can be categorised into four groups: gaps within the CPA; lagged or deliberately thwarted implementation by the two main signatories; floating interest, divided support and lack of pressure by the interventionist stakeholders; and pressing timetables as the CPA and the subsequent transition period are nearing their end on 9 July 2011.

A serious weakness of the CPA is that it left out relevant stakeholders other than the NCP and SPLM/A thereby downgrading the whole peace process to only two elite political-military parties.[740] On the one hand, this might fuel dissatisfaction by excluded (splinter) parties as they are forced to fulfil the role of spectators despite the fact that they also have a stake in national politics and can be "valuable allies in finding a lasting solution to the multitude of grievances within Sudanese society."[741] On the other hand, excluded stakeholders who did not sign the agreement may not feel compelled to adhere to the

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[733] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 69. The Abyei referendum was assumed to be held simultaneously with the referendum in South Sudan and only citizens of Abyei would be authorised to vote. Nevertheless, it remained vague *who* were precisely considered citizens as some tribes in Abyei, like the Northern-aligned Misseriya (predominantly nomadic – as seasonal migrants they enter Abyei only for a certain period a year to meadow their cattle) compared to the very large Dinka Ngok community (agro-pastoral people, mainly occupied with cattle herding and who are historically the more permanent territorial residents of the area and sympathise with South Sudan) (The Dutch Ministry of Foreign Affairs, (April 2010), p 15; Flint, J. (January 2011), p. 7). The establishment of a special board was considered to resolve the issue. In the end, the Southern referendum was carried out by January 2011, while the Abyei referendum was put on hold for infinite time as there was still no consensus on who would be eligible to vote (Algemeen Nederlands Persbureau, (28 April 2011).

[734] See the paragraph *Security and the rule of law* in this chapter for more details.

[735] That is, all armed groups in Sudan that "officially operated outside of [the Northern Sudanese Armed Forces] and [the South Sudan People's Liberation Army] control prior to the 2005 ceasefire," while including "various militia and paramilitary forces […], some numbering only a few dozen men, others considered significant military powers in their own right (Verjee, A. (May 2011), p. 3)." See also Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 89-90 and 100-102.

[736] Foreign insurgency groups are considered to be disarmed, repatriated or expelled from Sudan (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 102).

[737] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 84-121

[738] Thomas, E. (2009), p. 16

[739] See for instance Brosché, J. (2009), p. 29; Thomas, E. (2009), p. 12; BBC, (16 June 2011)

[740] Thomas, E. (2009), pp. 12 and 14. Potential local stakeholders could involve civil institutions and stakeholders like the churches and traditional authorities, opposing political parties and OAGs. Consequently, some see the CPA as "an elite pact negotiated by the NCP and the SPLM (Lanz, D. (6 April 2010)." This suggests that the CPA is comprehensive in name only as it is only a treaty between two parties, which deals solely with the North-South axis (Murray, Ch. & Maywald, C. (2006), p. 1205; Young, J. (2008), p. 176; interview 4).

[741] Wassara, S.S. (2009), p. 18

CPA.[742] Besides, Brosché (2009) makes an interesting point by asserting that the CPA (similar to other peace agreements in Sudan pertaining to Darfur and East Sudan) is "exclusionary in the sense that only armed groups have been given power."[743] Hence, "[t]his implies not just a severe democracy problem but also a significant risk for new violence by other groups, as it signals that the only way to power is through military means."[744]

Additionally, the CPA leaves many critical issues unsettled like the persistent hostilities in Darfur, the East, the transitional areas and the inter-communal warfare in the South, along with the absence of a post-transition policy in terms of (international) socio-economic and security arrangements, citizenship, and outstanding decisions about the demarcation of the disputed North-South border (including the decisions about the statuses and future of Abyei, Southern Kordofan and Blue Nile).[745] Even more important, the CPA also reveals a lack of peace dividend for the ordinary Sudanese inhabitant, the Southerners, the people in Darfur and the non-Arabic minorities in the North in particular. That is, the majority of the CPA provisions seem to "affect state functioning rather than ordinary life (1)."[746] Hereby, one can recognise a clear centre-periphery structure between Khartoum in the North (which is highly urbanised and densely populated) and the South (with its low urbanisation and relatively sparsely populated areas), whereby peace dividends become seldom visible in conflict-affected highly militarised areas outside the main cities of Khartoum in the North and Juba in South Sudan (1).[747] As such, development is imbalanced within Sudan, thereby buttressing existing political, economic and social polarisation, marginalisation and exclusion.[748] In addition, some conclude that the CPA is "basically a ceasefire agreement since it is neither about peace nor about a real agreement."[749] Simultaneously, others warn that the CPA does not provide a real solution: "[t]he CPA is a gamble. It is not a solution to Sudan's

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[742] Nevertheless, it was claimed in both interview 2 and 4 that not everyone deliberately sidesteps the CPA as many - even in the governmental institutions - are not acquainted with the CPA because of a flawed dissemination process and a general level of illiteracy.

[743] Brosché, J. (2009), p. 33

[744] Brosché, J. (2009), p. 29

[745] Peter, M. (March 2010), pp. 65-77; The Dutch Ministry of Foreign Affairs, (April 2010), p. 12; The Dutch Ministry of Foreign Affairs, (June 2011), pp. 20-25. According to De Waal (2007a) are "many of the problems that arise […] inherent to the agreement itself and […] not merely shortcomings of its implementation (Waal, A. De (2007a), p.22)." With regard to the final demarcation of the North-South border, the - after the CPA established - demarcation committee did not reach an agreement but nevertheless presented its report to the GoS (The Dutch Ministry of Foreign Affairs, (April 2010), p. 15). However, the Permanent Court of Arbitration in The Hague redrew the boundaries of Abyei on 22 July 2009 based on past boundaries and traditional living spaces of clans. The court decided that the boundaries of the region are further expanded into the territory of the North, but also that one of the most important oil sites of Abyei (i.e. Heglig) falls outside the borders of the region thereby giving the North exclusive access to the oil-rich site (Gray-Block, A. (22 July 2009)). Though both the NCP and SPLM said to respect this court decision, the Northern-aligned and nomadic Misseriya clan did not accept the verdict as it fears that a new North-South boundary would cut across its migratory routes in the Abyei region which not only puts pressure on the clan's traditional herding rights as formally guaranteed under the CPA but also *de facto* complicates its roaming (The Dutch Ministry of Foreign Affairs, (April 2010), p. 16; Sullivan, P.J. & Nasrallah, N. (June 2010), p. 9). Nonetheless, the final decision on the North-South border demarcation has still to be made. Hereby, Thomas (2009) cautions that "[s]mall variations in border demarcation can change the number of wells in the South or North and seriously affect [oil] revenue distribution between them (Thomas, E. (2009), p. 17)." In the end, President Al-Bashir threatened not to acknowledge the independence of South Sudan when the Southerners continue to claim the Abyei region being part of the South (Algemeen Nederlands Persbureau, (28 April 2011). For more information on the challenges, see *Southern politics, the GoSS and the SPLM.*

[746] Thomas, E. (2009), p. 19

[747] Thomas, E. (2009), p. 20. This was also acknowledged in my conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009. Other large Southern cities pertain to Rumbek, Wau, Bor, Yei and Malakal (International Resources Group, (September 2007), p. 26). This uneven centre-periphery structure is further reinforced by donor support, as serious deficiencies in capacity "led to a concerted [interventionist] effort to build GoSS' central institutions [which are located in Juba] while largely ignoring the ten [Southern] State governments (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 67)."

[748] El-Battahani, A. (2006), p. 13; Ylönen, A. (2009), p. 42; International Crisis Group, (4 May 2011). The two former authors describe that uneven development became embedded under British colonial rule and later on became successfully sustained by the Northern Arabic riverain elite who were the exclusive heirs of political power from the Brits.

[749] Interview 4. This was already acknowledged in 2007 by Gaigals (Gya, G. (October 2007), p. 4, while referring to a presentation given by Cynthia Gaigals from International Alert).

structural problems but rather the last chance for the Sudanese political elites to find a solution for how to share power."[750] Therefore, as independence of South Sudan is forthcoming, one cannot claim that the CPA and the circumstances in Sudan denote "a conventional post-conflict situation" whereby all residual tensions have been settled.[751]

Moreover, the implementation of the CPA lags behind due to the actual commitment of the NCP and SPLM. It is often argued that the NCP will face a tremendous political and economic setback if the CPA is implemented according to plan.[752] Nevertheless, also the commitment of the South can be questioned, even though they had a lot to gain from the CPA:

> During the first half of the interim period […], SPLM/A leaders shied from confronting their partners on national issues, except those mattering for the South. Particularly after John Garang's [the former acting president of South Sudan] death, they sidelined their northern component to focus on consolidating control in the South. The SPLM failed to play a more active role in national politics, treated the election process from a Southern perspective and did not build the trust with Northern and Southern opposition parties to advance a democratic transition. International Crisis Group, (4 May 2011), p. 21, footnote 162

In the end, it raises doubts whether both parties were truly motivated to execute the CPA.

Furthermore, critical attention has to be paid to the at times floating interest, divided support and lack of pressure by the overall international community and donor countries when the signatory parties sidestep the CPA and/or violate human rights (2). Almost immediately after the CPA was signed and the time came for the agreement to be implemented, the interest of the international community faded away from the North-South conflict and the CPA.[753] Fundamentally, the foreign parties anticipated that Sudan and subsequently the South entered a post-conflict situation wherein recovery was key.[754] Nonetheless, the reality on the ground proved otherwise: "[i]t was some time before donors accepted the conceptual anomaly: that in South Sudan there was no state and conflict was still very prevalent in the South."[755] Besides, a clear international coherent vision remained often absent thereby paralysing an effective foreign strategy towards Sudan.[756] The lack of commitment and pressure was also illustrated by the given that the foreign signatories, who were supposed to support and oversee the implementation of the CPA, demonstrated ineptitude or unwillingness to take a coherent hard line when especially the NCP - and to a lesser extent the SPLM/A - proved to be non-compliant with the provisions of the CPA.[757] Besides, it is argued that the execution of the CPA has given the NCP, but also President Al-Bashir who is wanted by the ICC, "leverage that it has used with the international community to hold on to power."[758] Subsequently, hardly any sanctions were imposed and the punishments that were pursued indeed proved meaningless as they could often be counterbalanced by (increased) Sudanese oil revenues and incoherent international policies.[759]

Moreover, the high turnover of representatives of international parties involved in the CPA negotiations in combination with competing priorities, pressure on the signatories for political concessions, international compromises on the strictest interpretation of the CPA and the delay of

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[750] Waal, A. De (2007a), p. 22

[751] Brosché, J. (2009), p. 32

[752] Interview 4; International Crisis Group, (4 May 2011), p. i

[753] International Crisis Group, (31 March 2006), p. 27; United Nations Security Council, (5 September 2007); Brosché, J. (2009), p. 47; Johnson, T. & Hanson, S. (12 April 2010); Flint, J. (January 2011), p. 15. The international community became more interested in the conflicts and humanitarian crises in Darfur and more recently the Southern referendum and Abyei. It suggests that the international community is not only driven by a limited attention span but also that it is less able to focus on Sudan as a whole subsequently always marginalising certain groups and regions.

[754] Sørbø, G.M. (November 2005), pp. 13-14; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 67

[755] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 67

[756] Schumann, P. (March 2010), pp. 108-109. See also Sørbø, G.M. (November 2005), pp. 13-14.

[757] Patten, Ch. (14 March 2007); Prunier, G. & Fick, M. (22 June 2009), p. 1; Almquist, C. (March 2010), p. 4

[758] International Crisis Group, (4 May 2011), p. 24

[759] The sanctions that were applied involved trade and arms embargoes, the freezing of assets of Sudanese political elites together with restrictions of their freedom of movement. See for instance: http://www.un.org/sc/committees/1591/.

formerly pledged contributions did not help the execution of the peace treaty either and brought about declining confidence by Sudanese parties **(3)**.[760] Besides, international stakeholders appear sometimes be "guided by a variety of interests more in line with their own foreign policy goals - such as the fight against terrorism in case of the United States - than with the principles enshrined in the Comprehensive Peace Agreement."[761] Telling are also the examples of foreign countries (like Russia, China, Libya and the United States) involved in arms trading with Sudan thereby sometimes breaking arms embargoes as sanctioned by the UN **(4)**.[762] Altogether, this not only affected the pace of the CPA implementation but also the credibility of the international stakeholders.[763]

Nonetheless, international attention seems critical to maintain the momentum of the peace process and to get the CPA executed as international parties can wield power to overcome deadlocks between the two Sudanese signatories.[764] A significant attempt to refocus the international attention to the North-South divergence and decelerated CPA-implementation was only made in June 2009 by the United States. They invited the main Sudanese parties and the foreign governments that co-signed the CPA to Washington to emphasise the importance of the agreement and to reinforce their commitment and (financial) support.[765] In addition, the United States came with a new Sudan strategy and subsequent persuasion tactics (carrots and sticks) in October 2009 that included renewed attention to Darfur.[766] Nonetheless, with new armed conflicts and humanitarian disasters emerging globally **(5)** international attention from Sudan may draw away as happened before.

Finally, the implementation of the CPA is sincerely hampered by pressing timetables as the end of the agreement and the transition period are steadily approaching, especially since the NCP nor the SPLM was interested in an extension of the CPA.[767] The execution of the CPA is behind schedule due to slow progress on a number of provisions. For instance, the demarcation of the North-South border already had to be defined in 2005 but a final decision still remains absent.[768] The deadline in 2007 for withdrawal of Northern forces from the South was delayed by almost two years.[769] The formation of the JIUs was delayed and joint doctrines are still to be formulated.[770] Furthermore, the national census should have been conducted in 2007, but was done in 2008 and its results were only made public as late as 2009.[771]

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[760] Waal, A. De (2007b), pp. 20-22; interview 16; Brosché, J. (2009), p. 45

[761] Schumann, P. (March 2010), p. 102

[762] See for instance: Charbonneau, L. (9 March 2011); United States Department of State, Bureau of African Affairs, (updated 8 April 2011); Amnesty International, (8 July 2011)

[763] Waal, A. De (2007b), pp. 20-22; Almquist, C. (March 2010), p. 4

[764] Waal, A. De (March 2010), p. 14. On the other hand, Schumann (March 2010) claims that "peace agreements negotiated under the pressure of international mediators often stall conflicts rather than resolve them (Schumann, P. (March 2010), p. 106).

[765] Heavens, A. (22 June 2009).The international summit was held on 23 June 2009.

[766] Knowlton, B. (19 October 2009). The Sudan strategy pertains to three tracks: implementation of the CPA; ending of atrocities in Darfur; and counter-terrorism whereby the United States seeks to prevent that Sudan becomes a safe haven for terrorists.

[767] Almquist, C. (March 2010), p. 7; Sudan Tribune, (19 April 2011)

[768] International Crisis Group, (13 March 2008), p. 8; Thomas, E. (2009), p. 16; Small Arms Survey, (May 2009), p. 2; The Dutch Ministry of Foreign Affairs, (June 2011), p. 21. According to the latter, disputes remain about five areas (between Upper Nile and White Nile, Upper Nile and South Kordofan (two disputed areas), Northern Bahr el Ghazal and South Darfur, and Western Bahr el Ghazal and South Darfur) or 30 per cent of the border due to the natural resources present along with the given that distinct demarcation documentation is absent (p. 21, including footnotes 78 and 79). Currently, North and South Sudan maintain a sort of *soft border* during the interim period, whereby the demarcation yet has to be settled and mainly the status of Abyei still continues to be heavily disputed by the two Sudanese CPA signatories (p. 22).

[769] International Crisis Group, (13 March 2008), p. 11; Small Arms Survey, (May 2009), p. 2; Brosché, J. (2009), p. 28

[770] Thomas, E. (2009), p. 18

[771] Heavens, A. (21 May 2009); Obayi Ori, K. (1 July 2009); Brosché, J. (2009), p. 28. The results of the census were however turned down by the Southern governmental leadership as they thought that the census underestimated the amount of Southerners. According to the outcome of this census, the South held 21% of the total population of Sudan compared to the one-third that was agreed upon in the CPA (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 18; Heavens, A. (21 May 2009); Small Arms Survey, (May 2009), p. 3). This census was however to become the baseline for the distribution of power and wealth that required to be weighed against the populace and therefore got rejected by the South claiming that maintaining these particular results would negatively affect the estimated Southern constituencies eligible to vote in the forthcoming elections and referendum (Heavens, A. (21 May 2009); Small Arms Survey, (May 2009), p. 3). Moreover, the census results would imply a redrawing of constituencies whereby the allocation of seats within the GoS could be

Similarly, the national general elections, originally planned for April 2009 were postponed twice and were conducted in April 2010.[772] Altogether, time is running out to fully execute the CPA and prepare for a clean breakaway of the South. To conclude, despite all its difficulties, the CPA is still the most important and perhaps only viable political framework in Sudan to settle disputes.[773]

One state, two political systems
Sudan is a republic that covers 25 states, which are sub-divided into counties (administrative units comparable to provinces or regions), *payams* (districts or municipalities) and *bomas* (villages).[774] Under the CPA, Sudan established the Government of Unity (commonly known as the GoS), which is a power-sharing administration for the whole of Sudan that comprises both representatives of the North and the South.[775] The GoS is residing in Khartoum, the political and economic epicentre of Sudan in the North, and is headed by the in April 2010 re-elected President Al-Bashir and two vice-presidents who represent both halves of the country.[776] Hereby, Sudan is currently guided by the INC that outlines "the roles, functions and powers […] of the national executive, national legislature and national judiciary" which are based on the CPA (and the constitution of 1998) for the duration of the peace agreement and subsequent transition period.[777] In general, (national) formal politics in Sudan can be characterised by six factors, namely that it is 1) highly militarised, 2) autocratic, 3) factionalised and 4) centralised in nature. Furthermore, Sudanese politics are strongly bound to 5) patronage mechanisms and simultaneously characterised by 6) a substantial involvement of interventionist stakeholders.

The Sudanese political system is highly militarised since military regimes seized power and dominated national politics from Sudan's independence in 1956 onwards.[778] In addition, many politicians appear to be (former) soldiers who do not necessarily have political experience or aptitudes required to perform their intrinsically civilian responsibilities.[779] This is reflected most within the SPLM (the political wing of the SPLM/A) whose political experience is still in its infancy despite that it has made considerable progress all through the CPA's transition period **(6)**. Even more important, politicians with a military background habitually uphold private armies coupled with "a permanent monopoly on coercive instruments" that may be used to persuade their political opponents to comply with their interests at any time they wish for **(7)**.[780] Nonetheless, it is argued that military success alone is hardly ever decisive within the Sudanese political system as frequently the politicians "of the losing side quickly negotiate a lower price for their loyalty."[781] Altogether, this reinforces the idea that in Sudan (political) power can be both seized and sustained through military means and violence **(7)**. Subsequently, in Sudan the political

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changed on the side of the North since the South was believed to have even less citizens. Hence, the SPLM could lose its ability to veto over constitutional alterations. The NCP and the SPLM finally settled the deadlock by appointing the latter extra parliamentary seats, which would be allocated after the national elections (BBC, (26 February 2010)). At the end of the day, it did not change the status quo within Sudanese politics as the SPLM still turned out "not as powerful, nor do they have the same amount of control as their NCP counterparts (Brosché, J. (2009), p. 43)."

[772] Obayi Ori, K. (1 July 2009)
[773] Waal, A. De (2007a), p. 22; interview 4. For other issues that were lagging behind, see International Crisis Group, (17 December 2009), p. 3.
[774] Unger, B. & Wils, O. (May 2007), p. 13; Human Rights Watch, (June 2009), p. 7, footnote 13
[775] Initially, the NCP was allotted 52% of the seats within the GoS and the SPLM 28% (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 20). Further Northern political parties are allotted 14% of the seats, while the remaining 6% of the seats are filled by additional Southern political forces (p. 20). At the time of the CPA negotiations, this particular allocation of the seats in national government institutions was estimated to represent the North-South populace proportionally (Thomas, E. (2009), p. 6).
[776] The president and vice-presidents are elected for five-year terms (Murray, Ch. & Maywald, C. (2006), p. 1214; Central Intelligence Agency, (updated 24 June 2010)). The current vice-presidents are Salva Kiir Mayardit (from South Sudan who will become president when the South becomes independent) and Ali Osman Mohamed Taha (from the North).
[777] Wassara, S.S. (2009), p. 6
[778] Central Intelligence Agency, (updated 13 August 2009). Bjerg Moller (30 April 2010) explains that "in many African countries […] rulers have traditionally used the military as stepping stone to power (Bjerg Moller, S. (30 April 2010), p. 10)."
[779] Young, J. (2008), p. 172; Thomas, E. (2009), p. 26
[780] Bjerg Moller, S. (30 April 2010), pp. 10-11
[781] Waal, A. De (2009), p. 102

and security domains are strongly intertwined whereby violence became a standard instrument of political competition **(7)**.

      Notwithstanding that Sudan is a republic and the CPA emphasises inclusive and participatory power-sharing between the two signatories and additional opposition parties, national politics continue to be rather autocratic and serving exclusively the interest of a small well organised elite.[782] Hereby, the NCP still firmly controls power within the GoS by maintaining the upper hand in the executive and legislative branches.[783] In addition, the SPLM and other political opponents are often effectively thwarted in their activities by aggressive divide-and-rule tactics, despite decision-making provisions enshrined in the CPA.[784] For instance, the NCP:

> [e]masculated the Northern opposition parties over two decades, destroying their financial basis, dividing them and co-opting influential members through its patronage system. Because of this, the parties have not been able to regenerate themselves sufficiently to push the regime to make changes. International Crisis Group, (4 May 2011), pp. 27-28[785]

The same seems applicable to Southern opposition parties, for whom the SPLM shows little respect **(6)**. Moreover, the opposition parties are powerless and their support bases "often limited to a specific regional or ethnical dimension."[786] Another example pertains to the complex national elections that were held in April 2010.[787] Many candidates from both North and South Sudan ran for election, but due to a restrictive environment in terms of imposed constraints in civil and political freedoms, tight political control, intimidation and media interferences like pre-print censorship by the NCP, significant opposition parties eventually opted out from the elections.[788] Hence, the status quo and fundamentals in politics remain unchanged and democratic reform seems illusive in the short term.[789]

      Meanwhile, the GoS is a highly factionalised body, not only concerning its North-South division but also with regard to the antagonism between NCP and SPLM and other political parties.[790] This fragmentation can be explained by two factors. First, where the CPA had as objective that the GoS had to make unity attractive and initiate a process of national reconciliation between the North and South, this can be largely considered a failure.[791] Both the North and South lacked the incentive to promote unity, since it was acknowledged early on that the latter would vote for independence when it would get the chance.[792] This seems reflected within the SPLM/A's formal view that aimed at unity of Sudan in the running up of the Southern referendum, but whereby high-level members of the party frequently appeared

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[782] Rolandsen, Ø.H. (July 2007), p. 6.

[783] Murray, Ch. & Maywald, C. (2006), p. 1209; Brosché, J. (2009), p. 43; Lanz, D. (6 April 2010). For instance, the National Security Act, which allowed the governmental Intelligence and Security Service far-reaching authority to arrest citizens without charge, got only enacted in December 2009 as the NCP holds the majority of political power within the National Assembly thereby rendering the opposition by the SPLM and opposition parties ineffective (The Enough Project, (April 2010), p. 3).

[784] Brosché, J. (2009), p. 24

[785] It turns also out that the NCP can effectively block other political parties by thwarting tactics like merely sharing propositions last minute leaving opponents little time and opportunity for discussion or they are not consulted at all (The Dutch Ministry of Foreign Affairs, (April 2010), p. 40).

[786] International Crisis Group, (4 April 2011), p. 16

[787] People could cast votes for the national presidency and associated parliament, the Southern presidency and subsequent parliament, and for the individual state level governorships and their parliaments (though these latter elections were postponed in Southern Kordofan) (The Dutch Ministry of Foreign Affairs, (June 2011), p. 10).

[788] The Dutch Ministry of Foreign Affairs, (April 2010), p. 19. Nevertheless, the SPLM is also accused of manipulating, vote-rigging, intimidating and even political violence during the national elections to make certain that they could keep their political dominance in the South (International Crisis Group, (4 April 2011), pp. 3-4; International Crisis Group, (4 May 2011), p. 21; The Dutch Ministry of Foreign Affairs, (June 2011), pp. 29, 64-65).

[789] El-Battahani, A. (March 2010), p. 36; Johnson, T. & Hanson, S. (12 April 2010)

[790] The Fund for Peace, (2010). In addition, it is claimed that the government of unity (the GoS) is cohesive in name only as it principally consists of "two antagonistic parts that work together from necessity alone (Waal, A. De (March 2010), p. 22)."

[791] Waal, A. De (2007a), pp. 19-20, 22; IRIN, (4 June 2009); Maas-Albert, K. & Weis, T. (March 2010), p. 7

[792] Brosché, J. (2009), p. 41

in public in favour of secession.[793] Obviously, the CPA provoked "a major legitimacy problem" by being dual in character: pushing for unity and simultaneously including "exit options" like the self-determination referendum.[794] Hence, the CPA has not alleviated mutual tensions and accusations and instead the political landscape polarised over the years. This resulted into a political situation wherein "the two principal parties are on the defensive, mutually sizing each other up, testing one another, and assuming the worst of one another **(8)**."[795]

Secondly, individual political parties crumble as disgruntled Sudanese politicians compete among their own factions for power thereby establishing multiple power centres within a party and the wider government.[796] Despite efforts of the political leadership to publicly display "party unity and decision-making coherence," the NCP is a divided political party, which not only lacks a coherent vision but also struggles internally with "security hardliners and more accommodating civilians."[797] These divisions grew considerably after President Al-Bashir alluded to step down in 2015, but also when staff at state level were laid off by the NCP after shortfalls in the national budgets.[798] On the other hand, the SPLM struggles with "[l]atent party divisions and personal rivalries" while heading for a successful split from the North**(6)**.[799] That is, the "de facto unanimity that carried Southerners through the referendum was more a product of collective opposition to the [NCP] and the shared objective of independence than of any inherent harmony among Southern communities or political factions."[800] Furthermore, many opposition parties have been weakened and splintered over the years, due to their fragile basis and frustration tactics by the two dominant parties.[801] On the whole, at national level it resulted into a deep-rooted mistrust that hinders the effective functioning of the GoS, whereby political settlements "tend to be opportunistic rather than founded on confidence that they will prevail."[802]

Sudanese politics are also characterised by strong centralisation and subsequently a centre-periphery structure, whereby an extreme economic and political disparity exists between Khartoum and the rest of the country.[803] In accordance with both the CPA, the INC, the Southern interim constitution and with pressure from countries like the United States, the Sudanese autocratic regime made fragile headway to devolution of its political power.[804] Here, not only South Sudan has acquired substantial autonomy,[805] but the individual states have obtained more executive, legislative and financial power and

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[793] International Crisis Group, (17 December 2009), p. 7; The Dutch Ministry of Foreign Affairs, (April 2010), p. 14. In November 2009, Salva Kiir publicly made a strong appeal for secession by claiming that Southerners would become "second-class citizens" in their own country if they would not vote for independence (BBC, (1 November 2009)). In addition, the majority of the Southerners were considered to overwhelmingly vote for independence (Gatdet Dak, J. (25 August 2009); Nicoll, A. & Delaney, J. (eds.) (November 2009), p. 2; Waal, A. De (March 2010), p. 9). The call for secession was however opposite to the vision by former SPLM/A leader John Garang, who died in a helicopter crash in 2005 just six months after signing the CPA (International Crisis Group, (13 March 2008), p. 1). Garang advocated the idea of a democratic, pluralistic and secular 'New Sudan' wherein both North and South Sudan were unified as equals with one government. As such, some defined Garang as a "non-separatist" (Thomas, E. (2009), p. 12).

[794] Brosché, J. (2009), p. 40

[795] Waal, A. De (March 2010), p. 13

[796] Waal, A. De (2007a), pp. 19-20; Waal, A. De (2007b), p. 22; Ylönen, A. (2009), p. 51. Though the fragmentation of political parties might bolster the political landscape to become more diverse, an adverse effect could be "general confusion and an overcrowded political scene" thereby generating political instability (Sherif, Y. & Ibrahim, N. (2006), p. 46). Besides, it seems questionable whether these multiple power centres have actual power within the NCP-dominated GoS.

[797] International Crisis Group, (4 May 2011), p. 23

[798] International Crisis Group, (4 May 2011), p. 23

[799] International Crisis Group, (4 April 2011), p. 13. See also International Crisis Group, (23 December 2009), p. 24.

[800] International Crisis Group, (4 April 2011), p. 4

[801] Heavens, A. (1 April 2009)

[802] Waal, A. De (2007b), pp. 19-20. See also IRIN, (4 June 2009); Wassara, S.S. (2009), p. 20.

[803] Waal, A. De (2007b), p. 1

[804] Awet Akot, D. (2006), pp. 76-77; Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 8; El-Battahani, A. (March 2010), p. 46. For details on decentralisation see the stipulations within the power-sharing protocol of the CPA (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 9-44)

[805] Moreover, the INC specifies that the South is authorised to have a separate interim constitution, its own government and separate control over its own armed forces (Wassara, S.S. (2009), p. 6). Finally, Murray and Maywald (2006) conclude that, in

their own interim constitutions, courts and parliaments.[806] Moreover, the states became even responsible for executing local governance.[807] As such, Sudan is a highly complex federal state that encompasses four levels of civil administration: national, regional (Southern), state and local or grass-root level.[808]

It remains nonetheless highly debatable to what extent the transition to decentralisation turned out well. As Wassara (2009) points out, "[the national government is not] fully exercising its authority over *all* the states in its federation, while [the] GoSS is exercising full authority over the 10 states in South Sudan."[809] The Southern states are even more restricted in their powers because they cannot engage with the GoS directly as they are confined to establish the linkage between them and the national government through the Southern government **(6)**.[810] In addition, the accumulation of available oil revenues are still centrally allocated in Khartoum rather than that these are accumulated by the states themselves.[811] Besides, the devolution of political power was never fully accepted within the highest level of government nor was it entirely implemented at local level.[812] Subsequently, the presence, reach and influence of the government remains limited at the lower administrative echelons. This is particularly reflected in South Sudan, where the GoSS is hardly represented outside urban areas **(9)**, but where traditional customs and (legal) systems, religious leaders and chiefs are still considerably influential and where grass-root level decision-making is ingrained in the political life of the communities.[813] Nevertheless, in South Sudan the power of these religious leaders, chiefs and traditional courts have become eroded due to the wars, the Southern principle of separation of state and church and the gradual establishment of modern institutions.[814]

Furthermore, as Khartoum remains the politico-economic centre within Sudan, the GoS attempts to indirectly manage its peripheries through a system of patronage whereby the latter negotiate with the centre for their loyalty.[815] As such, the Sudanese governance model and society relies a great deal on patronage mechanisms that are widespread in society **(10)**.[816] Hereby, it is common that not necessarily the most qualified person will be appointed to a particular job.[817] These mechanisms require a privatised economy combined with capacity by the ruling elites to redistribute the obtained benefits to their kin and

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line with the CPA, South Sudan is entitled the rights to develop bilateral international relations, to have its own branch of the National Bank, to have its own resource base and access to oil revenues (Murray, Ch. & Maywald, C. (2006), p. 1209).

[806] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 13

[807] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 36

[808] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 13-14; Murray, Ch. & Maywald, C. (2006), p. 1208. Hereby, the introduction of such federal political system is considered "an attempt to neutralise the possibility of a disintegration of these countries within the framework of social diversity (Wassara, S.S. (2009), p. 11)." Wassara describes: "[t]he function of a federation is to decentralise power as a means of defusing conflicts in societies that are diverse in their compositions, and to enhance social and political development within this diversity (p. 20)." He continues by asserting that the extent of decentralisation within a federation may vary (p. 11).

[809] Wassara, S.S. (2009), p. 5, the italics applied in the quotation are mine.

[810] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 13; Murray, Ch. & Maywald, C. (2006), p. 1209. Furthermore, in Sudan the state as an administrative unit is frequently criticised, because the previous assembly of fewer but larger regions was considered to have more political or economic influence than the current arrangements (Awet Akot, D. (2006), p. 77). At the same time, states are blamed being too large to facilitate political and social cohesion (p. 77).

[811] Waal, A. De (March 2010), p. 18

[812] Awet Akot, D. (2006), p. 77

[813] Awet Akot, D. (2006), p. 77; Mennen, T. (2007), pp. 49-73. Rolandsen (July 2007) explains that these local leaders can be seen as "interlocutors between the state apparatus and the local population" who's duties pertain to "tax collection and mobilisation of labour, but also bringing petitions from the local population to the authorities and relay information from the government (Rolandsen, Ø.H. (July 2007), p. 13)."

[814] Based on Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 10, box 3

[815] Lanz, D. (6 April 2010). De Waal (2009) identifies this system as the African political "patrimonial marketplace" that runs through social-cultural principles (Waal, A. De (2009), p. 99). In addition, the author suggests that deals made in this marketplace are only temporary because the market conditions may change thereby shifting the allegiances (p. 102). Tools to bargain include "votes, extending or withdrawing economic cooperation, and the use of violence (p. 104)."

[816] Waal, A. De (2009), p. 99

[817] Rolandsen, Ø.H. (July 2007), p. 13

constituents, because the benefits are necessary to maintain their loyal support basis.[818] Disbursements may include cash flow, employment, land and privileges.[819] Such a model of governance has however some serious drawbacks as it overstretches both the economy and civil service, and hence deepening inequality and stimulating corruption.

A patronage apparatus depends on short-term interests combined with a robust economy whereby its production has to continue to grow in order to sustain "the longer term viability of a strategy of distributive politics."[820] Despite Sudan's attempt to diversify its economy, its income is mainly derived from the oil sector leaving the country and its governance system vulnerable in case oil revenues stagnate or do not rise sufficiently to account for an expanding civil service **(11)**.[821] Especially in a country with culturally and ethnically diverse inhabitants, support bases might require to be broadened and strengthened as much as possible to uphold political dominance. Buying the loyalty of constituents, opponents and potential dissidents, nonetheless, often yields an overstretched government payroll and more bureaucracy, in particular when the budget expands and the ruling elite is able to allow more members of the elite to benefit at that moment.[822] Accordingly, patronage mechanisms are not only highly expensive but also lead to increased inequality as it promotes a further marginalisation and exclusion of non-elite members. At the same time such system stimulates the idea of nepotism, self-enrichment and corruption as everyone desires to benefit from the system. In addition, political authority in Sudan has a track record of being exploitative.[823] The result is that the civil service is perceived as a "source of income" thereby weakening its political authority, raising tensions and, perhaps, generating political instability.[824]

The sixth feature of national politics is the large presence and heavy involvement of international stakeholders.[825] As such, these parties have become far from "ostensibly neutral."[826] The interventionist stakeholders include neighbouring countries belonging to the Greater Horn region, (donor) countries, multilateral organisations and international NGOs.[827] Their relations with Sudan can be quite complex, ambiguous or even dysfunctional, bringing about both positive and negative consequences.[828] Although international mediation might bolster the preservation and fulfilment of the CPA, it could also support less influential parties like political opponents and OAGs who look for international guarantees to prevent their interests from being neglected by the GoS.[829] It remains however doubtful whether such parties are always a priority for the international stakeholders as they established themselves a political reality wherein the NCP and SPLM were privileged over other groups.[830] This could further polarise Sudan in the longer term.

However, the most essential downside of international involvement is that it could put the present Sudanese political authority (and potential national Islamic identity) in jeopardy. That is, the GoS may become perceived by its inhabitants and the international community as ineffective to govern the country as it increasingly relies upon external (financial) resources and assistance thereby weakening its de facto legitimacy. In addition, foreign interference might encourage internal and international stakeholders to

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[818] Daddieh, C.K. (1999), p. 6; Waal, A. De (March 2010), pp. 17-18

[819] Ylönen, A. (2009), p. 43, while referring to Wax, M. (3 May 2005)

[820] Daddieh, C.K. (1999), p. 6, while referring to Woods, D. (1998)

[821] Central Intelligence Agency, (updated 13 August 2009). Other potential revenues might come from external aid budgets, sponsorships and foreign investments.

[822] Waal, A. De (March 2010), pp. 17-18. It is however also possible that economic revenues decline thereby generating political turmoil (p. 18).

[823] El-Battahani, A. (2006), p. 10

[824] El-Battahani, A. (2006), p. 13

[825] The Fund for Peace, (2009); Schumann, P. (March 2010), p. 105

[826] Waal, A. De (2007b), p. 22

[827] The Greater Horn of Africa includes Sudan, Eritrea, Ethiopia, Somalia, Kenya and Uganda while also acknowledging the interdependency with the Great Lakes region (DRC, Chad, Central African Republic, Burundi, Rwanda). Occasionally, Kenya, Uganda and Tanzania are also attributed to the Great Lakes.

[828] See also the previous section A context analysis for South Sudan.

[829] Waal, A. De (2007b), p. 22

[830] Schumann, P. (March 2010), p. 106

press for regime change, political liberalisation and perhaps even potential separation of other regions than only South Sudan. For these reasons, the GoS - and the NCP in particular – is not very keen on the involvement of (Western) interventionist stakeholders **(12)**.

Northern politics and the NCP

In this short paragraph exclusive attention will be drawn to the NCP, because this party - that forms the spine of the GoS – will be relevant to the proposed foreign military intervention and subsequent risk analysis.[831] The NCP is headed by President Al-Bashir and was formally founded in 1998. At that time, Al-Bashir was already nine years in power after seizing power in an Islamist-backed coup.[832] Notwithstanding unsuccessful attempts to Islamise the South, the NCP managed through means of force to institutionalise its Islamist origins throughout the Northern part of the country thereby consolidating its rule and legitimacy in Sudan over the years.[833] Accordingly, the Northern states go along with political Islam and their legal law is predominantly based on Sharia rule, which "applies to all northern residents regardless of their religion."[834] Nevertheless, the CPA provides some protection measures for non-Muslim residents in Khartoum like separate religious courts.[835]

The present-day NCP, which managed to hold its dominant position and where political power is centralised in a small group around president Al-Bashir, appears however at the brink of a collapse or coup as it is deeply divided over the way forward when the South will secede.[836] For this reason, the small ruling elite within the NCP has "mobilised its security apparatus to suppress any revolts."[837] This tactic of applying force to secure the support base and remain in power explains why the NCP is repeatedly accused of orchestrated and excessive aggression and why the security apparatus, for instance the Intelligence and Security Service, flourished under its rule.[838] Yet, this does not suggest that the armed forces are undivided in their support of the president and his small elite. Accordingly, while being "[c]oncerned about a possible coup," the NCP "fragmented the security services and have come to rely increasingly on personal loyalty and tribal allegiances to remain in power."[839] Nevertheless, despite that

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[831] As the NCP and the SPLM are vital to the national government and the government of South Sudan while being the most prominent potential counterparts for the proposed foreign military intervention in this thesis, the thesis only addresses these specific political parties.

[832] BBC, (25 November 2003)

[833] Thomas, E. (2009), p. 13

[834] Central Intelligence Agency, (updated 13 August 2009)

[835] Central Intelligence Agency, (updated 13 August 2009). Besides, the CPA also guarantees that Islamic Law should not be enforced on Southern states and stipulates that religion should not be used as a divisive factor (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 5-6, 23).

[836] International Crisis Group, (4 May 2011), p. i

[837] International Crisis Group, (4 May 2011), p. i

[838] The Dutch Ministry of Foreign Affairs, (April 2010), p. 14. The NCP's linkages to excessive violence can be divided into indirect violence and direct violence and date back from its origin. Indirect violence was generated through bolstering militias and rebel groups to fight against perceived opponents and to destabilise certain areas in the past. Some militias were united under the name Popular Defence Forces (PDF) by the Northern regime and received training, funds, ammunition and special treatments for fighting against the SPLA. Although the CPA stipulates to dissolve the PDF and these forces became "an inactive reserve force" to the SAF, the PDF are still "operational in areas of active conflict like Darfur and Southern Kordofan [where] it plays a major role in the distribution of weapons to, and military training for, tribal militias (Sudan Human Security Baseline Assessment, (March 2011), p. 1)." Due to its former (financial) linkages to such militias within Sudan and the wider region, the NCP is still believed and accused to indirectly orchestrate violence by supporting some pro-government militias and rebel groups like the Arabic Janjaweed in Darfur and the Lord's Resistance Army that is mainly active in the border area of South Sudan and the DRC. Though these allegations are difficult to verify, it generates a deepening mistrust between the SPLM and NCP as the latter also repeatedly denies the claims and in return accuses the South that it attempts to destabilise the North by supporting Northern affiliates of its armed forces such as the SPLM-North. Direct acts of Northern violence pertain to the GoS' conduct of (indiscriminate) aerial bombardments on civilian targets, particularly in the border areas with South Sudan (Reeves, E. (13 January 2012)). Another example was the approach of the GoS to conduct an immense military operation to protect the Southern oil fields and to clear heavy-handedly those areas of all inhabitants. Finally, the Intelligence and Security Service has far-reaching authority to arrest citizens without charge and to keep them about three months into detention without judicial scrutiny (The Dutch Ministry of Foreign Affairs, (April 2010), p. 40).

[839] International Crisis Group, (4 May 2011), p. i

the NCP's formal legitimacy remains intact, some important developments suggest a weakened de facto legitimacy within the party, with the broader Sudanese society and the international community.[840]

The NCP elite's legitimacy and North Sudan's unity become further threatened by the NCP's negligence of grievances in society, the failure to establish a more inclusive government coupled with the persistent desire and ad-hoc decisions to "end the debate about Sudan's diversity and identity, [to remain] committed to an Arab-Islamic identity for all Sudanese and keeping Sharia," while simultaneously applying divide-and-rule tactics and systems of patronage to sustain its powerbase.[841] Besides, although the implementation of the CPA provides President Al-Bashir legitimacy to stay in power, his indictment by the ICC for his part in the alleged Sudanese genocide campaign perpetrating genocide, crimes against humanity and war crimes limits his legitimacy, credibility and freedom of movement, primarily in the West.[842] The timing of the initial indictment was however not supported by many African countries, the AU and the Arab League which feared an impasse in North-South relations and an outbreak of hostilities which could jeopardise the CPA.[843] Thus, the indictment mainly revealed differences of opinion between the West, the African and Arab countries. In addition, further political pressure to pursue the indictment for Al-Bashir, coupled with a chance of an actual arrest, is considered not only to encounter opposition in North Sudan by supporters of President Al-Bashir and affect the North-South relations but also to endanger the mutual relations between the West, Africa and the Arabic countries **(13)**.[844] Further, the significant accusations of electoral misconduct in April 2010, whereby many parties withdrew in the run-up to the election days, also affect Al-Bashir's de facto legitimacy to govern Sudan.[845] To conclude, while the official independence of South Sudan is nearing, the NCP faces many challenges to lead North Sudan forward and to remain uncontested in power.

Southern politics, the GoSS and the SPLM
Sudan has a quite unique feature in that it is one state with two formal political and legal systems and three standing armies for the duration of the interim period until 9 July 2011. As a semi-autonomous entity, the South has its own interim government that presides over the ten Southern states as well as a

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[840] Ende, N. Op 't (9 January 2008); International Crisis Group, (13 March 2008), pp. 7-8; Young, J. (2008), p. 175. In society, the NCP seems to lose popularity especially in Darfur and Southern-Kordofan. Though the SPLM tries to obtain popular support from these disappointed Northern inhabitants, this is not self-evident as some (for instance the Nuba in Southern-Kordofan) feel that the SPLM has failed them just as much over the years (Thomas, E. (2009), p. 31).

[841] International Crisis Group, (4 May 2011), pp. i-ii

[842] The ICC issued an arrest for President Al-Bashir on 4 March 2009 (International Criminal Court, (4 March 2009), pp. 1-8). Hereby, the allegations of genocide were only integrated by 12 July 2010 (BBC, (12 July 2010)). It is however implausible that President Al-Bashir will stand trial within the next years, as Sudan under his regime does not acknowledge the Court. Moreover, other parties and surrounding countries will probably not extradite Al-Bashir in the foreseeable future as it may jeopardise the CPA and future stability and security in North Sudan and the larger Horn of Africa. Altogether, it is argued that the indictment puts the NCP on the defensive which is reflected in the expulsion of several foreign humanitarian NGOs from Sudan by the GoS (The Dutch House of Representatives, (5 June 2009), pp. 1-5; Johnson, T. & Hanson, S. (12 April 2010)). Simultaneously, President Al-Bashir used the indictment not only to demonstrate the ICC's inability to arrest him (i.e. the ICC lacks law enforcement capacity and is dependent on its member states to extradite persons who are accused by the Court), but also to victimise himself thereby generating some popular support (Heavens, A. (1 April 2009)). Hence, Al-Bashir visited a number of countries (among them Kenya, Chad and China (the two former countries being ICC members) without fearing any legal repercussions.

[843] Almquist, C. (March 2010), p. 4

[844] Clingendael expert meeting, (21 November 2008)

[845] Almquist, C. (March 2010), p. 2; The Dutch Ministry of Foreign Affairs, (April 2010), p. 19. It was argued that the elections signified different objectives to the diverse stakeholders involved: for the NCP the elections were an opportunity to regain legitimacy and to strengthen its Northern powerbase; for the SPLM it was another step that brought them closer to their desired referendum; and the opposition parties hoped that the elections would bring about further democratic reform into a more inclusive and participatory system (Elzobier, A. (21 April 2010)). Similar to the opposition parties, the international community also desired elections barely more as a symbol of the democratisation process it attempts to support (Brosché, J. (2009), p. 35). Despite some technical-logistic errors, reports of electoral misconduct and expulsion of opponent parties, the elections passed off remarkably quietly whereby Al-Bashir headed to a controversial landslide victory. The international community recognised the electoral result, but it was illustrative that - except for some African presidents (among them the leaders of Djibouti, Malawi, Ethiopia, Chad and Mauritania) - many international political leaders did not attend the inauguration (BBC, (27 May 2010)).

constitution and armed forces.[846] The GoSS is headed by the in April 2010 re-elected President Salva Kiir Mayardit who is also commander-in-chief of the SPLA and vice-President of the national government.[847] Salva Kiir Mayardit is backed by vice-president Riek Machar.[848] The GoSS resides in Juba, recognises the separation of state and church and its legal system is based on English common law.[849] With the CPA in place, South Sudan (i.e. the SPLM, the NCP and other Southern parties) had to form an interim government, ten subsidiary state governments, the civil service and the judiciary from scratch and simultaneously develop trust and legitimacy to govern the South.[850] Discussing the GoSS however immediately draws attention to the SPLM/A whose political branch heads (and dominates) the government.

Established in 1983, the SPLM/A became the main Southern rebel movement that waged war for liberation against the dominance of the centralised Arabic-Islamic governments in Khartoum.[851] Though the SPLM/A was formally always constituted of a separate political and military division, in fact the latter was leading at all times.[852] Extensive military control was generated by placing senior military commanders of the SPLA also into the management of the SPLM.[853] Even small internal reforms from the mid-1990s onwards barely brought about a political wing that became "a more independent entity" with a less top-down military structure.[854] Nevertheless, further political transition was prompted by the CPA which gave the SPLM formal access to political power. This required the rebel movement to become a genuine civil and democratic authority. A complete political transition remained however curtailed as the military component continues to exert significant influence **(6)**.[855]

The SPLM not being a genuine, fully established political party yielded a serious drawback for the establishment of the GoSS, especially in the beginning, because the SPLM high-level commanders frequently had limited formal education and modest experience in politics and administration.[856] Consequently, the SPLM "sometimes falls back on what it knows best [i.e. military practices], particularly in times of crisis."[857] The integration of leaders of Southern OAGs into the SPLM/A and the GoSS administration - congruent to the CPA - did not help the establishment of the Southern government

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[846] The South is semi-autonomous as it has no full authority, for instance when it comes to macro-economic policies (inflation, exchange rates etc.) that are predominantly determined in Khartoum (Toh, K. (August 2009), p. 5). The sub-national interim institutions reflect the INC and may become permanent in case Southerners overwhelmingly vote for independence in the referendum. The Southern states include Lakes State, Western Bahr el Ghazal, Northern Bahr el Ghazal, Warrap, Upper Nile, Jonglei, Unity, Western Equatoria, Eastern Equatoria, and Bahr el Jebel.

[847] This is slightly different for the North, whereby the Northern vice-president instead of the president is commander-in-chief of the northern defence forces, the Sudan Armed Forces (SAF) (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 22).

[848] The Dutch Ministry of Foreign Affairs, (June 2011), p. 29

[849] Central Intelligence Agency, (updated 13 August 2009). This legal system is however still in development (see also the next paragraphs on security).

[850] Based on Barltrop, R. (2010), p. 6. The CPA allocated 70% of the seats in the GoSS to the SPLM, 15% to the NCP and other Southern parties were entitled to the remaining 15% (Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 32).

[851] Rolandsen, Ø.H. (July 2007), p. 5; Young, J. (2008), p. 157; Barltrop, R. (2010), p. 4. Wassara (2009) illustrates the lack of experience by claiming that government institutions were created without the indispensable regulatory mechanisms to oversee their functioning (Wassara, S.S. (2009), p. 20).

[852] Rolandsen, Ø.H. (July 2007), p. 5

[853] Rolandsen, Ø.H. (July 2007), p. 5

[854] Rolandsen, Ø.H. (July 2007), p. 5

[855] Rolandsen, Ø.H. (July 2007), p. 19. Young (2008) claims that this partly stems from Salva Kiir's "fear of alienating important sections of the military SPLA wing" resulting in his reluctance to either appoint civilians to the majority of the administration posts or to compel army officers who are working in the government as bureaucrats to cut off their military ties (Young, J. (2008), p. 157). Others believe that the military dominance in politics can be explained by the potential perspective of renewed war in the foreseeable future as was mentioned in interview 4.

[856] Murray, Ch. & Maywald, C. (2006), p. 1223; Unger, B. & Wils, O. (May 2007), p. 10; Thomas, E. (2009), p. 26. In the protracted war against the North some Southerners deliberately gave up their education joining the military instead. Others lacked schooling as they were recruited forcibly by the SPLA or OAGs during the war. Besides, the gross of the local education systems collapsed in the war.

[857] International Crisis Group, (4 April 2011), p. 5

either.[858] This inclusion considerably disorganised, further factionalised and paralysed the SPLM/A and GoSS **(6)**, but was deemed "a wise decision that limited potential enemies' ability to destabilise the South."[859] In sum, it caused that the GoSS still struggles due to a lack of qualified staff meanwhile creating a massive government payroll. The SPLM's modest political experience coupled with its internal fragmentation (and lack of internal democratic processes) not only caused that CPA implementation in the South is lagging behind, but also that it leaves both the SPLM and GoSS vulnerable to NCP divide-and-rule tactics.[860] Accordingly, it led President Salva Kiir to gradually employ experienced politicians from outside the SPLM to leading positions in the GoSS, which is believed to be a development that is likely to continue.[861]

Nevertheless, being on the verge of official secession, South Sudan - the GoSS and SPLM in particular - faces some serious political challenges to become a viable state. These challenges can be grouped into pressing challenges that have to be addressed in the short term (i.e. before the actual split) and unsettled challenges that have to be tackled in the longer term as these might affect the de facto legitimacy of the embryonic state and its governance system. The challenges in the short-term pertain to the yet unresolved issues between North and South Sudan and some internal Southern matters to achieve a clean break with the past. The challenges in the longer term aim at stabilisation and consolidation (of the legitimacy) of South Sudan as a state.

The main challenges in advance of the North-South secession apply to the post-transition procedures of what has to happen with the not yet completely defined North-South border, the statuses of Abyei and the (hotly contested oil-producing) transitional areas, the associated control and operation of available oil fields (including the underground oil reserves crossing the border) and oil industry properties, the interim arrangement on oil revenues (as both parts of Sudan depend on these revenues as their main source of income), the national debt, the national currency, Nile water sharing arrangements, and international agreements **(14)**.[862] In addition, post-referendum citizenship status and (ownership) rights of Southerners living in the North and Northerners in the South require to be determined, meanwhile including pastoralist, internally displaced people and refugee arrangements for roaming groups who live in the border areas between North and South Sudan **(14)**.[863] Time is however running out as the CPA is nearing its end. Though an extension of the CPA (and subsequent longer transition period in advance of Southern secession) to sort out these unsettled issues was considered unacceptable for the SPLM leadership and its electorate, thereby possibly triggering the risk of a unilateral declaration of independence by the South,[864] it was the NCP that publicly rejected the idea.[865] However, these issues are

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[858] It were mainly members of dissident SPLA factions such as the SPLM's largest political and armed opposition group, the South Sudan Defence Force, who were appointed to posts within the SPLA, GoSS and Southern state governments (Young, J. (2008), p. 171; Thomas, E. (2009), p. 26). These appointments stemmed from the Juba Declaration, an agreement between the GoSS and the South Sudan Defence Force in January 2006 that stipulated that the military leadership became appointed into either the Southern government or the SPLA management while the soldiers had to integrate into the ranks of the SPLA or were required to demobilise (Barltrop, R. (2010), p. 9).

[859] Thomas, E. (2009), p. 26. On paper almost every Southern based OAG is integrated into the SPLM/A. Then again, this does definitely not imply that all these integrated former rebel groups, warring parties, pro-government militias and warlords are loyal to the SPLM/A let alone that they live in harmony (The Dutch Ministry of Foreign Affairs, (April 2010), pp. 36-37).

[860] International Crisis Group, (13 March 2008), p. 6; Wassara, S.S. (2009), p. 20

[861] Young, J. (2008), p. 172. After winning the elections, Salva Kiir Mayardit appointed a new GoSS wherein the SPLM holds 27 ministry seats, the NCP 2 and the United Democratic Front (one of the remaining opposition parties in the South) 1 seat (The Dutch Ministry of Foreign Affairs, (June 2011), p. 29). The Southern Parliament however predominantly consists of SPLM members, as only 1 seat is appointed to the NCP, 4 to the opposition party Sudan People's Liberation Movement/Democratic Change and 11 seats are held by independent candidates (The Dutch Ministry of Foreign Affairs, (June 2011), p. 29). The similar dominance is found when looking at state and county levels.

[862] Cropley, E. (9 April 2010); Sudan Tribune, (19 April 2011); Shankleman, J. (July 2011), p. 5

[863] Temin, J. (September 2009), p. 3; The Dutch Ministry of Foreign Affairs, (June 2011) p. 22, footnote 88. The NCP and SPLM found at least two topics non-negotiable; the possibilities of dual citizenship and freedom for the people to choose whether they desire to belong to the North or the South (The Dutch Ministry of Foreign Affairs, (June 2011), p. 22, footnote 88 (translated from Dutch)). Nevertheless, the parties found common grounds regarding that no one should become stateless and that a transition period is required (though disagreement exists on the length of such a period) (footnote 88, translated from Dutch).

[864] International Crisis Group, (17 December 2009), pp. 1 and 8; Almquist, C. (March 2010), p. 7

not the only ones that necessitate the undivided attention of the GoSS and the SPLM in advance of official independence.

During the years that it dominated political power under the CPA and within the GoSS, the SPLM showed little genuine commitment to bolster a liberal political environment in South Sudan wherein the GoSS would guarantee political inclusiveness reflecting the ethnically diverse region **(6)**.[866] Instead, SPLM dominance, which is "not only based on popular support, but also on its practise to deny rival political parties equal chances" along with ethnic favouritism and ethno-cultural prejudice, further factionalised the SPLM and polarised the South.[867] In addition, this dominance and lack of significant accommodation of political (and military) opponents within the SPLM and the GoSS could weaken the SPLM's bargaining position and perceived legitimacy, and further violently destabilise the South.[868] Many Southerners are already in violent opposition due to their marginalisation by the CPA together with repressive tendencies by the GoSS, inter-tribal grievances and rivalries, and limited or denied access to political and socio-economic resources and benefits **(15)**.[869] Official secession will bring the dominance by Khartoum to an end, but will leave the status quo of these marginalised groups in the South unchanged thereby paving the way for increased intrastate conflict along tribal lines.[870] As such, some argue that formal secession is "a way of reframing the problems of uneven development in Sudan, not a solution for them."[871]

Nonetheless, the SPLM seems to perceive its landslide victory in the 2010 national elections as both de jure and de facto legitimacy for its presidency within the new state when the CPA comes to an end, despite the given that this opinion is not shared by its political and military opponents who consider the elections fraudulent, flawed and lacking legitimacy **(16)**.[872] Instead, the opposition parties seek a break with the past whereby all CPA's transition institutions - like the GoSS – should be dissolved on 9 July 2011 and replaced with new permanent democratic, inclusive and participatory institutions through new elections.[873] On 5 May 2011, the GoSS however passed a "draft transitional constitution - without reference to Abyei [and] despite opposition objections over [its] undemocratic measures[- that the] president [read: SPLM] will serve 4 years [from] 9 July [2011 onwards, whereby there is no limit to his term], no date for new elections [and whereby the president still has significant] powers to dismiss elected officials [and to dissolve] state parliaments."[874] Altogether, this suggests the need for a thorough Southern dialogue coupled with genuine political reform and new elections foreseen for 2015 **(17)** to avert further turmoil in South Sudan in the future.

The challenges in the longer term concern stabilisation and consolidation (of the legitimacy) of South Sudan as a state. These pertain foremost to more inclusive institutional reform. Despite considerable achievements in the South to develop interim regional and state level legislations along the

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[865] Sudan Tribune, (19 April 2011)

[866] That is, currently, "SPLM members occupy the presidency and vice presidency, 88 per cent of ministerial posts, and 94 per cent of the legislative assembly seats including the speakership, and the party commands the loyalty of the army leadership (International Crisis Group, (4 April 2011), p. 7)."

[867] El-Battahani, A. (March 2010), p. 48. It seems that tribal affiliation continues to be "an extremely important political [but perhaps also social] marker in South Sudan (Thomas, E. (2009), p. 28)." Moreover, the Dinka's (which comprises many subgroups like, for instance, the Dinka Ngok and the Dinka Bor) are often perceived by others as dominating the SPLM/A and thus the GoSS and other important institutions and associated positions in society (Unger, B. & Wils, O. (May 2007), p. 11; The Dutch Ministry of Foreign Affairs, (June 2011), p. 118).

[868] IRIN, (1 April 2011)

[869] See for instance: IRIN, (1 April 2011)

[870] Wheeler, S. (8 January 2010)

[871] Thomas, E. (2009), p. 22

[872] IRIN, (1 April 2011); International Crisis Group, (4 April 2011), p. 5

[873] International Crisis Group, (4 April 2011), p. 5. As such, the opposition desires negotiations - and perhaps hard agreements - from the GoSS and SPLM that a new and inclusive or pluralist transitional government will assume power when South Sudan becomes independent (International Crisis Group, 4 April 2011), p. 7).

[874] International Crisis Group, (1 June 2011), p. 3. Moreover, it is argued that the SPLM does not consider such power-sharing as "an obligation but as a good faith gesture (International Crisis Group, (4 April 2011), p. 6)."

creation of formal institutions, the government remains centralised and its public services weak.[875] Over the years, the GoSS drew more attention to its defence, security and social cohesion agendas in an attempt to avert further inter-communal conflicts and polarisation of the South, while at the same time building up protection against the North. These agendas were however partly at the expense of further institutional reform, CPA fulfilment and socio-economic development.[876] In addition, the lack of qualified and experienced staff and subsequent mismanagement did not help either.[877] Nevertheless, governmental weaknesses are further deepened by widespread corruption and nepotism **(10)** which also raises tensions between the different administrative levels, particularly when considering that states often receive little of their determined budgets.[878] Accordingly, the government itself and the capability to deliver public services are still in an infant state, meanwhile struggling not only to counterbalance the NCP and to execute the CPA but also to provide the Southerners the required public facilities, especially in the marginalised areas outside Juba and other main towns **(9)**.[879] For these reasons, the GoSS relies significantly on external stakeholders like Sudanese churches, (international) NGOs, IOs and donor countries to deliver essential services and to facilitate institution building **(18)**.[880] Such a continuing nascent state capacity may not only yield a power vacuum that can be hostilely exploited by dissatisfied marginalised Southerners to gain access to political power and socio-economic wealth, but may also erode both the authority and legitimacy of both the GoSS and the SPLM thereby fuelling accusations that they are inept to govern the new born state.[881]

In the end, the viability of a sovereign South Sudan comes down to the performance of the government alongside its de facto legitimacy by both the Southerners and the broader international community. Despite the SPLM's legitimacy legacy of the North-South war, discontent by the Southerners seems to grow over the GoSS' poor functioning.[882] Accordingly, the SPLM does not only have difficulty to challenge the more politically experienced NCP, but also not to disappoint and alienate its Southern supporters as they still do not see direct peace dividend of the CPA.[883] Moreover, as the GoSS' legitimacy is disputed by its political opponents and due to its malfunctioning, South Sudan - that is habitually characterised as a fragile or failed region - might risk further weakening or even state collapse when becoming independent. This suggests that both the GoSS and SPLM should demonstrate greater (democratic) leadership, more long-term planning and better performance. For this reason, the GoSS -

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[875] Temin, J. (September 2009), p. 4; Barltrop, R. (2010), p. 6. It is fair to highlight that the South has achieved a lot since the SPLM endorsed the CPA. That is, before the CPA, state level institutions were relatively new as the whole of Sudan was primarily governed from Khartoum (Rolandsen, Ø.H. (July 2007), p. 12). In addition, Wassara (2009) amongst others emphasises that the period that passed since concluding the CPA is too short to establish appropriately functioning governance institutions, "but long enough to ensure a significant break from the past (Wassara, S.S. (2009), p. 7.)" Thereby, others suggested that "[t]he largely pastoralist character of South Sudanese society is not readily adaptable to formal and sophisticated institutions of governance that were designed for settled and ideally urban populations (Young, J. (2008), p. 165)."

[876] Thomas, E. (2009), p. 26

[877] Moreover, it is argued that existing mismanagement is intensified in the absence of standardisation of inter-governmental communication systems resulting in lopsided "distribution and knowledge of important GoSS policy decisions and laws (Cook, T.D. (30 September 2008), p. 4)."

[878] Young, J. (2008), p. 172; The Dutch Ministry of Foreign Affairs, (June 2011), p. 31. Despite recurring accusations by the GoSS that the NCP violates the wealth-sharing protocol through not remitting the full percentage of oil revenues, it appears that the amounts of money indeed received by Khartoum also partly evaporate within the South. Subsequently, the GoSS made attempts to fight corruption by setting up the South Sudan Anti-Corruption Commission, but its capacity remains low as it is not authorised to conduct investigations and in addition the commission did not manage to get people prosecuted so far (Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 45; Mulumba, B. (24 August 2009)).

[879] Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 8. For instance, Barltrop (2010) asserts that tangible larger and more impressing developments (i.e. peace dividends) in infrastructure - beyond the renovation of buildings and de-mining projects, like the building of dams, bridges or long-distance paved roads - remained absent, mainly because of the government underestimating such challenges (Barltrop, R. (2010), pp. 12-13).

[880] Temin, J. (September 2009), p. 4

[881] For a long time now "[a]ll the armed groups in Sudan have stressed the importance of access to natural and social resources, expressed in terms of justice, fairness, and equitable resource-sharing and development (El-Battahani, A. (2006), p. 13)."

[882] Barltrop, R. (2010), p. 13

[883] International Crisis Group, (31 March 2006), p. 10

either or not with external help - developed multiple drafts what it considers that its priorities will be in the upcoming years and how to adjust its capacity and functioning.[884]

Full independence or state sovereignty has nonetheless to be acknowledged by other states within the international state system. Internationally, opinions differ between countries that desire a united Sudan and those that support the idea of South Sudan as a "full-fledged member" of the international community.[885] The latter would definitely have significant "regional implications" as it affects "the region's power configuration and reshape its security and economic environment."[886] In most cases, the international community is not very keen to formally recognise the emergence of new states, as they fear to create a precedent for other regions yearning to secede.[887] In addition, the international community seems anxious to see factionalised states with weak formal institutions falling apart, or even imploding when secessionist regions become sovereign.[888]

On the other hand, with the CPA South Sudan already gained significant autonomy with support from interventionist stakeholders (i.e. Kenya, Uganda, Egypt, Italy, Norway, the United Kingdom, the United States, the Netherlands, the African Union, Intergovernmental Authority on Development (IGAD), the League of Arab States and the United Nations). In addition, "despite differing views on unity" all neighbouring countries (but also other regional signatories) were expected to respect the outcome of the referendum, and thus South Sudan's upcoming independence.[889] Special attention however needs to be paid to the position of Egypt. As an important mediator and powerful regional actor, Egypt is not in favour of secession since - amongst others - it would complicate the exploitation of the Nile, which is Egypt's only lifeline to maintain arable land and secure potable water.[890] Besides, sustainable Southern sovereignty requires that South Sudan finally settles its outstanding border disputes (including the final statuses of Abyei and the transitional areas, and subsequent North-South border demarcation) and cross-border issues with Kenya, Ethiopia, the Central African Republic, Uganda and the Democratic Republic of Congo as the country is completely landlocked between these nations **(14)**.[891] Yet, it is expected that these remaining issues will not obstruct South Sudan becoming a new state in 2011, and be fully recognised by the aforementioned countries.

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[884] See for instance the multiple drafts of the South Sudan Development Plan 2011-2013 that were developed ever since the last months of 2010. The final version is expected for October or November 2011.

[885] Hironaka, A. (2005), p. 18

[886] Hemmer, J. (March 2010), pp. 1-2

[887] Hironaka, A. (2005), pp. 17-18. In Sudan, for example, further fragmentation might materialise as the East and Darfur feel encouraged to seek independence themselves (Thomas. E. (2009), p. 11). Kosovo, Kashmir and Tibet are examples of regions seeking independence but were not (fully) recognised by the international community. Hironaka explains that in the absence of recognition such regions also usually receive far less external support than the dominant incumbent authority therefore often being unable to break away.

[888] Hironaka, A. (2005), p. 18. However, despite preventing a fragile state from falling apart, a rejection of a sovereignty claim by the international community may also have a serious consequence by "locking problems within fixed territorial borders (p. 18)."

[889] International Crisis Group, (6 May 2010), p. 1

[890] The Nile river runs through a string of countries (DRC, Ethiopia, Kenya, Rwanda, Tanzania, Uganda, Burundi, Sudan and Egypt) which have united in the Nile Basin Initiative. Over the years, the Nile Basin, "which is characterised by water scarcity, poverty, a long history of dispute and insecurity, and rapidly growing populations and demand for water," demonstrated that the management and exploitation of the river are particularly difficult and sensitive (Nile Basin Initiative, (updated 16 December 2010)). In April 2010, the Nile Basin countries were ready to sign a new water-sharing agreement that would revise the water allocations, but the agreement was put on hold in the absence of signatures by two significant water exploiters. The agreement was opposed by Egypt (which has acquired veto right in 1929 to reject any upstream project that might affect its share of water) and Sudan since they are about to lose their fixed share (dating from 1959) of the water (Tenywa, G. (14 April 2010); Sullivan, P.J. & Nasrallah, N. (June 2010), p. 12). Sullivan and Nasrallah (June 2010) continue by suggesting that Egypt cannot ignore the emergence of a new stakeholder that further complicates the agreement and might exacerbate existing water tensions, albeit the authors deem the possibility of "violence directly over water resources" will remain low (p. 13). In advance of its secession, South Sudan however declared to Egypt that it would "honour the agreements already in place regarding the allocation of the Nile waters (Sudan Tribune, (28 March 2011)."

[891] See for instance, Central Intelligence Agency, (updated 22 June 2011).

Security and the rule of law
In South Sudan security and the rule of law remain rather dynamic, unstable and highly militarised as this paragraph will demonstrate. The most relevant stakeholders, both local and international, pertain to military stakeholders like the Southern military forces, the (integrated) OAGs, the JIUs, local law enforcement or civil protection entities as the police and legal branch, interventionist troops and civilian stakeholders.[892] Accordingly, this paragraph will deal with these local and international stakeholders and will be concluded by delving into the current and potential future security and legal situation.

Local military stakeholders
Under the CPA, Sudan ended up with three (distinct) military institutions: the Sudan Armed Forces (SAF) that belong to the North, the SPLA in the semi-autonomous South, and the interim and jointly managed JIUs that are made up of equal numbers of both Northern and Southern armed forces. The SAF will however be mainly left aside in this analysis as they belong to the North, are not directly stationed within the South (except in regard to the border disputes in the transitional areas where some elements of the JIUs in key locations consist of regular SAF soldiers[893]), the most significant provisions in the CPA predominantly address the SPLA and the JIUs *and* because they are probably not expected to contribute to nor actively participate in the assumed foreign military intervention as proposed later in this chapter.

Today's SPLA – which has to protect South Sudan against potential external threats[894] and relies on voluntary and, sometimes, compulsory conscription[895] - is a significant stakeholder in South Sudan's (political) society. It absorbs excessive manpower with often genuine combat experience.[896] Nevertheless, the armed forces see themselves confronted with pervasive malfunctioning alongside the perpetration of misdemeanours that might affect their original "strong standing in the population of the South in general**(19)**."[897] With regard to combat experience, not only the levels vary to which extent people were actually involved in organised warfare, it is also sometimes claimed that many soldiers within the SPLA have lost their "bush [warfare] skills **(20)**."[898] The Swiss Federal Department of Defence (2009) points out that "[t]here remains a gap in leadership, management and organisation within the SPLA."[899] The malfunctioning is further deepened by issues like widespread illiteracy, underdeveloped administrative processes, genuine deficits in training, logistics, basic facilities as tactical communication systems, discipline, equipment (including spare parts for the (outdated) equipment), and financial funds to bolster development.[900]

Another issue is that the SPLA became increasingly factionalised along ethnic lines over the years, also due to the incorporation of OAGs as stipulated within the CPA and the Juba Declaration of 2006 **(21)**.[901] That is, officially almost all Southern OAGs joined the SPLA, but this did not result in unity

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[892] Obviously, this list is a selection of the most prominent parties and therefore not to be considered exhaustive. For instance, there is the Ministry of SPLA Affairs that is responsible for the development of the defence policy (Holland, L.E. & Burt, G. (n.d.), p. 2).

[893] In other words, the SAF appointed the Northern [OAGs] that were "effectively 'aligned' with - rather than fully 'incorporated' into the [N]orthern army" to the majority of the Northern halve of the JIUs, except in key locations such as Malakal and Bor where it deployed its regular troops (Rands, R. (November 2010), p. 23, original quotation marks utilised).

[894] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 102

[895] Taban, B. (20 April 2011)

[896] Interview 4

[897] Rolandsen, Ø.H. (July 2007), p. 18. The author explains that in former days almost each Southern states contributed recruits to the SPLA as it fought against the North and simultaneously could safeguard the people in the areas under its control (p. 18). Nevertheless, the delivered protection could be very ambiguous as "[t]he civilian population [were considered] both allies and prices (p. 18)."

[898] Rands, R. (November 2010), p. 26

[899] Swiss Federal Department of Defence, (2009), p. 1

[900] Rands, R. (November 2010), pp. 23-27

[901] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 100-102; Government of South Sudan and the South Sudan Defence Forces, (8 January 2006). The Declaration stipulated that the SPLA (and the GoSS) had to "absorb members of the South Sudan Defence Forces, the Khartoum-aligned collective of armed groups that had been major combatants [and consequently one of the biggest armed opponents to the SPLA] during the latter phase of the civil war (Stone, L. (May 2011), p. 3)." This incorporation of OAGs was considered also to bring about significant benefits in

of command, that these OAGs became full-fledged members of the armed forces **(22)** or that the rivalries and armed clashes between former adversaries (whether pertaining to the SPLA and a particular OAG or among OAGs themselves) came to an end.[902] Hereby, it seems all the more crucial that the loyalty of integrated militia soldiers frequently lies with their former OAGs or ethnical tribes rather than with the Southern armed forces, whereby combatants might temporarily abandon their units to support their OAG or ethnic tribes when these are involved in armed strives **(23)**.[903] Moreover, these groups often had a violent history of local abuses and extrajudicial killings in the places where they would be re-based as part of the SPLA.[904] This not only erodes the military's local credibility and authority but also triggers the risk that the forces might take sides in local conflicts. For these reasons, along with the given that the armed forces are not trained to handle civil communal violence during peace time, the SPLA occasionally restrained itself from intervening into armed civil hostilities in the South though it was better equipped than the South Sudan Police Service **(28)**.[905] In the end, the splintering of the SPLA is further aggravated by internal discords and subsequent breakaways of senior officers who feel (ideologically, politically, tribally or personally) discriminated, who disagree with the current division of powers within South Sudan, accuse the GoSS of nepotism and corruption, and pity the poor state of the Southern security and law enforcement entities **(24)**.[906] They sometimes take up arms and run new OAGs **(24)**. Examples are the active rebellions of renegade generals Peter Gadet Yak and George Athor Deng who defected from the SPLA after the April elections and took up arms.[907] In addition, the SPLA habitually risks desertion, severe riots and involvement in crime (conceivably including civilian attacks) by disgruntled soldiers when the nourishment and payment of salaries are hampered **(23)**.[908]

Nevertheless, consistent with the expiring CPA, the SPLA has to be converted into a conventional professional army while at the same time fully integrating OAGs and downsizing **(25)** (estimates of the entire SPLA are between 153,000-230,000 men strong though any verification is still lacking[909]).[910] After some significant delay, the Government of South Sudan took the initiative to develop and authorise a

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the longer run as it might promote unity and cohesion in the South and bolster the development of an effective military power against the NCP, the SAF and associated militias (Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 7).

[902] The Dutch Ministry of Foreign Affairs, (April 2010), pp. 36-37. Besides, the integration of such OAGs brought also practical complications like, for instance, higher salary and sustainment costs and promotion issues whereby the harmonisation of ranks proved complicated (Rands, R. (November 2010), pp. 20-21).

[903] The Dutch Ministry of Foreign Affairs, (April 2010), p. 35. Despite that the SPLA failed to fully integrate the OAGs and that the latter are not always loyal to the armed forces, this does not imply that all groups still function as solid militia forces that can be mobilised whenever a former commander feels to (Rands, R. (November 2010), p. 19). In addition, the author refers to an example that former Khartoum-aligned commanders have very limited influence on younger military officers in the field (p. 19).

[904] Interview 4

[905] Interview 4; Rolandsen, Ø.H. (February 2010), p. 3. Other reasons for SPLM lethargy in case of Southern local violence related to "tactical considerations; strict adherence to regulations; and lack of manpower to deal with such issues as most of the elite units have allegedly been moved to the North-South border (Rolandsen, Ø.H. (February 2010), p. 3, while referring to Small Arms Survey, (May 2009), pp. 1-12)."

[906] See for instance, Sudan Human Security Baseline Assessment, (3 June 2011), pp. 1-2

[907] Copnall, J. (1 July 2011). Nevertheless, the violence of such OAGs is often attributed to the North by Southern officials, since the NCP is still perceived that it desires to topple the GoSS and destabilise the South by encouraging organised violence through funding and supplying militias in South Sudan.

[908] Small Arms Survey, (May 2009), p. 4; Rands, R. (November 2010), p. 25

[909] Holland, L.E. & Burt, G. (n.d.), p. 2, while referring to Sebit Lokuji, A., Sewonet Abatneh, A. & Kenyi Wani, Ch. (June 2009), p. 16; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 105. Fenton et al assert that the SPLA considers its strength at 153,000, while Holland and Burt estimate that there are about 230,000 SPLA combatants.

[910] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 87 (Article 1c), 100-102 (Article 11), 118-120 (Articles 23-26). The CPA stipulated also that the SAF had to reduce its armed forces (see pp. 87 and 111), which touches upon the Disarmament, Demobilisation and Reintegration (DDR) of (ex-) combatants to civilian life. Stone (May 2011) stresses that the estimates of the international community involved in DDR and the SPLA itself ranged from 35,000-300,000 soldiers to be appointed for DDR, whereby the SPLA and UN Development Programme finally agreed to temporarily set the estimates on 90,000 soldiers (Stone, L. (May 2011), p. 2, while referring to three sources: two interviews the author conducted and Rands, R. (November 2010), p. 10). Stone points out that the differences in estimates (whereby the final alleged number of soldiers probably still is exaggerated) derives from the absence of official registers and the SPLA's assertion that it had to integrate large numbers of OAGs (p. 2, while citing Rands, R. (November 2010), p. 10).

Defence White Paper in July 2008, which provided the actual strategy for reforming the SPLA.[911] The paper specified that the armed forces would be restructured into "both active and reserve forces, and that the active forces [should] consist of a Ground Force supported by Air and Riverine units."[912] Hereby, the defence transformation seems to evolve around three priorities: "training, equipment, and facilities development."[913] The actual reorganisation of the armed forces however was - and still is - an immense challenge, whereby not only the timeframes proved very optimistic regarding the scale of the intended reform, but also a lack of funds and other deficiencies affected a smooth and steady transition.[914] This does not mean that there has not been any progress at all. Rands (November 2010), for example, points at the many SPLA publications[915] that have been developed and published, and training and command directorates that have improved.[916] At the same time, the author admits that many of the policies, procedures and plans are not (fully) implemented and that copies of the publications are "rarely available" to lower level military units, which he considers "in many cases [as] not surprising, given the lack of literacy within the SPLA and a lack of headquarters facilities **(20, 21)**."[917] Even more importantly, Rands suggests that a comprehensive strategic defence review and subsequent strategy are still absent, which definitely does not facilitate the SPLA's transition either.[918]

In addition, despite some modest Disarmament, Demobilisation and Reintegration (DDR) successes for certain armed (ex-) combatants and associated stakeholder groups (i.e. special needs groups who often were not on the pay role (anymore) and "whose services were perceived as being of less use in a peacetime army" like child soldiers, women, disabled persons and the elderly **(22)** [919]) genuine downscaling of the armed forces and full integration of the OAGs remained flawed in the end whereby the SPLA was "able to show compliance with the CPA" but seemed not fully committed **(25)**.[920] In addition, it is argued that "DDR provided them [the SPLA] with a social programme for ex-combatants who had already left the army; and they could sustain and even increase their fighting strength."[921] Hence, the SPLA leadership only complied with DDR "to its own narrow advantage, not to downsize its fighting force, but to abide by the letter of the CPA and offer benefits to former members.[922]

Amongst others, the military "was more concerned with the ceasefire and security arrangements and with maintaining a force large enough to counter possible future Northern aggression."[923] In addition, the military "leadership did not wish to lose viable soldiers during the crucial CPA period and knew that the soldiers had no intention of giving up their salaries [of which payments became more regular over time] for the economic uncertainties of civilian life **(26)**."[924] Therefore, except for the 'demobilisation' of

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[911] By then, North Sudan claimed that this paper - which was meant to guide the set-up of the structures, role and responsibilities of the armed forces - had to be authorised by the North-Southern Joint Defence Board first before it could be implemented. This Joint Defence Board emerged from the "[d]istrust between the [N]orth and [S]outh" and was occupied with the oversight of the JIUs (Verjee, A. (May 2011), p. 4). South Sudan nonetheless argued that the Joint Defence Board could be bypassed, because the transformation was agreed upon in the CPA and it was considered an internal affair of the semi-autonomous South (based on conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009).

[912] Sudan Tribune, (30 August 2009). The article in the Sudan Tribune continues by stating that "[...] the policy document, particularly on air force, prompted reactions of disapproval from the Ministry of National Defence which said the SPLA was subjected to numerous limitations per the Comprehensive Peace Agreement (CPA) signed in 2005 between North and South."

[913] Rands, R. (November 2010), p. 38

[914] Rands, R. (November 2010), p. 13

[915] These include, for instance, regulations; procedural doctrines on operations and training, and additional manuals aimed at the enhancement of intelligence, logistics and communication procedures; and lesson plans for basic training.

[916] Rands, R. (November 2010), pp. 30-31

[917] Rands, R. (November 2010), p. 30

[918] Rands, R. (November 2010), p. 31

[919] Stone, L. (May 2011), p. 3. See also BBC, (31 August 2010).

[920] Stone, L. (May 2011), p. 4. See also Rands, R. (November 2010), pp. 41-45

[921] Stone, L. (May 2011), p. 4

[922] Stone, L. (May 2011), pp. 4-5. As such, the author concludes that DDR programmes in the South can only become viable when the international community understands and integrates into the programmes "the SPLA's sense of loyalty and responsibility to its soldiers and its belief that these soldiers should be rewarded after leaving the army (p. 8)."

[923] Stone, L. (May 2011), p. 1, while referring to Barltrop, R. (March 2008), p. 23 and Lewis, M. (September 2009), pp. 35–44

[924] Stone, L. (May 2011), p. 3

ex-combatants and the special needs groups, the over-sized SPLA especially appointed members of the incorporated OAGs to become prison guards, wildlife protectors, members of the police, the fire brigades and the JIUs **(22)**.[925] Original SPLA soldiers (who are often seen as war heroes) are only marginally re-assigned for DDR and then mostly to army-aligned initiatives as the Veteran Security Services or for responsibilities within the military production directorate.[926] In the end, this bigoted selection to appoint people for DDR alongside the lack of genuine government commitment and inadequate resources also gave rise to tensions in the communities that had to absorb the demobilised soldiers.[927]

According to Stone (May 2011), "neither the SPLA nor the international community [which heavily supports the DDR programmes[928]] intended downsizing to occur before the end of the interim period."[929] Moreover, an actual military reduction seems not probable either immediately after Southern independence considering the current military built-up against the North and lack of livelihoods for demobilised soldiers **(25)**. Yet, the SPLA acknowledges that it is essential to cut down its amounts of troops and associated military expenditures as the military budget currently pertains to the bulk (almost 30- 40 per cent) of the overall Southern budget.[930] Such a scaling back of the armed forces does however not intend to mean that "greater budgetary resources [will become] available for other sectors."[931] To be more precise, "the SPLA themselves often interpret a reduction in staffing costs to mean more money spent on military hardware.[932]

Finally, this paragraph deals with the JIUs (approximately 30.000-40.000 men strong) that were originally meant to be at the heart of a new national joint military force in case South Sudan would vote for unity in their referendum.[933] However, given the outcome of the referendum, these joint Northern and Southern military units require to be dissolved and integrated into their respective military forces by October 2011 although the CPA did not stipulate how this should be done **(27)**.[934] Currently, the JIUs are primarily located in key locations in South Sudan, but also in the North (Khartoum) and the contested transitional areas of Southern Kordofan (Abyei and the Nuba Mountains) and Blue Nile across the North-South boundary.[935] Though the JIUs were meant to be a symbol for national unity and to build confidence

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[925] Interview 2; Barltrop, R. (March 2008), p. 35; Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p.10; Baas, S. (20 August 2009). The potential downside of these employments is that many of these 'demobilised' former OAG combatants are not disciplined, thereby causing the population - who definitely needs such public security services – not to trust them, let alone to see them as impartial (interview 4).

[926] Rands, R. (November 2010), p. 44; Stone, L. (May 2011), p. 8. The Veteran Security Services are "the only private security company in South Sudan whose guards are licensed to carry weapons. Set up initially as a joint private–public enterprise, the company recruits exclusively ex-SPLA soldiers, predominantly from the Directorate of Wounded Heroes. Recruits receive training in a new profession and a salary sufficient to persuade them to leave the SPLA (Stone, L. (May 2011), p. 8)." The military production directorate touches upon jobs in agriculture (for the food production of the SPLA), but in the future desirably also on the manufacturing of clothes and equipment (Rands, R. (November 2010), p. 44).

[927] Schomerus, M. (November 2008), p. 4

[928] Holland, L.E. & Burt, G. (n.d.), p. 1

[929] Stone, L. (May 2011), p. 3. See also Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 105, and Rands, R. (November 2010), pp. 36-37.

[930] Rands, R. (November 2010), p. 23; Stone, L. (May 2011), p. 8

[931] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106

[932] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106. Furthermore, Rands (November 2010) points out that despite potential signs "that the SPLA is beginning to understand the budgeting process and benefiting from the use of historical data during planning," the intended SPLA budget for 2011 was "clearly insufficient for a force requiring significant reform and development (Rands, R. (November 2010), pp. 25-26)."

[933] Rolandsen, Ø.H. (February 2010), p. 3; Verjee, A. (May 2011), pp. 2-3

[934] Verjee, A. (May 2011), p. 2. For information on the JIUs, see the Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 88 (Article 4), 111-116 (Article 20, whereby Article 20.2 refers to the dismantling of the JIUs in case of Southern secession). These articles address the character, size, composition and duties; such as maintaining security *and* the protection of oil fields (based on Verjee, A. (May 2011), pp. 4-5).

[935] Interview 4; Rands, R. (November 2010), p. 21; Verjee, A. (May 2011), pp. 3 and 7, table 1. In addition, it was marked in interview 4 that when there may be a flare-up of renewed conflict between North and South Sudan, the military front lines might now also shift to the North.

between the two CPA signatories and among the Sudanese populace, they were institutionally flawed and largely dysfunctional whereby their formation now poses "a serious risk to [N]orth-[S]outh stability."[936]

Unfortunately, the JIUs do not seem to be a main concern for the NCP nor the SPLM **(22)**.[937] Following the CPA, the JIUs in the South remained severely hampered by the fact that they were mainly made up of ethnically diverse and competing, often with some affiliation to the SAF, yet (semi)autonomous militias with "varying degrees of experience, training and discipline" and which frequently had a history in fighting the SPLA **(20)**.[938] Accordingly, it was not a surprise that some of the JIUs disintegrated and were directly involved in violations of the CPA's permanent ceasefire.[939] In addition, despite that the JIU's main responsibilities included the provision of general security and that of the oil fields (instead of protection by either SAF or SPLA forces), these joint military units proved not very effective as they lacked funds, basic military needs, facilities and hardware, logistical capacity, adequate command and control, and sufficient (joint) training.[940] Moreover, except that many units had to cope with low morale, the OAGs within the JIUs seemed only in name loyal to their authorities which often resulted in mutinies **(23)**.[941] Bringing to mind that the JIUs need to be dissolved and subsequently redeployed and reintegrated within the national armed forces of North and South Sudan[942] or that they have to be appointed for DDR programmes when they are no longer required,[943] suggests that the South Sudan security force still has many additional challenges to face before becoming a professional and unified force.[944]

Local operational law enforcement and civilian protection entities
Regarding domestic civilian security[945] and under the interim constitution for South Sudan, the South Sudan Police Service (SSPS) - along with the Ministry of Internal Affairs,[946] the legal branch and Prison Service - is supposed to be(come) the most relevant constitutional body for "preventing and fighting crime [law enforcement] and maintaining public safety."[947] Nevertheless, despite its modest progress over

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[936] Verjee, A. (May 2011), p. 2. See also: Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), p. 88; Rolandsen, Ø.H. (February 2010), p. 3; Almquist, C. (March 2010), p. 3. Though the JIUs "suffer from a range of problems" and face immense challenges, it is also pointed out that these units realised some small, however significant, successes such as the limited conduct of joint patrolling, participation in de-mining projects and their help to develop a weapon-free zone in Wau (Small Arms Survey, (March 2008), pp. 1 and 3).

[937] Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 10

[938] Verjee, A. (May 2011), pp. 4 and 7

[939] Verjee, A. (May 2011), p. 4. Rivalling ethnic groups within individual units are often stationed in a dispersed manner to prevent internal fighting (interview 4; Small Arms Survey, (May 2009), p. 2; Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 10). Another mechanism to limit internal violence developed under the JIU Act was a rotating command system that aims to build trust and share responsibility (Verjee, A. (May 2011), pp. 5-6).

[940] Small Arms Survey, (March 2008), pp. 1-8; The Dutch House of Representatives, (13 March 2009), pp. 5-6; Verjee, A. (May 2011), p. 4. Nonetheless, as the JIUs did not function well and their formation got delayed, a massive accumulation of both Northern and Southern forces along the border near the oil sites occurred and subsequently demilitarisation of these areas failed (interview 4; Thomas, E. (2009), p. 17; Almquist, C. (March 2010), p. 3; Verjee, A. (May 2011), p. 10).

[941] Verjee, A. (May 2011), pp. 9-10

[942] Amongst others, it is claimed that such a reintegration is very costly in terms of increasing salary and sustainment costs (Rands, R. (November 2010), p. 23). In addition, soldiers within the JIUs received their salaries and necessities more regularly than the soldiers within the SPLA (p. 21, while referring to Small Arms Survey, (March 2008), p. 3). Besides, such renewed integration brings also about the dilemma whether the Northern and Southern armed forces would appreciate the reintegration of the OAGs. See also the section *Scenario: Professionalisation of the SPLA and possible risks, a Dutch military training mission*.

[943] However, since DDR programmes offer little financial reimbursement and with a lack of alternative civilian livelihoods, demobilisation attempts will "likely be met by stiff resentment unless sustainable pension or severance schemes can be offered [to the JIUs troops appointed for DDR as they] have received regular salaries and adequate food supplies since 2005 (Rands, R. (November 2010), p. 21)." Here, it seems interesting to analyse the viability of the suggestion to train military engineers who then can be demobilised in the longer run to become civil engineers (see for instance, Juma, C. (26 June 2011)).

[944] Verjee, A. (May 2011), p. 11.

[945] See the section *Imminent security and rule of law challenges*.

[946] According to Holland and Burt (n.d.), this Ministry is "[r]esponsible for ensuring and maintaining South Sudan's domestic and border security[, meanwhile c]oordinating the duties and actions of the South Sudan police, prison and civil defence services (Holland, L.E. & Burt, G. (n.d.), p. 2)."

[947] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 102

the years since its formation in 2005, the still predominantly military, underdeveloped and fragile SSPS seems not effectively suited to the huge security challenges throughout the South. Hereby, the modest progress refers to the given that there now is the 2009 Police Act and a unified police service which is formally responsible for domestic public safety instead of the (privately hired) militias.[948]

However, the SSPS' problems first and foremost stem from the fact that the priorities and associated expenditure of the GoSS predominantly lay with the reform and capacity building of its SPLA.[949] This came at the expense of broader reform of the security sector and rule of law institutions in terms of fragmentary reform efforts, stalled payment of salaries and allowances, and deficiencies in operational capacity due to lack of training and shortages in resources and accommodation.[950] For example, this is reflected in the allocation of the overall budget allocation of the GoSS which attributes 30-40 per cent to the armed forces.[951] On top of that, the internal state of affairs of the police contributed to its current weak capacity, i.e. its high degree of segmentation, its strong political-military nature, low literacy rates and weak discipline. More explicitly, the SSPS in general was already scattered from the beginning since it had to integrate "three distinct groups: former police of the Government of Sudan previously based in SAF-held towns in South Sudan; SPLA combatants who were assigned as civil police in the SPLM-controlled areas; and demobilised SPLA officers [which mainly involved members of the integrated OAGs]."[952] This also explains why the SSPS is highly militarised, whereby the incorporation of ex-SPLA officers still continues to bring in military mindsets, attitudes and procedures that are inapt to a civilian police service.[953] In addition, the loyalty of the politically appointed leadership of the police service lies with the protection of the Southern presidency and the benefits for the regime rather than with individual citizens, thereby hampering the civil mandate of the SSPS to enact the law and maintain public safety.[954]

Nevertheless, also individual characteristics as illiteracy and weak discipline or obedience to civil police standards play a role in the poor functioning *and* perceived legitimacy of the SSPS throughout South Sudan. It seems that the majority of the police service lacks formal education and is "illiterate in both Arabic and English making it difficult for them to understand or enforce the law, conduct investigations or manage cases."[955] Yet, more important is that palpable public accusations exist of (incidental) police misbehaviours, human rights violations and retaliation by the police that are reinforced by ignorance of laws and procedures, irregular remunerations (which might make officers vulnerable to corruption) and a culture of impunity within the SSPS.[956]

Consequently, as the SSPS is not yet effective and repeatedly poorly represented in-country, along with the given that "civilians are often better armed than the police," the SPLA is - in line with the CPA - by default approved to interfere into what are in fact civilian affairs **(28)**.[957] Such interference, whereby the armed forces frequently relapse into their "war-time role," probably not only alienates the

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[948] Prior to this Police Act, the SSPS "operated under Presidential Decree with no law or operating procedures governing their activities or structures (Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), pp. 102-103)." The Act also "proposed establishment of community policing structures to partner with the SSPS to prevent crime, enhance relationships with local populations, ensure respect for human rights and improve understanding of root causes of violence (International Crisis Group, (23 December 2009), p. 23)."

[949] International Crisis Group, (23 December 2009), p. 23; Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 95

[950] Baker, B. (June 2008), p. 4; Laws, J. (updated November 2010). See also International Crisis Group, (23 December 2009), pp. 19-20.

[951] Stone, L. (May 2011), p. 8

[952] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), pp. 97-98

[953] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), pp. 97-98 and 103

[954] Baker, B. (June 2008), p. 4

[955] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 98

[956] United States Department of State, Bureau of Democracy, Human Rights, and Labour, (8 April 2011), p. 9

[957] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 95. See also: Human Rights Watch, (June 2009); International Crisis Group, (23 December 2009), pp. 20-21; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106. The difficulty is that the SPLA both arrests and imprisons civilians (even in military facilities), though it is "not legally invested with [such] powers (United States Department of State, Bureau of Democracy, Human Rights, and Labour, (8 April 2011), p. 9)."

public but sometimes also causes clashes with the police.[958] Besides, the current state of affairs within the civil police service emphasises the importance of traditional community leaders or local chiefs "as the main providers" to enact the law and maintain public safety at local level.[959] Here, non-state policing mechanisms (sometimes also formally acknowledged) come into play which includes the possibility to erect community self-defence forces.[960] Therefore, "the SSPS faces significant challenges in becoming an effective, accountable and professional organisation" able and allowed to fulfil its mandate, also after the formal split from the North.[961] Moreover, the SSPS will continue to be dependent on external (donor) support in the next years.

A similar story and subsequent challenges seem also applicable to the legal branch of South Sudan, whereby the most relevant stakeholders consist of the Ministry of Legal Affairs and Constitutional Development,[962] the Parliamentary Committee on Security and Public Order,[963] the South Sudan Human Rights Commission,[964] the South Sudan Human Rights Forum,[965] the Southern conventional state court system (with its supreme court, courts of appeal, high courts, county level courts and surplus (military and juvenile justice) tribunals and associated stakeholders like attorneys, magistrates and judges), incorporated customary or traditional law system with its *boma* level courts mainly headed by local chiefs, and the Prison Service.[966] Since South Sudan - though semi-autonomous - is still part of Sudan, national laws are also binding for the South and enshrined in its interim constitution, perhaps with some small variances and exceptions.[967] Internationally, with regard to (human) security, Sudan is party to at least almost all of the UN Human Rights Treaties and the Additional Protocols and to the primary IHL treaties such as the Conventions of Geneva and their Additional Protocols.[968] South Sudan will probably

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[958] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 95

[959] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 104, although the authors acknowledge that the authority and agency of these traditional community leaders or local chiefs has been eroded by the civil wars in Sudan.

[960] Baker, B. (June 2011), pp. 53-64. Understandably, these non-state policing mechanisms involve both opportunities and dangers. For more information, see the last subsection of this paragraph.

[961] Sewonet Abatneh, A. & Monoja Lubang, S. (March 2011), p. 95

[962] This ministry is responsible for the "dissemination and implementation of the CPA" whereby special attention is drawn to the stimulation of "democratic principles and political pluralism (Holland, L.E. & Burt, G. (n.d.), p. 2)."

[963] This Parliamentary Committee examines "legislation [and] gives recommendations on [the] implementation of security legislation (Holland, L.E. & Burt, G. (n.d.), p. 2)."

[964] This commission, that is backed by UNMIS and is represented in almost all Southern States, monitors, investigates and provides advice on human rights, thereby stimulating these throughout Sudan (The Dutch Ministry of Foreign Affairs, (June 2011), p. 55, while referring to United Nations Mission in the Sudan, (April 2009)). It seems that the commission is occupied most with reviewing allegations of "physical violence [to civilians] committed by members of the SPLA and the SSPS (The Dutch Ministry of Foreign Affairs, (June 2011), p. 55, while referring to United States Commission on International Religious Freedom, (May 2010), translated from Dutch)."

[965] In line with the South Sudan Human Rights Commission, the GoSS - in cooperation with the UN, some donor countries and civil society - established this forum to develop a joint strategy on the promotion of human rights (The Dutch Ministry of Foreign Affairs, (June 2011), p. 55, while referring to United Nations Security Council, (31 December 2010)).

[966] Murray, Ch. & Maywald, C. (2006), p. 1222, including footnote 102

[967] Think for instance at the Sharia rule and penal code that are exercised in the North but not within the South, which recognises separation of state and church and which legal system is based on a English common law system (Central Intelligence Agency, (updated 13 August 2009)).

[968] The Dutch Ministry of Foreign Affairs, (June 2011), pp. 51-52; International Committee of the Red Cross, (update 6 July 2011). With regard to the UN Treaties, Sudan became party (read: ratified) to the *Convention on the Prevention and Punishment of the Crime of Genocide* in 2003 (accession status), to the *International Convention on the Elimination of All Forms of Racial Discrimination* in 1977 (accession status), to the *International Covenant on Economic, Social and Cultural Rights* in 1986 (accession status), to the *International Covenant on Civil and Political Rights* in 1986 (accession status), to the *International Convention on the Suppression and Punishment of the Crime of Apartheid* in 1977, to the *International Convention against Apartheid in Sports* in 1990, to the *Convention on the Rights of the Child* in 1990 (in addition, Sudan accepted the *Amendment to article 43 (2) of the Convention on the Rights of the Child* in 2001), to the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict* in 2005, to the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* in 2004 (accession status), to the *Convention on the Rights of Persons with Disabilities* in 2009, and to the *Optional Protocol to the Convention on the Rights of Persons with Disabilities* in 2009 (accession status) (United Nations, (2011c)). Nevertheless, Sudan signed the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* in 1986, but did not ratify the treaty. Regarding warfare (more specifically), Sudan became party to the *Conventions of Geneva* in 1957 (see also footnote 344 in this thesis), to their *Additional*

automatically become a party to these treaties as well when it becomes an independent state **(29)**. In addition, Sudan developed at national level, consistent with the CPA and occasionally with the help of donor countries, some substantial interim (criminal) laws and policies that have been incorporated in the South's legislation and judiciary practice.[969] Nevertheless, it is also recognised that some key legislation never proceeded past the draft stage or was never adopted during the CPA transition period **(30)**.[970]

Along the lines of this mixed progress, the Southern legal branch still faces massive challenges since having an incomplete legal framework and law enforcement bodies in place does not necessarily imply that the laws available are known and will be endorsed nor that all established governmental bodies sufficiently abide to it, especially when taking into account that remote rural areas lack formal regulation and control **(9)**.[971] Besides, the Southern institutional rule of law capacity is substantially flawed, given that "[q]ualified judges, attorneys and court staff [and associated facilities such as appropriate prisons] are in short supply."[972] Furthermore, it seems that "most practising lawyers have been trained under the Northern Sudanese system (Sharia law) and in Arabic and face difficulties under the new system encompassing Common Law in English."[973]

With a poor implementation of laws and a highly centralised and frail judicial system, members of security and law enforcement services seem not always driven by incentives of protecting civilians and of maintaining stability and security, which is illustrated by a flawed adherence to laws, legal procedures, corruption, arbitrary or even unlawful arrests, prolonged pre-trial detentions, and even the perpetration of opportunistic crimes like the (sexual) harassment, looting or killing of civilians, land grabbing and

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Protocols I and II (except III) in 2006, to (The Hague) *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (but not to the two Additional Protocols) in 1970, to the *Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and Warfare* in 1980, to the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction* in 2003, to the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction* in 1999, and to the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* in 2003 (International Committee of the Red Cross, (update 6 July 2011)). With regard to post-conflict law enforcement treaties, Sudan "accepted compulsory [International Court of Justice] jurisdiction with reservations (Central Intelligence Agency, (updated 13 August 2009))." In addition, by 2000 Sudan signed, but did not ratify, the Statute of Rome to establish the ICC and accept its jurisdiction (International Crisis Group, (17 July 2009), pp. 10-12; Central Intelligence Agency, (updated 13 August 2009); The Dutch Ministry of Foreign Affairs, (April 2010), p. 39. Moreover, Sudan announced that it did not desire to become a party to the ICC in 2008 and claimed that therefore the obligation to ratify the treaty after signing became obsolete (The Dutch Ministry of Foreign Affairs, (April 2010), p. 39).

[969] Murray, Ch. & Maywald, C. (2006), pp. 1203-1234; Small Arms Survey, (May 2009), p. 3; The Dutch Ministry of Foreign Affairs, (June 2011), pp. 52, 76, 87, 89. Among them are the *Bill of Rights* (which addresses the most important human rights and freedoms although these are not always congruent with universal human rights), the *Child Act* (which addresses children rights, their welfare and possibilities of criminal prosecution. Hereby, despite that it seems not performed very often by Southerners, restrictions on female genital mutilation and the appropriate age to marriage are missing), the *National Security Act* (which provides the national Intelligence and Security Service extensive authority to perform its tasks and to arrest and detain people without charge for a long time), the *Criminal Procedures Act* (which prohibits certain activities and can be misused by the government to thwart the opposition by banning political rallies or gatherings). The problem is however, that the latter laws are not necessarily corresponding with universal human rights and the Bill of Rights (The Dutch Ministry of Foreign Affairs, (June 2011), p. 52, while referring to the United States Commission on International Religious Freedom, (2010); Redress Trust & Sudanese Human Rights Monitor, (November 2010)). Furthermore, the South applies the *Penal Code of the New Sudan of 2003* for its criminal law that is not based on Sharia rule and includes - amongst others - the dead penalty for severe felonies, the *Referendum Bill, Security Bill, Press Bill* and associated criminal laws, *Political Parties Act*, the *Armed Forces Act*, the *SPLA Bill*, the *SPLA Rules and Regulations*, a *Defence White Paper*, and the interim constitution (Holland, L.E. & Burt, G. (n.d.), p. 3). However, it is argued that important legislation is missing, especially when taking into account gender-based violence and women rights (The Dutch Ministry of Foreign Affairs, (June 2011), pp. 89-91 on domestic or family violence, forced marriages and sexual violence). See also the section *The people, their quality of life and imbalances*.

[970] The Sudanese Ministry of Human Resource Development, (31 May 2011), p. 18

[971] Conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009; The Fund for Peace, (2010); The Dutch Ministry of Foreign Affairs, (June 2011), p. 57; Laws, J. (updated November 2010). Also here widespread illiteracy coupled with a hampered dissemination of documents play a role in the undermining of the rule of law to function well.

[972] International Crisis Group, (23 December 2009), p. 15. See also The Dutch Ministry of Foreign Affairs, (April 2010), p. 60; United States Department of State, Bureau of Democracy, Human Rights, and Labour, (8 April 2011), pp. 8-9.

[973] The Dutch House of Representatives, (23 June 2011), p. 5

retaliation in case of reported crimes **(31)**.[974] Hereby, existing accountability mechanisms for such misbehaviours become further eroded as civilian and military authorities still have considerable control through pressure and interference over the legal apparatus (and subsequent legal procedures), which is an independent entity on paper only **(32)**.[975] The consequence is that not only state perpetrators are rarely brought to trial thereby igniting an culture of impunity, but also that the local population often has no access to formal justice and loses confidence in the GoSS' capacity to protect them and to deliver security and stability.

In the end, since the formal judicial system is fragile and nearly absent at *boma* level, the rule of law (and operational law enforcement) is frequently taken up by formally acknowledged traditional institutions aimed at reconciliation and compensation, whereby tribal chiefs or elders exercise judgements based on traditions and customary law.[976] In addition, some communities decided to launch projects on community policing and to establish community defence forces **(33)** consisting of ordinary (provisionally) armed citizens - which occasionally can become accepted or even (financially) encouraged by the GoSS - to safeguard the people against OAGs on the loose.[977] Hence, South Sudan has a blurred hybrid legal system of conventional (statutory) and customary law, where clear boundaries lack between the several jurisdictions.[978] Evidently, such structures have both upsides and downsides. On the one hand, such indigenous structures along with local customary law might adequately address the legal needs (also in terms of culture and identity) of the local population when seeking dispute resolution and justice, thereby preventing the outburst of violent armed clashes.[979] Besides, the "chiefs and their courts have been, and so far remain, the only practicable and affordable form of local government and justice across South Sudan."[980] On the other hand, however, these traditional civil structures and laws may vary greatly among tribes (which complicates accountability), might directly challenge (inter)national and Southern laws and procedures and bolster discrimination against women and minority groups **(22, 34)**.[981] Finally, the acknowledgement of "many bodies[982] with law enforcement powers without much oversight" might bring about the perception that anyone can take the law in its own hands, even persons without formal judicial authority as allotted to them by the Southern Chief of Justice.[983]

International stakeholders in security and rule of law
It was already mentioned in this chapter that Sudanese national politics are characterised by the large presence and heavy involvement of international stakeholders who are driven by a myriad of incentives.[984] The same seems true with regard to international assistance to the enhancement of the (Southern) Sudanese security and legal branches and the provision of (inter)national security and stability, whether in terms of fighting terrorism, keeping Sudan from further disintegrating through foreign military interventions, capacity and institution building (including SSR and DDR) while simultaneously promoting the rule of law (and human rights), or tasks to improve physical (human) security, for instance

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[974] Interview 4; Laws, J. (updated November 2010); Human Rights Watch, (8 February 2011); United States Department of State, Bureau of Democracy, Human Rights, and Labour, (8 April 2011); The Dutch Ministry of Foreign Affairs, (June 2011), pp. 51-96

[975] Murray, Ch. & Maywald, C. (2006), p. 1218; Human Rights Watch, (February 2009), pp. 10-11; Leonardi, Ch., Nelson Moro, L., Santschi, M. & Isser, D.H. (October 2010), pp. 43-44; The Fund for Peace, (2010)

[976] The Dutch Ministry of Foreign Affairs, (April 2010), p. 57; IRIN, (6 January 2011)

[977] Based on conversations with local staff during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009; Small Arms Survey, (May 2009), p. 5. The *Arrow Boys* are an example of a civilian-erected defence initiative against the atrocities of the Lord's Resistance Army and which was funded by the GoSS (The Dutch Ministry of Foreign Affairs, (June 2011), p. 50).

[978] Mayom, M. (8 January 2010); Leonardi, Ch., Nelson Moro, L., Santschi, M. & Isser, D.H. (October 2010), p. 5

[979] IRIN, (6 January 2011)

[980] Leonardi, Ch., Nelson Moro, L., Santschi, M. & Isser, D.H. (October 2010), p. 11

[981] Gross, C., Kudelko, K. & Purvis, Ch. (24 January 2011), pp. 22-23; Laws, J. (updated November 2010)

[982] For instance, besides the formal legal apparatus, these bodies pertain to the SPLA, SSPS, the executive (such as the GoSS), tribal judges such as chiefs, individuals and groups like civilian defence forces (Mayom, M. (8 January 2010)).

[983] Mayom, M. (8 January 2010)

[984] The Fund for Peace, (2009); Schumann, P. (March 2010), p. 105

through clearing public areas from land mines and unexploded ordnances **(18)**.[985] This section will deal with some of the international stakeholders that stick out when addressing the operational security, the security sector and the rule of law in South Sudan: UNMIS and a handful of donor countries that are considerably involved in capacity and institution building.

In support of the CPA, which also stipulates the formation of a UN peace support mission, and to ensure the protection of civilians, a foreign civil-military intervention - labelled UNMIS - was deployed in Sudan after its authorisation in March 2005 by the United Nations Security Council and with approval of both the NCP and SPLM.[986] The headquarters was located in Khartoum and the troops dispersed over the country but mainly in the disputed and volatile North-South border areas. Under the peace enforcement chapter of the UN Charter,[987] UNMIS is - inter alia - predominantly supposed to monitor and support the implementation of the CPA (and associated cease fire agreements) and is further mandated to "take the necessary action, in the areas of deployment of its forces and as it *deems* within its capabilities […] to protect civilians under imminent threat of physical violence."[988] The latter responsibility initially created high local expectations when taking into account that Southern security and law enforcement entities[989] frequently remain in vain and that overall security is deteriorating in the South, whereby impending outbursts of violence often lead to substantial casualties and mounting displacements of people. Supposed to be well-functioning and appropriately located in (perceived) hot spots, UNMIS was thought to be capable to temporarily fill an (institutional) security gap while donor countries would assist the South to enhance its institutional capacity thereby improving the state's legitimacy and building confidence among the local population.[990]

Six years later, the interventionist troops and their civilian counterparts struggle to execute their highly ambitious[991] mandate to the full, while stumbling over practical obstacles like understaffing, lack of adequate basic equipment and leadership shortfalls.[992] In addition, the foreign soldiers seem often not located in or near the politico-strategic hot spots, whether deliberately or not (due to governmental access restrictions and terrain constraints), which fuels accusations that they avoid (potential) conflict areas and direct confrontations.[993] Besides, issues like troop contributing country-specific rules of engagement,

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[985] See for instance: Schumann, P. (March 2010), p. 102; United States Department of State, Bureau of Democracy, Human Rights, and Labour, (8 April 2011), p. 4; Holland, L.E. & Burt, G. (n.d.), p. 1

[986] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. 84-121; http://www.un.org/en/peacekeeping/. In addition, another foreign military intervention in Darfur in Sudan - UNAMID – was established in June 2007 of which current mandate expires by 30 June 2012 (http://www.un.org/en/peacekeeping/). This operation has a unique hybrid feature being carried out under the auspices of both the United Nations and the African Union, almost solely consisting of African troops and civilian manpower in response to president Al-Bashir's precondition. However, UNAMID's mandate is rather ambitious compared to the intervention's overall ineffectiveness due to delayed (and thwarted) deployment, underdeveloped capacity and the by the national government enforced constraints in movement (Human Rights Watch, (20 January 2010), p. 175). The delayed and thwarted deployment of UNAMID can be partly explained by the fact that the North is obstructing and slowing down visa and clearance procedures for the entering of interventionist troops and mission equipment (interviews 8, 12 and 15; The Dutch Ministry of Defence, (18 May 2011), p. 20).

[987] For some information on the UN Charter, see the section *International legitimacy* in this thesis.

[988] United Nations Security Council, (24 March 2005), p. 6, the italics are mine. In 2009, the responsibility to protect citizens under imminent attack in armed conflicts became an even more important priority within UN missions (United Nations Security Council, (11 November 2009)). Yet, the expression 'deems' highlights exactly where the shoe pinches.

[989] These entities have the main responsibility to maintain security and stability and provide civil protection.

[990] Interview 4; conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009

[991] Moreover, along the line of protecting civilians, the UN suggested in 2009 that it might had to "reshuffle some of the priorities" within its mandate to go after the Lord's Resistance Army, as this foreign OAG has a significant impact on South Sudan's internal security and stability (Agence France-Press, (27 August 2009).

[992] Think for instance of equipment like armoured vests, communication devices, intelligence assets and logistics (interviews 2 and 4).

[993] Human Rights Watch, (20 January 2010), p. 175; Flint, J. (January 2011), p. 15; Fick, M. (11 March 2011). According to Bennet *et al.* (December 2010), the initial deployments of UNMIS in South Sudan were essentially based on the location of garrison towns "with little engagement on localised other armed groups' issues," which partly explains UNMIS' shortfall to be geographically represented in all violent hot spots (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 111). Despite that UNMIS managed to play down some of the violence in the South and additionally (to a

underdeveloped strategies, narrow interpretations of the mandate by military commanders and a lack of both authority and decisive power severely impedes UNMIS' responsibility to protect civilians under imminent threat.[994] Subsequently, UNMIS has difficulty to function responsively and to adequately come to the rescue of civilians and to deter attacks.

Nevertheless, after many extensions, UNMIS' mandate and presence in the whole of Sudan will expire when South Sudan secedes on 9 July 2011.[995] It is doubtful that the current consensual mandate will be continued as Northern NCP officials in Khartoum indicated that UNMIS has to leave their country "in line with Sudan's right as a host state under international law."[996] In addition, these officials also turned down intentions of the United Nations Security Council to increase its troops along the North-South border to fend off mutual aggression and to establish another mission to supersede UNMIS.[997] Remarkably, the NCP and SPLM agreed after all to authorise a buffer zone along the North-South border (especially in Abyei where there is a large outburst of hostilities) that would be monitored by Ethiopian troops under the auspices of the UN that will be mandated to maintain security and stability, protect the local population and to prevent Northern and Southern military forces to cross the border.[998] Evidently, all this does not rule out a new UN intervention by consent in South Sudan, particularly since the GoSS could still use help to strengthen its institutional capacity and performance but also as it previously expressed concerns over the Southern internal conflicts and potential aggression by the North when the South will break away.[999] In fact, on 8 July 2011 the UNSC authorised the United Nations Mission in the Republic of South Sudan (UNMISS) as the Council assumed that the situation in the South could still be jeopardising the peace within the larger Horn of Africa and Great Lakes regions **(35)**.[1000]

Besides UNMIS(S), to which donor countries could tribute manpower, there is a myriad of foreign donor support available in (South) Sudan to enhance the CPA implementation - for instance - by improving the security and the law enforcement sectors through the provision of basic needs, financial, logistical and technical assistance, and training.[1001] On occasion these donors take part in bilateral arrangements with the national and/or Southern government, while others (mostly European donor countries) draw together their efforts, funds and administration in initiatives like the *Joint Donor Team*[1002]

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certain extent) facilitated the provision of humanitarian support and development, this is considered being more random in character because of the given that many significant areas remain out of reach (interviews 2 and 4). In addition, Fick emphasises that the UN troops appear to follow demands by the SPLA to temporarily suspend their activities and movement in certain areas wherein the Southern troops (desire to) carry out military missions, which raises questions about UNMIS' mandate and presence. Besides, a negative side effect is that when UN bodies (temporarily) appoint 'no-go areas' or even pull out of certain districts, humanitarian organisations may also cease their activities and withdraw their staff, which affects the local population even more.

[994] Interviews 2, 4, 15 and 17; Human Rights Watch, (20 January 2010), p.175

[995] United Nations Security Council, (27 April 2011)

[996] Sudan Tribune, (17 May 2011). In addition, NCP officials said that the national government "will lift UNMIS immunity after July 9th if it feels any foot dragging on the part of the mission in implanting the directive [to close down its offices in the North and to withdrawal] (Sudan Tribune, (17 May 2011)." Nevertheless, it will probably take some time for UNMIS to pull out of the North after South Sudan's independence, which suggests that all relevant parties have to sit down and renegotiate the time horizon wherein UNMIS has to cease its activities.

[997] Sudan Tribune, (23 May 2011)

[998] Sudan Tribune, (29 June 2011)

[999] See for instance, Arol Garang, N. (26 October 2010)

[1000] United Nations Security Council, (8 July 2011); http://www.un.org/en/peacekeeping/. This new mission's mandate will come into force at 9 July 2011 for - initially - the period of one year.

[1001] Expressed in actual funds and projects from 2005 until 2010, the reform of security and justice institutions nonetheless pertain to "relatively low levels of donor support (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 46)." Focus points could for example be the facilitation to professionalise the SPLA, SSPS and the judiciary.

[1002] The Joint Donor Team, located in Juba, entails the development agencies of the Netherlands, the United Kingdom, Norway, Sweden, Denmark and Canada, and - amongst others - aims at the improvement of donor coordination and the harmonisation of aid and institution building in the field of the Southern governance, rule of law, SSR coupled with the provision of basic services (Holland, L.E. & Burt, G. (n.d.), p. 2; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 69). Norway and Canada turn out to be two of the biggest donors in South Sudan, apart from the EU and the United States (The Dutch House of Representatives, (23 June 2011), p. 4).

or channel them through UNMIS.[1003] The most significant donor countries in the security and justice field are the United States (also in cooperation with the private military company *Dyncorps*), the United Kingdom,[1004] Canada, Switzerland, the Netherlands and Germany.[1005] This thesis will delve a bit further into this subject when handling the intervention scenario.

Imminent security and rule of law challenges
This security and rule of law section will be concluded with an outline of the most substantial imminent challenges both North and South Sudan together with the international community will have to settle to prevent a renewed armed conflict and to let the South become a viable peaceful state. Hereby, the challenges touch upon three overlapping key issues: residual tensions (whether stemming from lack of mutual trust, piecemeal CPA implementation, un-decided post-interim requirements and renewed clashes) between the North and South; increasing internal violent conflicts and regular criminality[1006] in South Sudan; and the easy access and proliferation of arms throughout Sudan.

    An often heard concern is that "unintended incident[s]" and unsettled lingering tensions between North and South Sudan could definitely ignite another costly armed conflict.[1007] It is however also frequently claimed that the stakes would be simply too high for both parties to take up arms again in the short term or soon after the South gains independence.[1008] First, since an act as first aggressor, before and right after the referendum, would greatly destroy any credit with the international community, including all kinds of political, security and socio-economic support.[1009] Second, neither the North nor the South has much to gain from such new aggression since they need each other, particularly as a potential "disruption of oil exports would cut a cash line that both governments need, now and in the foreseeable future," also to uphold the widespread patronage system to stay in power.[1010] Hereby, the NCP - and particularly President Al-Bashir - is thought to enact "a carefully devised strategy meant to ensure just one thing: that

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[1003] Initially - despite very limited alternatives - bilateral relations with the GoSS were not always perceived feasible considering its flawed capacity, corruption and lack of accountability and protection mechanisms (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 46). On the other hand, the authors point out that "[d]espite the existence of donor coordination mechanisms, these tend to be limited to sharing information rather than promoting a joint donor approach based on shared analysis and consensus (p. xiv)." Through UNMIS, donor countries like the United Kingdom and the Netherlands financially support the JIUs and provide them with basic needs like office supplies and clothes (Small Arms Survey, (March 2008), p. 7; The Dutch House of Representatives, (13 March 2009), p. 6).
[1004] This suggests that the former colonial rule and domination by the United Kingdom does not negatively affect its current relationship with South Sudan and accordingly an assumed interventionist partnership with the former is not expected to encounter opposition in the South.
[1005] Interviews 8 and 15; Oxford Analytica, (21 October 2008), p. 2; Swiss Federal Department of Defence, (2009), pp. 1-5; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 65
[1006] Think for instance at crimes like aggressive theft, road ambushes and burglary (conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009).
[1007] When South Sudan is not yet an independent state when war breaks out, then it can be considered a non-international armed conflict. Otherwise it would be an international armed conflict. See also note 8.
[1008] International Crisis Group, (13 March 2008), p. 3. This latter view was also confirmed by Cropley, E. (9 April 2010) and The New York Times, (updated 21 June 2011). Besides, others argue that a new war between North and South Sudan would be even more violent and devastating than the previous ones, mainly because it would be increasingly conceivable that the battle will then be fought at multiple fronts (Waal, A. De (2007b), p. 4; interview 4). That is, with the JIUs still deployed in both parts of the country, new resumptions of armed hostilities are considered to "begin in the cities between the regular forces and paramilitaries of the North and South plus their proxies (Waal, A. De (2007b), p. 4)." The fallout of such conflict would not only be felt by both North and South Sudan, but also by countries next door as these have become entangled in each other's conflicts over the years through cross-border movement of OAG's, refugees and trade.
[1009] International Crisis Group, (13 March 2008), p. 3
[1010] Cropley, E. (9 April 2010). See also: Oxford Analytica, (21 October 2008), p. 3; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 43. That is, the South has the majority of the "country's oil and the [N]orth has most of the [required oil] infrastructure" such as the pipelines and refineries (The New York Times, (updated 21 June 2011). Schumann (March 2010) continues by pointing out that oil exploitation provides Sudan not only considerable national income but also new strategic partnerships with countries like China, India and Malaysia (Schumann, P. (March 2010), p. 105). Another advantage is that oil distribution to these countries brings membership to the Organisation of the Petroleum Exporting Countries within reach (p. 105). Altogether, it suggests that the oil sector is not only highly politicised, but also that oil can be both a factor of influence for new hostilities as well as a mitigating factor as long as South Sudan struggles to become a viable state.

when [South] Sudan declares independence[,] his [N]orthern government controls as much oil as possible, or at least is richly compensated."[1011] In addition, President Al-Bashir is previously cited that he would block the pipelines in the North when South Sudan does not meet his prerequisites to either continue to hand over half of the oil revenues or to pay compensation for using the North's oil infrastructure.[1012] Lastly, the GoSS and the SPLM desire not to jeopardise their "formal declaration of independence" by instantly responding militarily to NCP-initiated incidents as that "would give the NCP sufficient reason to claim the SPLM had abrogated the CPA, and thus not recognise the new state."[1013]

Notwithstanding data that suggests that there is no "full-scale arms race between North and South Sudan," both governments are very active to expand their military capacity through the increase of their military expenditures and the purchase of modern arms and weapon systems **(8)**.[1014] Yet, most of the Southern military expenditures are used to pay salaries which increases budgetary shortfalls for genuine military reform and modernisation **(36)**.[1015] In addition, prevailing arms embargoes,[1016] the worldwide financial crisis and stagnating oil revenues probably put considerable constraints on opportunities to increase military expenditures and arms procurements, particularly for the not yet independent South Sudan.[1017] All this does not alter the fact that, in the run up to secession, both halves of Sudan militarised the border zone by progressively positioning their armed forces along the North-South border within the disputed transitional areas **(8)**.[1018] These massive accumulations of troops and their weaponries (not to mention the already present OAG's and JIUs) could promptly provoke vigorous clashes thereby possibly worsening simmering North-South tensions.

An example is the eruption of persistent fighting between the SAF and SPLA *initially* in Southern Kordofan's area of Abyei, which is claimed by both parts of Sudan, whereby the North took up the arms to launch a sweeping military offensive to occupy the region in May 2011.[1019] Since the clashes (and

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[1011] Gettleman, J. (5 June 2011)

[1012] BBC, (22 June 2011)

[1013] Small Arms Survey, (updated 2 June 2011), p. 8

[1014] Wezeman, P. (March 2010), p. 63. See also: Oxford Analytica, (21 October 2008), p. 2. Wezeman points out that the Northern military spending and arms purchases are "not necessarily related to the current developments in South Sudan," since the funds and acquired assets are largely meant for the conflict in Darfur and for the NCP's "perceived threat toward its [neighbour countries]" who are believed to back OAGs in Darfur or to maintain friendly relations with South Sudan (p. 62). Except to ward off potential aggression by the North and developing alliances with marginalised NCP-defiant OAGs, South Sudan attempts to professionalise its armed forces and has to settle its numerous internal armed skirmishes (based on Wezeman, P. (March 2010), pp. 62-63).

[1015] Oxford Analytica, (21 October 2008), p. 2

[1016] Although practical flaws and breaches, three "legal regimes [are] restricting international and internal arms transfers to state and non-state forces in Sudan:" the CPA, the UN arms embargo on Darfur and the EU embargo for the whole of Sudan (Lewis, M. (September 2009), pp. 19-21). In practice, the CPA predominantly withholds the South from arms procurements as the treaty forbids the parties within agreed cease fire zones to replenish their weaponry whereby the whole Southern territory and the disputed areas are considered such zones. The CPA also stipulates that intended procurements have to be approved through the Joint Defence Board (which includes the North) and are to be coordinated by UNMIS (p. 19). Though the UN arms embargo curbs arms procurements with regard to Darfur, in the end it seems to concern "only […] transfers of military equipment to SAF forces and non-state actors *within Darfur* (p. 20, original italics applied)." Lewis continues by stating that "[t]he Northern government may transfer military equipment and supplies into Darfur if approved in advance by a UN Security Council Committee; in practice Khartoum has never sought such approval, while regularly moving arms and military equipment into Darfur in clear violation of the embargo (p. 20)." Finally, the EU embargo has the broadest reach while pertaining to all potential Sudanese parties (whether governmental or non-governmental) and includes prohibitions on both arms transfers to Sudan and "organisational aspects of arms supplies, such as brokering and financing (p. 21)."

[1017] From 2006-2010, North Sudan turned out to be one of the prime purchasers of "major conventional weapons" in Africa (Holtom, P., Béraud-Sudreau, L., Wezeman, P.D. & Wezeman, S.T. (March 2011), p. 4). As the South only has access to oil revenues through the North, it perceives its "financial impasse as an NCP-led strategy to weaken its military position (Small Arms Survey, (May 2009), p. 3)." Donor countries are hereby "concerned that [the GoSS] should not waste money unnecessarily on arms," despite the given that it is "entitled to import military equipment (Oxford Analytica, (21 October 2008), p. 2)." Anyhow, despite improvements in the reform of its armed forces, the military capabilities of the SPLA appear less developed compared to its Northern counterpart (interviews 4, 8 and 12).

[1018] Interview 4; Thomas, E. (2009), p. 17; Heavens, A. (27 September 2010); Verjee, A. (May 2011), p. 10

[1019] International Crisis Group, (8 May 2011); Small Arms Survey, (updated 2 June 2011), pp. 1 and 6-8. Here, North Sudan is habitually accused of ethnic cleansing of the border regions Nederlandse Omroep Stichting, (13 June 2011)). Nevertheless, Abyei

Northern bombings of areas at the North-Southern border) intensified, thereby affecting other areas and leading to mass population displacements together with earlier disregards by North and South Sudan to pull back their armed forces (except for those soldiers who were deployed within the JIUs), both CPA signatories finally agreed - this time through international mediation by an African Union mediation panel led by former President of South Africa Thabo Mbeki - to a jointly monitored and patrolled demilitarised zone along the border.[1020] In addition, the parties (including the Ethiopians) and the UNSC decided to establish a sixth-month interim UN mission in Abyei (i.e. the United Nations Interim Security Force for Abyei (UNISFA)) whereby Ethiopian troops will monitor the area and the withdrawal of the armed forces**(35)**.[1021] This intervention will probably continue until the demarcation between North and South Sudan is finally settled, and when both signatories have pulled back their armed forces and the hostilities in the border area have ceased.

Except for armed North-South quarrels, in South Sudan there are a lot of security issues at play which are multifaceted, intertwined and which repeatedly increase lingering local tensions that regularly culminate in violent clashes. Accordingly, a "murky and unclear security situation" arises, which allows for banditry and subsequent criminality to flourish.[1022] Though the internal (or non-international[1023]) armed conflicts are diverse in their nature, three types of warfare stick out in random order: inter-tribal conflict, fighting about scarce resources and proxy wars by (newly erected) OAGs (whether internal or transnational) **(15)**. This latter category might also include political-ideological hostilities by disgruntled groups of armed civilians and defecting (military) officers.[1024]

Inter-tribal conflicts are often the result of unresolved, lingering inter-tribal group grievances together with power struggles and mutual distrust stemming from the time that certain tribes fought against each other, habitually ignited by apparently trivial incidents.[1025] Here, it does not help that "[a] significant share of the male population of South Sudan - especially in agro-pastoralists areas - has participated in organised violence and received some kind of military training of varying length and intensity."[1026] In the end, inter-tribal violence has not only intensified in the last couple of years, but its nature also changed **(15)**. Nowadays' hostilities are "characterised by the carnage of unarmed civilians, the abduction of children and the burning down of villages."[1027] Yet, lingering inter-tribal grievances are rather difficult to settle, as "[i]dentity issues (religious, ethnic, and cultural differences) are inverting from being perceptions of the conflict to becoming inherent causes of it - from being abstract social and political categories to becoming concrete social forces."[1028]

Inter-tribal conflicts frequently relate to conflicts over resources. That is, "[e]nvironmental factors and scarcity do not lead inevitably to violent confrontation, yet in situations where the prevailing scarcity is aggravated by social and economic injustice and mismanagement, the confrontational aspect of

was already broiled by calculated attacks that were directed at local populations, Southern returnees from the North, the JIUs and the SPLA and which turned out to be often carried out by Misseriya militias (Small Arms Survey, (last update 2 June 2011)).

[1020] Reuters, (31 May 2011); BBC, (16 June 2011); Algemeen Nederlands Persbureau, (20 June 2011)

[1021] Nederlandse Omroep Stichting, (20 June 2011); Nederlandse Omroep Stichting, (27 June 2011); United Nations Security Council, (27 June 2011). UNISFA has its headquarters in Abyei (see http://www.un.org/en/peacekeeping/). The UN soldiers are expected to protect the international observers of a joint demarcation committee that monitors whether the Sudanese parties comply with the Abyei Agreement, humanitarian and UN personnel and civilians.

[1022] Schomerus, M. (November 2008), p. 8

[1023] See footnote 8

[1024] This political-ideological aspect, for example, might relate to disagreements about how the future of Sudan is envisioned in terms of unity or secession, the distribution of powers and political representation.

[1025] Rolandsen, Ø.H. (February 2010), p. 3; The Dutch Ministry of Foreign Affairs, (June 2011), p. 48

[1026] Rolandsen, Ø.H. (February 2010), p. 2. For this reason, the author claims that the distinction between Southern civilians and combatants is "artificial (p. 2)."

[1027] The Dutch Ministry of Foreign Affairs, (June 2011), p. 48 (translated from Dutch), while referring to International Crisis Group, (23 December 2009)

[1028] Suliman, M. (November 2005), p. 7. The author concludes: "Effect has inverted into cause. That is why enduring, old conflicts are difficult to resolve, because the initial causes are constantly being augmented   by the intrusion of feelings (perceptions) into the causal sphere (p. 7)."

environmental scarcity appears to predominate."[1029] Resource conflicts predominantly involve collisions over cattle and meadow rights, land tenure and access to drinking water, particularly between crop farmers and (semi-)nomadic pastoralists).[1030] Local demographic pressure, tensions and competition over already limited resources like drinking water, food items, land, firewood and charcoal can be further intensified by natural population and livestock growth, the (South) Sudanese government's nepotism, foreign leasing initiatives to attract investors groups and slash-and-burn tactics to clear oil sites from their original inhabitants, the presence of OAGs, large-scale foreign deployments (for instance UNMIS), but also by the influx and new settlements (i.e. urbanisation with unanticipated growth) of refugees from neighbouring countries, internally displaced people and returnees who might (re)claim homes, land, basic services (like medical and education services) and supplies.[1031] Subsequently, "the carrying capacity of the regional ecosystem [and not to forget its resource base] has been stretched to the limit."[1032]

The proxy wars as carried out by OAGs, originating from Sudan or from one of the bordering countries, are a well-known threat in South Sudan. Due to the porous nature of the borders (37), the fact that these are partly disputed, and the given that the GoSS and its law enforcement entities are thinly spread in rural areas (9), foreign OAGs can not only operate freely alongside the Southern borders but also successfully find refuge within such border zones. This is best illustrated by the dispersed regional presence of the Ugandan-originated Lord's Resistance Army (LRA) that causes widespread fear, slaughter, breakdown of livelihoods, communities and food security, thereby generating massive streams of both internally displaced people and refugees throughout the border areas of South Sudan, the DRC and the Central African Republic.[1033] In South Sudan, the effects of the LRA's atrocities are mostly felt in Western Equatoria and Western Bahr el Ghazal (38).[1034] As the political negotiation process coupled with the launch of a joint cross-bordering military mission (also aimed to kill LRA-leader Joseph Kony) failed in 2008, Uganda and the invaded countries did not manage to solve the LRA issue let alone capture Kony.[1035] This leaves a massive challenge for South Sudan when becoming independent.

To conclude this paragraph, local quarrels throughout the South can simply end in extremely volatile warfare with massive (accidental) civilian fatalities and injuries, as the illicit access to and proliferation of small arms and light weapons (also known as SALW[1036]) habitually is uncomplicated as

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[1029] El-Battahani, A. (2006), p. 13

[1030] Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 10; conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009; Sullivan, P.J. & Nasrallah, N. (June 2010). Cows are of high value for many Southern tribes (but also in some of Sudan's international border areas). They are kept for two aims; to exhibit status and prosperity and to pay wedding dowry. Armed shepherd boys try to protect the cows and themselves against attacks and cattle raids (http://www.ikvpaxchristi.nl/conflictgebieden_afrika_soedan_lokale_spanningen.htm).

[1031] International Resources Group, (September 2007), p. 27; interview 4; Schomerus, M. (November 2008), p. 4; Sullivan, P.J. & Nasrallah, N. (June 2010), pp. 8 and 11; Southern Sudan Centre for Census, Statistics and Evaluation, Food Security Technical Secretariat, (June 2011), pp. 1-4. Though the signing of the CPA put streams of returnees into motion - and the upcoming Southern independence is likely to trigger even more people to return whether to the South or the North - a rather slow and difficult process continues involving many challenges like lack of transport to final destinations, continuing deteriorating security conditions in the South, limited livelihood opportunities and unsettled citizenship issues.

[1032] Suliman, M. (November 2005), p. 11

[1033] International Crisis Group, (28 April 2010), p. i; The Dutch Ministry of Foreign Affairs, (June 2011), p. 50. Over time, the LRA committed severe atrocities and abuses including manslaughter, mutilation, rape, pillage, hostage-taking and abduction of (unarmed) people to recruit them to become rebel fighters or for domestic and sexual exploitation. There are ICC warrants out for Joseph Kony and his close aides since 2005 (http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/Situations/Situation+ICC+0204/).

[1034] Interviews 2 and 4; The Dutch Ministry of Foreign Affairs, (June 2011), p. 50

[1035] After the no-show of Kony for a peace treaty signing ceremony in December 2008, Uganda - backed by the United States - launched together with the DRC and South Sudan a joint military offensive 'Operation Lightening Thunder' against remote rebel bases to persuade Kony to sign peace agreements. Although the operation disrupted the LRA organisation, it did not lead to success and dispersed the LRA into multiple units and prompted the killing of many civilians as an act of vengeance.

[1036] SALW are used to bridge relatively short distances when targeting someone or something (interview 6; http://www.globalsecurity.org/military/systems/ground/small-arms.htm). Some define small arms as hand-held small-calibre "weapons that are designed for personal use[, which may include] revolvers and pistols, rifles and carbines, sub-machine guns, [AK-47] assault rifles and light machine guns (Isikozlu, E. & Stone, L. (2007), p. 3)." According to these authors, light weapons pertain to (larger, medium-calibre, but still man-portable) arms that are meant to be used by multiple people within a group such as "heavy machine guns, hand-held grenade launchers, portable anti-aircraft guns, mortars of less than 100m[illimeter], portable

well as that such firearms are often relatively cheap to obtain and both simple in their use and maintenance.[1037] Other known direct and indirect risks are the damage to property and infrastructure, breaches of human rights, a weakened rule of law system and - subsequently - a further breakdown of the already fragile security and stability.[1038] Despite these significant risks, many Southerners - whether regular civilians or OAGs - obtain small arms for the purpose of personal protection since adequate institutions to maintain law and order lack, for prestige and cultural tradition (including cattle herding and raiding) or to create alternative (unlawful) livelihoods.[1039] In response, the GoSS initiated large-scale civilian disarmament campaigns in an attempt to abate the amount of circulating firearms, but these initiatives failed whereby the government "encountered major resistance, and weapons keep flowing into the region."[1040] Hence, there is an omnipresence of such SALW in the Southern society which can impede the South to become a peaceful viable state, but it is highly unlikely that this obstacle will be solved in the near future **(39)**.[1041] In addition, despite that a new full-scale North-South conflict is considered unlikely immediately after the Southern formal breakaway, a further worsening of the security along the North-South border and within South Sudan and a future North-South conflict are still conceivable.

South Sudan: the land of plenty and of scarcity
This last contextual paragraph elaborates on the geographical environment, socio-economic and health domains as well as the institutional aspects that affect the quality of life of the Southerners. South Sudan seems hereby to be a realm of extremes; rich in cultural diversity and natural resources while the quality of life for many Southerners continues to be meagre. Also here, the Southern government faces massive challenges not only to foster genuine development, but also not to let the people down on the bumpy road to viable secession from the North. This paragraph will be divided into two sections. Despite that there will occasionally be some overlap, the first section predominantly draws attention to the environmental and infrastructural aspects of South Sudan. The concluding section addresses the Southern inhabitants and their standard of living.

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anti-tank guns, recoilless rifles, portable launchers of anti-tank missile and rocket systems (p.3)." In addition, it is asserted that light weapons - unlike small arms - are also meant for groups targets (interview 6). Finally, Isikozlu and Stone point out that occasionally also ammunition is considered to fall under SALW (p. 3).

[1037] Based on conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009. During these talks it was also claimed that some arms could be even cheaper procurements than chickens. Altogether, these firearms "are a legacy from decades of armed violence in and around Sudan, trickle-in from neighbouring countries, […] are captured during fighting or stolen from storages[, and - moreover -] it is suspected that many have been distributed by the Sudanese government or regional governments to their proxies (Wezeman, P. (March 2010), p. 63)." The latter does however not intend that Sudan (and subsequently South Sudan) has no legislation for SALW. At least, Sudan signed the *Nairobi Declaration on the Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and Horn of Africa* in 2000 and the *Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States* in 2004 and which entered into force in 2006 (Urquhart, A. (March 2011), p. 5). In addition, Urquhart asserts that "[s]upplementing the Nairobi Declaration, the Nairobi Protocol legally binds state parties to fulfil a range of commitments relating to SALW control legislation, including ensuring that the harmonisation of laws occurs (p. 5)." Although the signing of treaties normally obliges countries also to ratify them, it remains however unclear whether Sudan is fully bound by the treaties as Isikozlu and Stone (2007) remark that it did not yet ratify the Nairobi Protocol "[and subsequently] is only morally - not legally - obliged to fulfil the conditions (Isikozlu, E. & Stone, L. (2007), pp. 7-8)."

[1038] Isikozlu, E. & Stone, L. (2007), pp. 3-4

[1039] Isikozlu, E. & Stone, L. (2007), p. 4; interview 6; conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009

[1040] Wezeman, P. (March 2010), p. 63. These - sometimes by the SPLA enforced and very selectively executed - initiatives failed and were met with stiff resistance, because it left disarmed civilians highly vulnerable to violence by, for instance, rivalling tribes and OAGs; it collided with cultural traditions; firearms are considered property which have to be paid for; there were not enough weapon assembly points; people only handed in the few registered weapons; or they immediately could rearm themselves by purchasing new arms, ambushing weapon depots or through distribution by militias, Sudanese government officials or neighbouring countries (interview 2; Small Arms Survey, (May 2009), pp. 4-7; Cropley, E. (9 April 2010); IRIN, (17 May 2010)). Except for civilian disarmament campaigns, the GoSS - "[w]ith support from UNMIS, UNDP and Luxembourg [- …] has begun plans to create an Anti-[live]Stock Theft Unit (International Crisis Group, (23 December 2009), p. 23)."

[1041] Almquist, C. (March 2010), p. 4; Cropley, E. (9 April 2010). Wezeman (March 2010) estimated that "up to 2 million small arms are spread amongst civilians and non-state armed groups in the whole of Sudan, including up to 750,000 in South Sudan (Wezeman, P. (March 2010), p. 63)."

Geographical characteristics

The Southern half of Sudan consists of vast green flood plains, a low level of urbanisation and relatively sparsely populated rural areas, despite the given that the majority of the Southerners is estimated to live in these areas.[1042] The landscape is characterised by a primarily semi-humid climate or tropical environment including a raining season[1043] and ambient temperatures above 25°C (especially during the dry season), half a dozen ecological zones, extensive but rainfall-dependent and unevenly spread water resources, considerable fertile soils which not only generate a rich biodiversity but also are presumed to comprise various natural high-value resources like oil, minerals and precious (industrial) metals **(40)**.[1044] Nonetheless, the South's true potential remains unspecified as explorations have been limited.[1045] The International Monetary Fund (April 2011) suggests that with an accurate management of such natural resources, South Sudan has "the potential to become a viable state and important player in the region."[1046] In addition, the South is considered - if it invests properly in both its transportation and water infrastructure - to have "great potential for [intensive rain-fed or irrigated] agriculture and forestry" pertaining to fruit and rubber trees, teak and mahogany, and plants to prevent further desertification in peripheral areas.[1047]

Despite its vast potential, scarcities in natural resources (e.g., (crop)land, forests, food, fresh water, wildlife) are common due to natural factors such as persistent periodic droughts and seasonal floods, and man-made factors such as the outbreak of inter-communal fights and mounting population growth.[1048] Especially the latter generates environmental degradation in terms of excessive hunting, overharvesting, slash-and-burn low-intensity (or poor productivity) agriculture, overgrazing and pollution. Subsequently, from time to time parts of South Sudan require foreign food relief that seems to be at odds with the Southern assumed potential.[1049] This effect is further compounded by the given that South Sudan still can be considered a war-torn society with a war economy whereby people predominantly concentrate on subsistence agriculture. This subsistence agriculture alongside considerable price fluctuations, low productivity and crop failure, makes a large of the populace extremely vulnerable and dependent on paid food, aid and imports from neighbouring countries.[1050]

Although South Sudan's basic infrastructure was far from perfect in the beginning, the civil wars and current conflicts not only heavily ravaged but also thwarted the rehabilitation and improvement of the

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[1042] International Resources Group, (September 2007), p. 26

[1043] The South on average has a six to eight months long sweltering rainy season with substantial rainfalls (though not all areas are confronted with these rainfalls nor face the same amount of cloudburst), whereby "[…] in the extreme south some rain may occur in any month (BBC, (updated 23 March 2011)."

[1044] International Resources Group, (September 2007), pp. 1, 8-10, 12-14 and 19; Sullivan, P.J. & Nasrallah, N. (June 2010), p. 13; United States Department of State, Bureau of African Affairs, (updated 29 June 2010). The ecological zones include "savannah woodland (high and low rainfall), flood region, [mountain forest] zone, and semi-desert. […] Low rainfall savannah occurs mainly in the north and is only represented in the south by a small area in the northern parts of Upper Nile State. High rainfall savannah covers most of South Sudan with the exception of the floodplain around the Nile and the [mountain] region of Didinga and Imatong Mountains. High rainfall savannah woodland is further divided into two sub-zones, savannah woodland and savannah woodland recently derived from rainforest (International Resources Group, (September 2007), pp. 9-11, based on the classification given by Harrison, M.N. & J.K. Jackson, (1958))."

[1045] International Resources Group, (September 2007), pp. 1, 8-10, 12-14 and 19; Sullivan, P.J. & Nasrallah, N. (June 2010), p. 13; United States Department of State, Bureau of African Affairs, (updated 29 June 2010)

[1046] International Monetary Fund, (April 2011), p. 10, Box 2

[1047] Sullivan, P.J. & Nasrallah, N. (June 2010), pp. 10-11 and 12. For instance, better irrigation systems, more diverse and higher valuable food crops and improved access to the market (i.e. to actual market places through the rehabilitation of roads, improvement of preservation facilities and to the (international) trade system, for instance, in terms of reduced import and export taxes).

[1048] Sullivan, P.J. & Nasrallah, N. (June 2010), p. 8

[1049] Southern Sudan Centre for Census, Statistics and Evaluation, Food Security Technical Secretariat, (October 2010), p. 1. See for instance the severe droughts and conflicts in Jonglei state in 2010 (Harding, A. (2 April 2011)).

[1050] Southern Sudan Centre for Census, Statistics and Evaluation, Food Security Technical Secretariat, (October 2010), p. 1. See also the section *The people, their quality of life and imbalances.*

available structures.[1051] In addition, the development of such infrastructure was neither a priority for the national nor the Southern government during the first couple of years of the CPA interim period.[1052] Hence, South Sudan sincerely lacks vital transportation infrastructure (also to connect an independent South Sudan with its neighbours in the future) in terms of proper roads, bridges, railways, canals and air fields with paved strips, along with electricity and water nets **(41)**.[1053] Water is particularly relevant for access to drinking water (for humans and livestock), sanitation, sewage and irrigation systems for agricultural livelihoods. Even in Juba electricity grids and water nets are almost entirely absent.[1054] It may be obvious that the transportation infrastructure and the access to drinking water points are of overriding importance as it directly touches upon people's daily life, health, livelihoods and supply lines.

Formally, there are no restrictions to the freedom of movement within the South, the North and between the two parts of Sudan, except for Darfur and - occasionally - in conflict areas where free access is hampered by for instance, (illegal) checkpoints erected by the military, OAGs and criminals **(42)**.[1055] In addition, in spite of the conceivable risk of being compelled to hand over road toll or inducements, being ambushed or attacked when using the roads, these are often still considered to be safer and faster than travelling off-road through regions that are strewn with land mines and other unexploded ordnances**(43)**.[1056] South Sudan initiated some major projects to clear mine fields with the help of the United Nations and individual donor countries. Nevertheless, the clearing of mine fields and unexploded remnants of the conflicts is not only a time-consuming process but seems also obstructed or even reversed by anew placing of mines by the SPLA and/or OAGs on main roads.[1057] This might cause that de-mining organisations such as the UN Mine Action, become "reluctant to participate in further de-mining [in Unity State] for fear that either side will follow their tracks and re-mine."[1058]

Moreover, the freedom of movement and the accessibility to certain districts or mobility can be considerably reduced during the raining seasons, since the existing roads particularly outside Juba are neither asphalted nor drained.[1059] At the same time, these road conditions also suggest careful driving during the dry season as the bumpy road might wreck vehicles. Even so, the absence of appropriate transport infrastructure chronically impedes military, law enforcement or humanitarian assistance (either Southern or interventionist) to reach affected populations, especially when this assistance is deployed aloof.[1060] Travelling by railway or flying is not always an option, because of the bad conditions of the few existing railways and the limited number of air fields with both appropriate paved airstrips, and available aircrafts **(41)**.[1061] Subsequently, the lack of transport infrastructure directly challenges peoples' survival. For all these reasons along with a strong socio-economic incentive, the GoSS desires to invest into the

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[1051] Conversations with local staff during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009. As such, Shankleman (July 2011) concludes that "South Sudan is a post-conflict country that requires construction rather than reconstruction (Shankleman, J. (July 2011), p. 9)."

[1052] Thomas, E. (2009), p. 26

[1053] Sullivan, P.J. & Nasrallah, N. (June 2010), pp. 2 and 13. Most families "rely on public small water pumps or creeks for their daily drinking water and have no access to electricity, while the ones who can afford it purchase bottled water and have large water tanks and aggregates on their compound (pp. 13-14)." Besides, the authors point out that "[e]lectrical networks are almost exclusively in the north, and all hydropower and the best irrigation systems are in the north. Investment for development in the north far outstrips that for the south. (p. 2)." Waste disposal is still in its infancy being burned by people themselves at their homes or "indiscriminately dumped on the land and in waters" often just outside towns (International Resources Group, (September 2007), p. 27).

[1054] Sullivan, P.J. & Nasrallah, N. (June 2010), pp. 2 and 13

[1055] The Dutch Ministry of Foreign Affairs, (June 2011), pp. 66-67. This does however not intend that the freedom of movement cannot be deliberately frustrated by the government, especially regarding the GoS in opposition to Western troops and individuals or organisations openly critical to Sudan (interviews 8, 12 and 15; conversations with IKV Pax Christi staff during my field trip to South Sudan from 7-21 July 2009).

[1056] Based on conversations with local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009

[1057] Fick, M. (6 April 2011); Sudan Human Security Baseline Assessment, (3 June 2011), p. 3

[1058] Based on Sudan Human Security Baseline Assessment, (3 June 2011), p. 4

[1059] Conversations with local staff during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009

[1060] Interviews 2 and 4

[1061] Interviews 2, 4 and 12. Although South Sudan has multiple airports, only few seem to have paved airstrips and one (Juba) has international connections (interviews 2, 4 and 12; The Dutch Ministry of Foreign Affairs, (June 2011), p. 67).

development and enhancement of vital Southern infrastructure, which will require another considerable piece of already scarce governmental budgets, let alone the money that is needed for the maintenance of developed infrastructure.[1062] Nevertheless, the EU suggests that there are some opportunities to attract financial resources from regional initiatives and funds when addressing the cross-cutting infrastructure issues between South Sudan and neighbouring countries.[1063]

Pertaining to water, one of the rudimentary necessities of life, South Sudan is thought to have considerable (ground) water resources and a "vast untapped potential for irrigated agriculture [and the development of the petroleum sector[1064]], but the lack of water infrastructure is a major impediment [since for] example, huge amounts of Nile water are lost in the Sudd marshlands through evaporation."[1065] Together with an 'uneven distribution' of (ground) water resources in the South, variable seasonal rainfalls across the country, more persistent periods of droughts and an increasing water demand (i.e. for daily drinking water, pasture, agricultural food production, domestic and industrial purposes), the need of improved water infrastructure and subsequent management becomes progressively pressing.[1066] For these reasons, the GoSS included the improvement of (particularly rural) water infrastructure as one of its investment priorities from 2008 onwards.[1067] Altogether, these governmental anticipated improvements in the geographical environment conditions suggest major alterations in the lives of many Southerners, if they will realised.

The people, their quality of life and imbalances
There are many indicators to assess the standard of living and accordingly the supposed quality of life and welfare of a group of people. Apart from the geographical environment conditions as described above, key classifications are the level of human freedoms that citizens enjoy to make informed choices and fully exercise their potential, their health circumstances, and their access to education and work (i.e. income).[1068] Here, factors like demographic features, societal cohesiveness, social norms, inequalities and the performance of the government play important roles. The following section scrutinises these topics to obtain an impression of the current Southern Sudanese standard of living.

First of all, most Southerners live in rural areas, whereby the state of Jonglei has the largest rural population and Western Bahr el Ghazal the smallest.[1069] Further, South Sudan's society is culturally diversified entailing many ethnic tribes that are subdivided in numerous clans, "which are usually connected with specific areas of land or territory."[1070] The largest Southern tribes pertain to the Dinka and Nuer, which are followed by "smaller tribal groups, such as the Acholi, Azande, Bari, Chollo (Shilluk), Fula, Madi, Murle[, Anyuak, Jie, Longarim, Kachipo, Didinga, Boya[1071]] and Toposa."[1072] Together, these Southern habitants speak numerous languages ranging from regional indigenous or tribal-affiliated tongues, to ((South) Sudanese variants of) Arabic, and English.[1073] The INC (thus for the whole of Sudan) stipulates that both Arabic and English are the formal languages for governmental institutions, though English is hardly spoken in rural areas **(44)** and in both formal languages illiteracy is widespread.[1074]

[1062] Government of South Sudan, (April 2008), pp. 10-11; Arol Garang, N. (30 August 2010). The GoSS decided in 2008 that the rehabilitation of the Southern roads would be one of its six expenditure priorities for the period 2008 until 2011. The developmental plans for 2011-2013 are still under scrutiny and final versions are not expected before October or November 2011.
[1063] The Dutch House of Representatives, (23 June 2011), p. 9
[1064] Sullivan, P.J. & Nasrallah, N. (June 2010), pp. 2-3
[1065] Sullivan, P.J. & Nasrallah, N. (June 2010), p. 12. See also International Resources Group, (September 2007), pp. 8-9 on information and maps of the Southern water resources and footnote 890 for information about the Nile Basin Initiative.
[1066] International Resources Group, (September 2007), p. 9, by referring to Mohamed, Y.A. (ed.) (2007); Sullivan, P.J. & Nasrallah, N. (June 2010), p. 13
[1067] Sullivan, P.J. & Nasrallah, N. (June 2010), pp. 13-14
[1068] Based on the United Nations Development Programme, (November 2010); Nyanyang Kuch, P. (5 June 2011)
[1069] World Bank Poverty Reduction and Economic Management Unit, (March 2011), p. 6, section 1.13
[1070] Barltrop, R. (2010), p. 7
[1071] IRIN, (29 April 2010)
[1072] Barltrop, R. (2010), p. 7
[1073] The Dutch Ministry of Foreign Affairs, (June 2011), p. 6
[1074] Based on the Dutch Ministry of Foreign Affairs, (June 2011), p. 6

Besides, the Southerners are also religiously divers as the majority of the people is considered animist[1075] or Christian and to a marginal extent Muslim.[1076] In the end, this cultural depiction of the South is even more convoluted as the region also accommodates influxes of refugees from neighbouring countries (i.e. the DRC, the Central African Republic and Ethiopia), predominantly due to upheavals of rebel hostilities over the past decades.[1077] Yet, South Sudan's cultural diversity, among other factors, appears to be at odds with a cohesive society and a generally accepted Southern identity, which could foster some degree of internal peace in the region.

Despite prevailing unifying factors like a widespread collective desire of an independent South Sudan, "the historical basis for [South] Sudan as a distinct entity, opposition to domination of [North] Sudan, and the shared experience and suffering of the war," the South is deeply segregated and lacks a cohesive identity **(45)**.[1078] Even nowadays, "local and tribal identities remain stronger than any sense of national consciousness in South Sudan."[1079] Moreover, it is argued that in Southern states like Jonglei "[t]he escalation of violence has deepened divisions among its communities and its leaders, some of whom may be manipulating conflict to their own ends."[1080] Such hostilities did not leave the social ties unperturbed. Phenomena like the 'extended family,' clan or kinship system and close social relationships in South Sudan are still important and respected, but their strengths became profoundly affected by decades of violence.[1081] In addition, the conflicts prompted "inter-generational rifts," whereby adolescents "who fought in armed groups[,] now question the traditional authority of elders."[1082] The lack of societal cohesiveness seems to be further amplified by significant forced mass displacements stemming from escaping violence and bloodshed, governmental pressure, (inter-tribal) kidnappings, opportunities to acquire education elsewhere or persistent unemployment in rural areas due to the absence of sufficient livelihoods.[1083] Nevertheless, these drawbacks together with 'tribal posturing' need to be weighted "against the benefits of a united South, since greater cooperation is necessary if [the Southerners] are to forge a new and viable state."[1084] For the purpose of safeguarding the future of South Sudan, "the leaders of the SPLM and GoSS therefore tended to stress the need for all [S]outherners to cooperate, whatever their background."[1085] Yet, the on-going violent quarrels emphasise the urgent need to settle outstanding hostilities and lingering internal pressures and unite the people through establishing a genuine South-South dialogue and subsequent reconciliation to prevent the new state from immediate failure. El-Battahani's (2006) comment that "Sudan has not evolved an effective political answer to the problem of diversity and pluralism" during the CPA transition period, appears still valid.[1086]

At the same time, the GoSS attempts to address cultural gender disparities which affect the quality of life (and human freedoms) of men, women and children in the South. Originally, in South Sudan's society attitudes, interactions and responsibilities are rooted in traditional norms and values whereby men are traditionally seen as the natural heads of households in the South and enjoy socio-

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[1075] Animism refers to the belief that even lifeless things in nature have spirits and human characteristics.

[1076] The Dutch Ministry of Foreign Affairs, (June 2011), pp. 6-7, while referring to the United States Department of State, Bureau of Democracy, Human Rights, and Labour, (17 November 2010) and Central Intelligence Agency, (date unknown of the database consultation)

[1077] The Dutch Ministry of Foreign Affairs, (June 2011), p.105

[1078] Barltrop, R. (2010), p. 8

[1079] International Crisis Group, (23 December 2009), p. i

[1080] International Crisis Group, (23 December 2009), p. i

[1081] Based on conversations with staff and local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009. The extended family system denotes a household unit consisting of the parents, children and near relatives. Another family system that is known in South Sudan is the polygamous household. It appears that "the average number in a private household is seven (The Southern Sudan Centre for Census, Statistics and Evaluation, (8 February 2011), p. 3)."

[1082] Schomerus, M. (November 2008), p. 4

[1083] Based on conversations with staff and local Southerners during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009. Other causes are, according to Schomerus (November 2008), found in unsettled inter-tribal "grief, painful memories, extensive alcoholism and drug abuse (Schomerus, M. (November 2008), p. 4)."

[1084] International Crisis Group, (23 December 2009), p. i

[1085] Barltrop, R. (2010), p. 8

[1086] El-Battahani, A. (2006), p. 13

economic, political and legal advantages over women (and children) **(22)**.[1087] For instance, despite that women (culturally engaged with child care, household chores and crop farming) are considered having "some economic activities, including beer making and petty trade, these are generally fairly low income activities [and moreover] distances to market centres often preclude women from taking their produce to markets."[1088] Formal educational opportunities are slowly on the rise (also with international donor support), though in some communities female participation is still little due to cultural restrictions or a lack of income to pay school fees.[1089]

Moreover, the female family status in South Sudan might be ambiguous. On the one hand, the impression is that women have a significant social position in Southern society as they contribute to the family cohesion and welfare by taking care of family relationships, childbearing and providing the family access to wedding dowry through (arranged) marriages.[1090] On the other hand, this observation might fuel the claim that women are seen as property.[1091] Besides, women often become victim of targeted gender-based violence by men, a phenomenon that is often compounded by drinking which is widespread, also under security forces.[1092] In addition, women subjected to gender-based violence more often than not encounter significant obstacles when seeking justice, in society and legally.[1093] In the end, the traditional gender roles however appear under pressure as women enjoy step by step more 'social freedom,' particularly in urban areas like Juba.[1094] Yet, the international female-centred gender focus to empower women might create friction between Southern Sudanese men and women.[1095]

The current interim constitution for South Sudan encloses "more rights [and thus human freedoms for] women, children, and HIV positive persons" than the INC, and simultaneously acknowledges human freedoms like religious freedom, freedom of expression, freedom of association and political organisation, and press freedom.[1096] In practise, human rights and freedoms are however not always respected **(31)**, might clash with traditional cultural norms and practices **(34)**, additional law regimes might lack **(30)** and seem not always endorsed for all marginalised groups, like sexual minorities **(22)**.[1097] For example, journalists and press critical of the GoSS, political opposition parties and their voters can be subjected to compulsion, intimidation, political violence and imprisonment. The increased legal protections of women in the interim constitution for South Sudan (e.g., freedom of movement and residence, property ownership

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[1087] Murray, Ch. & Maywald, C. (2006), pp. 1216-1217 and 1224-1225; Nyanyang Kuch, P. (5 June 2011)

[1088] Brown, M. & Sidahmed, A. (June 2009), p. 19. This causes limited freedom of movement for women.

[1089] Based on Nyanyang Kuch, P. (5 June 2011). Yet, education levels in the South are considered extremely low and illiteracy is widespread (interviews 2 and 4; World Bank Poverty Reduction and Economic Management Unit, (March 2011), p. 3, section 1.11). Illiteracy is felt the most in rural areas and by women (The Southern Sudan Centre for Census, Statistics and Evaluation, (8 February 2011), p. 9).

[1090] Gross, C., Kudelko, K. & Purvis, Ch. (24 January 2011), pp. 18-19, while citing Aleu Akechak Jok, J., Leitch, R.A. & Vandewint, C. (March 2004). In general, Sudanese people marry within their community or ethnical group and polygamy is an accepted feature in the cultural tradition of many tribes (based on conversations with local staff during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009.

[1091] Gross, C., Kudelko, K. & Purvis, Ch. (24 January 2011), pp. 18-19, while citing Aleu Akechak Jok, J., Leitch, R.A. & Vandewint, C. (March 2004)

[1092] Gross, C., Kudelko, K. & Purvis, Ch. (24 January 2011), pp. 10-13; Martin, E. (November 2010), p. 4

[1093] Gross, C., Kudelko, K. & Purvis, Ch. (24 January 2011), pp. 18-24; The Dutch Ministry of Foreign Affairs, (June 2011), pp. 86-91. For example, women can be imprisoned or legally punished without charges and be sentenced for a broad range of ostensible offences; when they 'violate' the public law and order by dressing indiscreetly, reject arranged marriages, and in case of family disputes (The Dutch Ministry of Foreign Affairs, (June 2011), pp. 74 and 79, while citing Leonardi, Ch., Nelson Moro, L., Santschi, M. & Isser, D.H. (October 2010); United Nations General Assembly, Human Rights Commission, (26 May 2010). In addition, regarding married women "[t]he bride-wealth system also acts to prevent divorce even where marriage is violent or otherwise unbearable (Gross *et al.*, (24 January 2011), p. 19). Besides, domestic violence is not legally acknowledged as a crime (The Dutch Ministry of Foreign Affairs, (June 2011), p. 89).

[1094] Martin, E. (November 2010), p. 4, original quotation marks utilised. Though women become increasingly (and more visibly) involved in politics and their socio-economic role is now acknowledged, it does not intend that the overall quality of lives of the majority of Southern women has improved nor that traditional norms and values have completely vanished, yet (p. 4).

[1095] Martin, E. (November 2010), p. 5

[1096] Based on Murray, Ch. & Maywald, C. (2006), pp. 1216-1217. See also The Dutch Ministry of Foreign Affairs, (June 2011), pp. 56-66

[1097] Murray, Ch. & Maywald, C. (2006), pp. 1224-1225; The Dutch Ministry of Foreign Affairs, (June 2011), pp. 56-66

and inheritance rights), occasionally prove to discord with persistent cultural male beliefs. Homosexuality is socially not accepted and will not likely become so in the near future.[1098] And, as a final point, people on the flight from aggression, and particularly refugees, appear also vulnerable and not fully enjoying their human freedoms. Besides, an information gap (i.e. citizens are unaware of their rights) stemming from a lack of public information coupled with widespread illiteracy remains a significant problem to challenge these practises **(30)**.[1099] This all suggests that the existing civil society in Southern Sudan still has a lot to do in encouraging social change by empowerment of those deprived from their human rights and freedoms while developing a powerful counter-voice to the government at the same time.

People's health conditions are important markers to get an impression of their assumed quality of life. It turns out that in South Sudan the maternal mortality and 'under-5' mortality rates are extremely high, even compared to regional averages.[1100] Moreover, the life expectancy at birth is around 42 years**(46)**.[1101] Besides, the population figures for South Sudan reveal that slightly more than halve of the Southern population is quite juvenile (i.e. below the age of 18) and almost three quarters of the Southerners is under 30 **(46)**.[1102] In addition, there are fewer men than women in the age ranges of 20-39.[1103] These are typical signs of a war-torn underdeveloped society. The quality of life (and life expectancy) for many Southerners is further affected by - amongst others - malnutrition, lack of access to the existing insufficient health care and basic (affordable) medicines, absence of appropriate drinking water, sanitation and waste disposal facilities **(41)**. This is perhaps most visible in rural areas as well as in refugee and transit camps where refugees, internally displaced persons and returnees are cramped together and habitually push the existing health capacity to extremes.[1104] Especially in these areas, despite regional vaccination campaigns, the risk of repeated outbreaks of (communicable) diseases is therefore substantial**(47)**.[1105] These diseases might be further spread by population movement when ill or affected people (are forced to) migrate and come into touch with other populations **(48)**.[1106] Thus far, government funding for health care appears however limited to urban regions **(9, 41)**.[1107] In addition, foreign humanitarian assistance and the distribution of health services and supplies can however be hampered by to issues like a lack of basic road infrastructure and transport capacity, a deteriorating security environment (e.g. the outburst of local armed hostilities) and subsequent population movement.[1108] Nonetheless, the GoSS considers the improvement of the health sector a development priority the upcoming years as this would stimulate "a healthy productive population, fully exercising its human potentials."[1109]

The assumed quality of life and people's welfare is also reflected in the livelihood opportunities citizens have to obtain decent income and not to live in (extreme) poverty. Apart from the GoSS' extensive public payroll, there appear three additional prevailing livelihoods or income generating sectors

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[1098] Sudan Tribune, (31 July 2010); The Dutch Ministry of Foreign Affairs, (June 2011), pp. 95-96

[1099] Based on Murray, Ch. & Maywald, C. (2006), p. 1225; Rolandsen, Ø.H. (July 2007), p. 14; interviews 2 and 4

[1100] World Health Organisation, (4 April 2011), p. 1, based on figures of 2009

[1101] The New York Times, (9 January 2011)

[1102] The Southern Sudan Centre for Census, Statistics and Evaluation, (8 February 2011), p. 3

[1103] World Bank Poverty Reduction and Economic Management Unit, (March 2011), p. 4, section 1.12

[1104] The World Health Organisation South Sudan Office, (2011), pp. 2 and 20

[1105] The World Health Organisation South Sudan Office, (2011), pp. 2 and 20. Many of the conceivable diseases that might end fatally without medicines seem also typical for war-torn underdeveloped societies, for instance, measles, meningitis, acute watery diarrhoea, hepatitis, cholera, malaria, sleeping sickness, dengue fever, typhoid fever worms and rabies (based on Central Intelligence Agency, (updated 5 April 2010), while addressing the whole of Sudan; The World Health Organisation South Sudan Office, (2011), pp. 8-12). Despite a relatively low incidence of [HIV/AIDS] with prevalence rates estimated at around 2.6% of the adult population," it is an increasing challenge for South Sudan because of the "peace process and subsequent opening of the Southern [...] borders and the interior (http://www.sd.undp.org/projects/s_hiv2.htm)."

[1106] Clingendael expert meeting, (21 November 2008)

[1107] The Fund for Peace, (2009); The World Health Organisation South Sudan Office, (2011), p. 20

[1108] The World Health Organisation South Sudan Office, (2011), pp. 2 and 20

[1109] The World Health Organisation South Sudan Office, (2011), p. 18

in South Sudan.[1110] The majority of the Southern households hinge on small-scale, low crop productivity subsistence agriculture and/or pastoralism (i.e. keeping and raising of (small) livestock) as the main sources for their livelihoods.[1111] Accordingly, these households have no or only minimal income and thus little opportunities to take a turn for the better **(26)**. In spite of helpful soil and climate conditions in the South that could foster a more dynamic and diversified mechanised farming sector for (commercial) domestic and foreign consumption, the current state of the Southern infrastructure (including the absence of functioning market systems and preservations facilities) together with the present manner of land cultivation and cattle farming and erratic setbacks like droughts, floods and insecurity obstruct genuine economic growth.[1112] In the end, low crop productivity and crop failures force South Sudan to import food and cattle and to be periodically dependent on foreign humanitarian food assistance **(49)**.[1113] Yet, this does not mean that there is no progression in other sectors of the economy.

The end of the civil armed North-South conflict prompted a 'resumption of economic activities,' whereby the informal economy[1114] and the formal small business sector (particularly the small retail and tourism enterprises) in both urban and semi-urban regions appear to be flourishing.[1115] Further,

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[1110] The World Bank Poverty Reduction and Economic Management Unit (March 2011) highlights that the wealthiest segment of the Southern population is considered to pursue more varied livelihoods than the poorer ones (World Bank Poverty Reduction and Economic Management Unit, (March 2011), p. 6).

[1111] Brown, M. & Sidahmed, A. (June 2009), pp. iv and 3; conversations with local Southerners and staff during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009; World Bank Poverty Reduction and Economic Management Unit, (March 2011), pp. 6-7 (section 1.14 and 1.15) and p. 12 (section 1.23). In South Sudan typical agricultural crops include cassava, maize, sorghum, groundnuts, sesame, upland rice, bulrush and finger millet, green grams, cowpeas, beans, sweet potatoes, pumpkins and tobacco, okra, whereby "[i]n general there is limited crop diversification and [...] an over-reliance on cereals as the main source of food (Annual Needs and Livelihoods Analysis Technical Group, (January 2011), p. 12. See also Brown, M. & Sidahmed, A. (June 2009), pp. iv and 19)."

[1112] Brown, M. & Sidahmed, A. (June 2009), pp. 3-4; United States Department of State, Bureau of African Affairs, (updated 8 April 2011). Other problematising factors with regard to improving agricultural output can be found in Brown, M. & Sidahmed, A. (June 2009), pp. iv-v and 3-4. In addition, the authors mention that "local [cattle] breeds are not sold for consumption because of poor market access and poor quality of the local animals culled for sale (p. 32)." Besides, despite their herding competences, livestock owners "lack knowledge of productivity enhancing practices. Commercialisation of livestock is constrained by poor access to veterinary drugs, poor access to markets and poor breed quality (p. 32)."

[1113] Brown, M. & Sidahmed, A. (June 2009), p. 32; Southern Sudan Centre for Census, Statistics and Evaluation, Food Security Technical Secretariat, (October 2010), p. 1; United States Department of State, Bureau of African Affairs, (updated 8 April 2011). However, Brown and Sidahmed (June 2009) point out that "[e]ven with surplus production, access to adequate food is often limited by lack of income to purchase, distance of markets and cost of transport to markets (Brown, M. & Sidahmed, A. (June 2009), p. 31)." In other words, prices in Sudan can be extremely high because of scarcity in products. Commodities may simply be too expensive for many Southerners to buy, partly because they had to be imported but also because of the presence of the international community which is causing temporary inflation. The adverse effect is the development of an economic bubble, which damages local (informal) economy and society and that will collapse again when the international community leaves Sudan.

[1114] The informal economy (also known as the 'tertiary refuge' sector or shadow economy where there is a lack of governmental monitoring and no tax paying) is particularly found in areas where people come massively together such as in cities where "it is literally possible to make a living for yourself [...] with so many people and activities around (Potter, R.B., Binns, T., Elliott, J.A. & Smith, D. (1999), p. 221)." Typical urban jobs include "street hawking, shoe-shining, ice-cream or 'snow cone' vending, car washing, taxi driving and many others (pp. 221-222 (original quotation marks utilised), while referring to Santos, M. (1979); McGee, T.G. (1979) and Portes, A., Castells, M. & Benton, L. (eds.) (1991))." Informal activities are often characterised - amongst others - by semi-legal, family-oriented, small-scale businesses which involve labour-intensive traditional technology and habitually generate a small number of products and low income (pp. 239-240, while referring to Santos, M. (1979)). According to Potter *et al.* there is however "a limit to the capacity of the informal sector to involute and create employment and income (p. 240)." Meanwhile, despite that the informal and formal sectors are interwoven, a large informal economy seems unattractive for the GoSS as it also means less tax revenues (based on Potter, R.B., Binns, T., Elliott, J.A. & Smith, D. (1999), pp. 238-239, while referring to Santos, M. (1979)). Subsistence agriculture should also be considered part of the informal sector.

[1115] Toh, K. (August 2009), p. 1, based on his 'casual observations' and 'anecdotal evidence' since he claims that official data remains absent. These retail business for instance include economic activities as (cross-border) transportation services, "trading goods, selling phones, running tea shops, and braiding hair (Stone, L. (May 2011), p. 5)." Here, other non-agricultural/non-pastoralism livelihood activities might include income from fishery and other natural resources (e.g. firewood and charcoal), property, remittances (i.e. money sent by overseas relatives) and aid (based on Annual Needs and Livelihoods Analysis Technical Group, (January 2011), p. 7; World Bank Poverty Reduction and Economic Management Unit, (March 2011), pp. 6 and 29-30, based on the data of Sudan's 2009 National Baseline Household Survey).

"[c]onstruction is booming, not in large capital-intensive sectors, but mainly in the construction of hotels and lodges, residential, and roads."[1116] In addition, cross-border trade is progressing with many food items and other goods imported from neighbouring states like Uganda and Kenya.[1117] Nevertheless, these economic sectors cannot "sustain broad based growth" and sufficiently absorb the influx of often unskilled or semi-skilled labour forces such as former combatants and labour migrants from rural regions (which involve a higher unemployment rate than in urban areas), when there are no investment efforts made to foster such sustainable economic growth **(26)**.[1118] Hence, part of the labour migrants appear to return to their former villages as a result of a "lack of economic opportunity in towns."[1119]

The third income generating sector pertains to the heavy industry and more precisely the oil industry, which yields the most cash-generating, however conflict-prone, export product of Sudan since production started in the 1990s.[1120] Though most citizens do not directly benefit from (crude) oil production,[1121] oil revenues directly define the size of governmental budgets and governance payrolls in both North and South Sudan as these predominantly derive from the oil economy **(11)**.[1122] Hereby, there is an interdependency between North and South Sudan since the majority of the proven oil reserves are found and extracted in South Sudan (and from the disputed transitional areas), but are processed in and exported from North Sudan that has the advantage of not being landlocked with a seaport to the Red Sea.[1123] In line with the CPA, during the interim period "[South] Sudan gets a share in the revenues from oil extracted from [South] Sudan, not a share of all oil revenues" that come together in Khartoum.[1124] This interdependency situation is not expected to alter in favour of the South immediately after the CPA comes to an end, because of the absence of a Southern alternative to extract, process and export oil **(50)**.[1125]

In response, South Sudan is discussing the expensive opportunity to set up its own oil infrastructure and to export its oil through the seaport of Lamu in Kenya to bypass its dependency on the North.[1126] As one of South Sudan's main trade partners, it is likely that the South and Kenya will reach an agreement on the establishment of this envisioned oil infrastructure in the first years after the South has seceded from the North **(51)**. Yet, it is suggested that the establishment of such new infrastructure still "would take at least three years to design and build - probably much longer - and there are as yet no clear proposals for how to finance it."[1127] Besides, it might upset the North and subsequently raise tensions or even trigger another future full-blown armed conflict between North and South Sudan "about [the North] being completely cut off from [S]outhern oil."[1128] Taking the financial burden on the GoSS budgets into

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[1116] Toh, K. (August 2009), p. 1

[1117] Toh, K. (August 2009), p. 1; International Crisis Group, (6 May 2010), p. i. China is however the most important trading partner of (South) Sudan (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 66).

[1118] Toh, K. (August 2009), p. 4

[1119] Brown, M. & Sidahmed, A. (June 2009), p. 31

[1120] Shankleman, J. (July 2011), p. 1

[1121] Instead, inhabitants of oil-rich sites habitually lost their grounds and homes through governmental and government-affiliated militia slash-and-burn tactics without any compensation as was foreseen in the CPA (http://www.ecosonline.org). Sullivan and Nasrallah (June 2010) further point out that many Southerners (originally) living in oil-rich areas are confronted with "intrusive surveys, seismic studies, well construction and drilling, and soil and water contamination (Sullivan, P.J. & Nasrallah, N. (June 2010), p. 4)." Here, the environmental problems partly derive from poor oil management (i.e. lack of environmental regulations and enforcement capacity) and maintenance, and aged or damaged oil infrastructure (p. 4). With regard to labour opportunities, only a few Southerners found work in the oil sector (Shankleman, J. (July 2011), p. 2). Sometimes foreign oil concession contracts are provided on the condition that the companies have to invest in infrastructure as well. The agreements do however not bring about much employment for the Southerners as most companies bring in their own people. Besides, working in the oil business often requires certain specialisms which remain difficult to acquire in South Sudan with its low human capital.

[1122] Central Intelligence Agency, (updated 13 August 2009); Shankleman, J. (July 2011), p. 1

[1123] The New York Times, (updated 21 June 2011); Shankleman, J. (July 2011), p. 1

[1124] Thomas, E. (2009), p. 17. See also Sullivan, P.J. & Nasrallah, N. (June 2010), p. 4. Sullivan and Nasrallah claim that South Sudan "would prefer a deal that better reflects its possession of most of the petroleum reserves," which signals potential frictions when the South decides to breach the current accord to gain increased oil rights (p. 4).

[1125] BBC, (22 June 2011)

[1126] Sullivan, P.J. & Nasrallah, N. (June 2010), p. 6

[1127] Shankleman, J. (July 2011), p. 7

[1128] Sullivan, P.J. & Nasrallah, N. (June 2010), p. 6

account, South Sudan's upcoming independence could be interesting since it might attract fresh foreign investors and oil exploitation companies (others than the ones who already have long-lasting concession contracts) who could be contractually bound to bolster socio-economic progress in the South.[1129] Investments are essential to improve the present aged Southern oil industry and to find new oil reserves with the purpose of preventing a decline of the anticipated output of the oil production by 2015 and simultaneously preventing that the GoSS' main income to drastically drop **(52)**.[1130] Still, to appeal to industrial investors it is required that oil sanctions for a sovereign South are lifted in order to enable the import of foreign technology and expertise **(53)**.[1131] In addition, challenging efforts have to be made to establish a more attractive economic climate wherein stability and security are combined with a less heavy foreign and domestic debt and the likelihood of finding new oil reserves **(53)**.[1132] Altogether, these measures might help avoid that investors will be reticent doing business with an independent South Sudan.

Over the years, the national GoSS' budgets have thus become strongly dependent on oil revenues**(11)** coming through Khartoum **(50)**, which indicates a couple of (potential) inconveniences.[1133] Despite some economic growth in the whole of Sudan the last decade, it is questionable whether oil production alone will be a steady source of income for an embryonic country in development considering estimates that the output of the oil production will be waning by 2015 and fluctuating global oil prices**(52)**.[1134] It urges the need for more formal economic diversity (and accordingly alternative livelihoods) to create a more balanced economic buffer. At the same time this would help South Sudan to take a turn for the better and to tackle its high unemployment rates and widespread poverty **(54)**.[1135] This

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[1129] South Sudan is anticipated to respect existing governmental concession contracts that follow a predetermined sharing-agreement and might easily last to thirty years (Shankleman, J. (July 2011), pp. 7-9). Nevertheless, such a compliance seems also important to foster a credible investment climate and to establish the South as a reliable business counterpart. Two of South Sudan's chief oil consumers are China and Japan, though the latter also indirectly receives its oil through China (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), pp. 64, note 125 and 66 in the particular text).

[1130] Shankleman, J. (July 2011), p. 1. Shankleman refers to estimates of the World Bank that Southern (and Northern) current oil reserves are anticipated to "peak in 2012 [and] to decline sharply starting in 2015 unless new discoveries are made or recovery factors are increased (p. 3, while referring to the World Bank Poverty Reduction and Economic Management Unit, (December 2009), pp. 59-60)." At the same time, uncertainty lingers about the actual size of estimated oil reserves and successful oil exploration of new wells (p. 3).

[1131] Sullivan, P.J. & Nasrallah, N. (June 2010), p. 5. The authors point out that despite the given that present-day South Sudan "is technically exempt from U.S. sanctions, the exemption does not apply to the oil industry (p. 5)." It remains however doubtful whether the oil sanctions for the South could be fully lifted after its independence since the Southern oil industry would still depend on the prevailing Northern oil infrastructure (Shankleman, J. (July 2011), pp. 3 and 6). It is expected that the sanctions for North Sudan will continue, which implies "significant compliance challenges" for oil companies and investors interested in South Sudan's oil business regardless of special licenses (Shankleman, J. (July 2011), p. 15).

[1132] This national debt burden (and subsequently Sudan's debt status to external creditors) appears an essential indicator for foreign investors to make concessional foreign loans available to give a boost to the Southern economy (Ali Abbas, S.M., Moriyama, K. & Naseer, A. (March 2010), p. 5; Cropley, E. (9 April 2010). The whole of Sudan has a considerable debt burden, which might be divided between North and South Sudan, though the latter "rejected any responsibility [by claiming that] the North [uses] that borrowed money to wage war against the Southerners (Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 27)." Options to reduce this national debt burden might include better financial management (e.g. more realistic budgeting and the cutting of expenditures), improvement of the economy and unemployment rates and debt relief by the creditors.

[1133] According to the estimates of the Swiss Federal Department of Defence (2009) South Sudan relies for 96% on its oil revenues (p. 1). The estimates of Global Witness and the GoSS itself are even higher, projecting that oil revenues account for 98% of the GoSS' budgets (Global Witness, (September 2009), p. 5; Gatdet Dak, J. (28 November 2009)). Other sources of income are non-oil revenues derived from other commercial sectors (such as agriculture and trade) and tax revenues.

[1134] Based on Shankleman, J. (July 2011), pp. 1 and 9

[1135] Based on World Bank Poverty Reduction and Economic Management Unit, (March 2011), pp. 2-3. Slightly more than half of the Southern population is thought to live below the 'poverty line' that - according to the World Bank while referring to Ravallion, M. (September 1996) and Ravallion, M. (1998) - can be described "as the monetary cost to a given person, at a given place and time, of a reference level of welfare (pp. 2, section 1.8 and 20, section 2.24)." The World Bank explains that "[i]f a person does not attain that minimum level of standard of living, she will be considered poor," but admits that this definition can be highly controversial. Nonetheless, the World Bank suggests, when scrutinising the data of Sudan's 2009 National Baseline Household Survey, that poverty is most visible in rural areas and particularly in the Southern states of Northern Bahr el Ghazal, Unity and Warrap (p. 2, section 1.8). Moreover, female-headed households are estimated to be a little poorer compared to

however suggests that South Sudan efficiently should use its oil income now to subsidise the expansion of its non-oil economy before the anticipated drop in oil production within a few years.[1136]

Yet, the current flow of oil money from the North to the South appears to fall short of the South's actual entitlements, which emphasises the urgency for more transparency in the oil sector and the actual revenue transfers, particularly when the current oil-interdependency and associated sharing or compensation will probably continue after Southern independence.[1137] At this moment, such declines in income (perchance coupled with adverse oil price fluctuations) further reduces the funds available for the GoSS to invest in the South, particularly with regard to (scheduled) societal development (i.e. public services, infrastructure, education and food security) and economic diversification (including the recovery of employment rates) when also taking the government's security-driven agenda and subsequent budget allocations into account.[1138] These top-down income concerns are discernible to lower level administrative units as well, whereby state representatives and other public servants occasionally have to cope with delayed funding and stalled payment of salaries.[1139] The latter even proved to boost "malpractices and illegal fines becoming a feature of policing."[1140] In the end however when significant societal development fails to materialise, the Southern population will be triggered to question the authority and performance of both the GoSS and SPLM in terms of project management, anti-corruption and use of money.[1141]

Hence, South Sudan repeatedly resorts to loans from foreign donors and relies to international aid in an attempt to bridge the financial gaps in its national budgets intended for its priority sectors **(18)**, even when this was due to shortfalls in projected (oil) income, mismanagement or 'limited spending disciplines' over the years.[1142] Moreover, South Sudan receives technical assistance - amongst others - to further develop its own central bank and associated macroeconomic policies and legislative framework.[1143] The most important donors and IOs pertain to the United States, member states of the EU, Norway, Canada, China, India, Saudi Arabia, Kuwait, the United Arab Emirates, Malaysia, Japan, the United Nations, World Bank and the European Commission.[1144] Except for further corrosion of South Sudan's self-reliance in the medium term, this financial dependency involves some other difficulties, especially regarding the CPA and the South's connection with North Sudan.

During the 6 years of the CPA transition period, the CPA stipulated to 'make unity attractive' which in fact raised some commitment constraints for donors loyal to the agreement as they had to "deal with Sudan as a federal state and avoid actions that might suggest Southern Sudan was being treated as a separate entity."[1145] This caused that some donors could not directly deal with the GoSS and that they were obliged to ensure that their commitments in the North and South were interconnected and not to harm the overarching relationship and dependence between both halves of the country.[1146] Besides, donor

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households headed by men. Family units whose head lacks formal education have higher poverty rates than households whose head attended advanced education (p. 3, sections 1.10 and 1.11).

[1136] Shankleman, J. (July 2011), p. 11

[1137] Global Witness, (September 2009)

[1138] Thomas, E. (2009), p. 26; Gatdet Dak, J. (28 November 2009); Shankleman, J. (July 2011), p. 13

[1139] Cook, T.D. (30 September 2008); Swiss Federal Department of Defence, (2009), p. 1 (with regard to the SPLA).

[1140] Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 10, box 3

[1141] Based on Barltrop, R. (2010), pp. 12-13

[1142] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), pp. 53-55

[1143] International Monetary Fund External Relations Department, (20 April 2011). South Sudan applied for membership of the International Monetary Fund by April 2011, which is now under scrutiny. In addition, it is highly probable that South Sudan will introduce a new currency after its independence. North Sudan is already member of the International Monetary Fund.

[1144] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 46 (see also annex 11); The Dutch House of Representatives, (23 June 2011), p. 4. Bennet *et al.* point out that, besides the United States, many donors due to their legislative financial frameworks could not bilaterally contribute "through [the] GoSS until sufficient capacity, accountability and safeguards were in place [and whereby] the risks of corruption considerably narrowed the options available (p. 46)." Hence, many European donors pooled their funds, for instance through the Joint Donor Team and UN channels (p. 46).

[1145] Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 53.

[1146] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 46, whereby they refer to the European Commision and the Contonou Agreement; Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 53

commitments could be earmarked to other priorities (e.g. Darfur and humanitarian assistance) than the GoSS prefers or needs (e.g. capacity building and development).[1147] Also, actual disbursements to the South might be slowly forthcoming as commitments do not intend that the promised money comes available quickly. Though independence would generate more donor opportunities for South Sudan, a careful donor attitude still seems to prevail concerning the remaining interconnectivity and anxieties between North and South Sudan. Altogether, South Sudan really requires to push the eradication of its socio-economic backlog when it achieves sovereignty to become a viable state, to appease its citizens, to build their trust and enhance their quality of life. This will however be a demanding step towards the future, principally in the short-term wherein significant peace dividend is asked for but money often lacks.

4.2 *Scenario: Professionalisation of the SPLA and possible risks, a Dutch military training mission*

Thus far, a context analysis of South Sudan was developed to enable the conduct of and justification for a Dutch foreign military intervention scenario and subsequent risk analysis to illustrate the value and use of the risk analysis framework. Now, it is time to unfold this, fictitious though realistic, Dutch intervention scenario. At this point, the actual analytical process begins and therefore the first analytical step comes into play of establishing the assumed intervention context, i.e. the disclosure of the intervention characteristics (see the figure on the right). This paragraph consists of three parts. First, the plausibility of a potential military contribution by the Netherlands to South Sudan will be established. Hereafter, the specifics of the intervention will be outlined. The paragraph will be concluded with the insertion of the intervention characteristics into part A of the risk analysis framework for foreign military intervention as set forward in chapter 3.
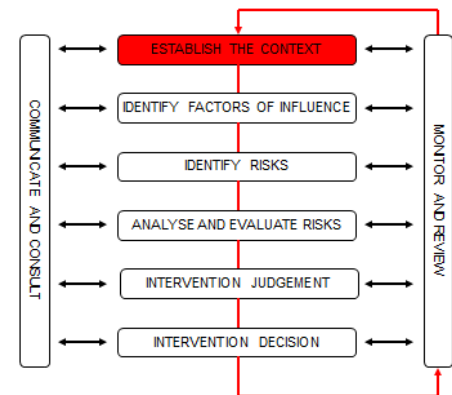
In 2005 the Netherlands, being one of the co-signatories, committed itself to both monitor and support North and South Sudan to execute the CPA.[1148] In addition, Sudan, including the South, is definitely not a new challenge regarding Dutch foreign military intervention. Amongst others, the Dutch Ministry of Defence sent a couple of times personnel and transport capabilities (including airlift) to facilitate the UN in its efforts to distribute food relief to Southern Sudan in 1972 and Darfur in 1974.[1149] Moreover, from April 2006 onwards the Netherlands modestly contributes personnel to UNMIS and since 2008 to the headquarters of the United Nations/African Union Mission in Darfur (UNAMID), and in 2007 a defence attaché was placed at the Dutch Embassy in Khartoum.[1150] Besides, several Dutch NGOs, which are subsidised by the Dutch government, operate in South Sudan: Cordaid, ICCO and IKV Pax Christi.

[1147] Based on International Crisis Group, (31 March 2006), pp. 25-26; Bennet, J., Kluyskens, J., Morton, J. & Poate, D. (January 2009), p. 13

[1148] Government of the Republic of Sudan and the Sudan People's Liberation Movement/Army, (9 January 2005), pp. xiv-xvi

[1149] http://www.defensie.nl/nimh/geschiedenis/internationale_operaties/missieoverzicht/46169093/luchtbrug_in_sudan/ and http://www.defensie.nl/nimh/geschiedenis/internationale_operaties/missieoverzicht/46169096/saheldetachement_darfur

[1150] The Dutch UNMIS contribution currently consists of 12 military observers, 15 police officers (i.e. 11 military and 4 civilian police officers) and 3 staff officers. On 30 March 2011 their mandate was extended to the moment the UN mandate would expire or otherwise until mid-October 2011 at latest (The Dutch House of Representatives, (4 March 2011), p. 1; Lugt, H. Van der, (30 March 2011); The Dutch Ministry of Defence, (18 May 2011), p. 17). Between 2007 and 2009 the Netherlands initially scrutinised the possible contribution of a field hospital combined with a small military support unit to UNAMID, but this alleged initiative faded away because of lack support by the Nordic countries who initially suggested to carry out this initiative together (interview 14; http://www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2010/02/10/kamerbrief-inzake-besluit-over-een-nederlandse-militaire-eenheid-aan-de-vn-au-vredesmissie-in-darfur-unamid.html). Nevertheless, the Netherlands desired still to contribute to UNAMID, which resulted in a very small headquarter deployment by 2008. The expiration of this Dutch UNAMID contribution is expected for 31 March 2012 (The Dutch House of Representatives, (4 March 2011), p. 3).The military officers

As early as 2007, the Dutch Ministry of Defence explicitly takes potential military intervention in Africa into account whereby it foresees a supporting role for itself in the field of conflict prevention, management, and reconstruction (i.e. SSR and DDR) in fragile states. [1151] Moreover, the Minister of Defence at the time asserted that many individual African countries are inept to develop their own and wider security architecture to preserve regional security and order and, subsequently, that they have to be supported in their efforts.[1152] This corresponds to the Dutch political ambition of upholding and encouraging the international rule of law (and subsequently upholding security and stability) which is encapsulated in the constitution of the Netherlands.[1153] In addition, safeguarding and encouraging the international rule of law also includes interventions to address grave and systematic violations of fundamental human rights or to provide humanitarian assistance in armed conflict situations.[1154] Yet, this overall ambition is curbed by both political and operational caveats. Politically, the Netherlands is unlikely to deploy its armed forces unilaterally, unless it pertains to rapid special operations (e.g., evacuations and special arrest or protection teams).[1155] In view of increased solidarity, credibility and burden sharing - the Netherlands has a preference to dispatch its armed forces within a multilateral or bilateral setting, while conceivably teaming up with international military capacity already in place.[1156] Besides, in the next years the Dutch armed forces are considered inept to execute a protracted large-scale foreign military intervention at the highest level of use of force due to an insufficient amount of resources, budget deficits and overall governmental cuts, also due to the worldwide financial crises and subsequent pressure on national budgets **(55)**.[1157]

Yet, when specifically looking at both North and South Sudan, the Netherlands attaches great value to the implementation and perseverance of the CPA, even in this last phase of the interim period in advance of the Southern formal independence.[1158] At that point, the Netherlands discloses that it will continue to commit itself to promote and strengthen peace, justice and development in (Southern) Sudan.[1159] It seems however not very probable that this includes a foreign military contribution to the North since the latter earlier rejected and thwarted the deployment of what it perceived as too Western-centric or neo-colonial interventions **(12)**.[1160] In addition, it seems not plausible that North Sudan desires to appoint regular SAF soldiers deployed in the South into a Western interventionist military initiative or that it would genuinely appreciate the efforts by donor countries to strengthen the military capacity in South Sudan alone.[1161] When the interventionist soldiers are only seconded into South-Sudan than approval by the GoSS alone is sufficient, particularly when the CPA comes to an end and the South formally becomes independent.[1162] This kind of intervention obviously breaks with the CPA stipulation to

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appointed for either UNAMID or the Embassy however encountered a lot of visa troubles, which occasionally resulted in the postponement of their deployments (interviews 8, 12 and 14; The Dutch Ministry of Defence, (18 May 2011), p. 19). In addition, the Netherlands contributes 36 million American dollars to UNAMID which is supplemented with an additional € 1.5 million for military equipment. Besides, the Netherlands financially sponsors the Africa Contingency Operations Training and Assistance programme with € 2.5 million to train African armed forces which can be deployed with UNAMID (The Dutch House of Representatives, (4 March 2011), p. 3).

[1151] The Dutch House of Representatives, (18 September 2007), pp. 1 and 6. See also The Dutch Ministry of Foreign Affairs, (18 March 2011), p. 16, where North and South Sudan are still on the list of countries to receive development aid.

[1152] Hoedeman, J. & Koelé, Th. (9 June 2007)

[1153] The Dutch House of Representatives, (1 February 2011), p. 3

[1154] The Dutch House of Representatives, (21 July 2009), p. 3

[1155] See for instance the failed evacuation in Libya in 2011 or the deployment of military protection units in the same year to protect commercial vessels against maritime piracy.

[1156] The Dutch House of Representatives, (21 July 2009), p. 3

[1157] Based on The Dutch House of Representatives, (18 September 2007), pp. 14-16; Marlet, G. (7 April 2011)

[1158] The Dutch House of Representatives, (4 March 2011), pp. 1-2

[1159] The Dutch House of Representatives, (4 March 2011), p. 4

[1160] BBC, (20 June 2006); Tisdall, S. (20 April 2011). See also the last section of *One state, two political systems.*

[1161] Additionally, it is claimed that the SAF would also refuse to accept joint military training efforts (interviews 2, 4 and 7).

[1162] Regarding the intended interventionist training initiative, the Northern argument that in line with the CPA "[t]he SPLA is not allowed to carry out military operations or any other activities" and that it is "only allowed to conduct training within the joint forces" will no longer be valid when the CPA comes to an end (Sudan Tribune, (30 August 2009), while citing SAF spokesperson Lieutenant-Colonel Al-Sawarami Saad). Instead, the intended military training in South Sudan might invoke

make unity attractive, but precludes that the South voted for secession and that the Netherlands would honour the outcome of this referendum which suggests that the Netherlands would also welcome South Sudan as a new member of the international community.[1163]

In addition, the Netherlands stresses that it will explicitly seek alignment with the institutional and development priorities of the GoSS whereby the focus will lay on capacity building of the government and the reinforcement of the rule of law in order to strengthen stability and security and to create momentum for development in South Sudan.[1164] Hence, a potential Dutch foreign military intervention would be supportive or non-sided in character. Altogether, when taking into account that the Dutch UNMIS contribution will concurrently expire with the UNMIS mandate on 9 July 2011, it suggests there is some leeway for a potential new modest military contribution, whether to a UN successor mission and/or an additional project in the new state of South Sudan.[1165] Besides, the GoSS gives the impression to be open for such kind of external military support.[1166]

Bearing in mind all issues mentioned above, a modest SSR initiative to provide basic military training to modify the SPLA into a regular army seems a plausible option available for a Dutch military contribution if and when the Netherlands is asked by the Southern government.[1167] As such the intended interventionist military intervention is expected to only develop the Southern military capacity **(56)**. Such a foreign effort could positively influence the security, political (i.e. strengthening its legitimacy), social and health (e.g. soldiers no longer harass and unlawfully kill citizens) domains in the South. Furthermore, there are various countries bilaterally involved in SSR (and more specifically SPLA reform), like the United States, United Kingdom, Switzerland, Canada, Germany, and Kenya.[1168] The United States and (to a lesser extent) Kenya predominantly focus on (basic) military training programmes for the diverse specialised services and ranks, and more specifically on the enhancement of special military capabilities such as logistics, de-mining and the clearance of unexploded remnants of war, command and control, communications and intelligence.[1169] In addition, the United States invests significantly in military policy

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Northern accusations that both the interventionist states and the South attempt to train the Southern armed forces to invade North Sudan. As such, the training efforts might be perceived as a direct affront to the sovereignty of North Sudan and accordingly exacerbates existing North-South tensions and negatively affect the trust in donor countries.

[1163] Algemeen Nederlands Persbureau, (7 February 2011)

[1164] The Dutch House of Representatives, (4 March 2011), p. 4

[1165] Based on The Dutch Ministry of Defence, (18 May 2011), p. 18

[1166] This impression is based on previous interventionist support to reform the SPLA and the given that the GoSS also actively welcomed the deployment of UNMISS.

[1167] During the interviews and by examining literature, several entry points for possible Dutch foreign military intervention were identified and analysed. Among the initiatives that were considered both politically plausible and military achievable, were additional support to UNMIS in terms of human and hardware resources in particular, launching a new or supporting existing military endeavours against active armed rebel factions such as the Lord's Resistance Army who operate in the border areas of South Sudan, and bolstering security sector reform aiming at the transformation and capacity building of the SPLA. Demobilisation, disarmament and reintegration initiatives aimed at the downsizing of the SPLA and other armed groups and concurrently reducing the omnipresence of small and light weapons were considered important, but were not included for a number of reasons. Though the Netherlands has experience with DDR in Sudan (aimed at former female combatants and disabled persons (see for instance the Dutch House of Representatives, (4 March 2011), p. 4)) and downscaling of both the SPLA and the amount of SALW is urgently required, the execution of such initiatives generally remains very difficult in the short term, perhaps even impossible, in light of the current hostile environment. In this environment not only the protection of disarmed combatants and civilians remains problematic, but it seems also highly disputable whether those stakeholders *and* the GOSS desire to fully commit to DDR when the separation of South Sudan is nearing along with potential renewed armed North-South conflict in the future. Besides, voluntary DDR actually is civilian-oriented and does not necessarily involve foreign military support. Since UNMIS' mandate almost expires, an additional contribution will be of little significance (though a commitment to the newly launched UNMISS (whereby it is possible that such a Dutch contribution includes SPLA reform) is seen as likely. Instead of fighting the LRA, which is just one of the active OAGs, it seems perhaps more useful to strengthen the general Southern security and rule of law capabilities.

[1168] Interviews 8 and 15; Oxford Analytica, (21 October 2008), p. 2; Swiss Federal Department of Defence, (2009), pp. 1-5; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 65. This overview of countries should not be considered exhaustive.

[1169] Sudan Tribune, (30 August 2009); Swiss Federal Department of Defence, (2009), p. 4; International Crisis Group, (6 May 2010), p. 3; Rands, R. (November 2010), pp. 32-36

development, "infrastructure such as Divisional Headquarter buildings and barracks, and non-lethal equipment, such as vehicles."[1170] The United Kingdom concentrates on supporting the higher (more political) military echelons in establishing a decision-making architecture and helping the SPLA to develop a military strategy, but also contributes to actual SPLA reform.[1171] Switzerland is engaged in a "relatively smaller programme" in the field of "the dissemination and implementation of codes of conduct and military justice system to improve discipline and respect for human rights (including the Geneva Conventions) amongst SPLA."[1172] Finally, Canada is involved in "security, peacekeeping, peace building and policing" though this is not further specified, and Germany provides support to UNMIS along its contribution to the "improvement of policing," which also sounds rather insubstantial.[1173]

Although these projects and programmes might help the SPLA to professionalise, some of the initiatives (initially) seem poorly planned or designed, rather insubstantial or ad hoc and at least dispersed.[1174] Instead, a more comprehensive programme that combines advisory, capacity-building with executive capabilities could be more effective.[1175] After all, with the SPLA estimated to be between 153,000-230,000 men, the entire reform task is massive and requires effective use of scarce donor resources **(57)**. Subsequently, as the Swiss Federal Department of Defence indicated, there were "[o]pportunities [...] to internationalise the[ir] project."[1176] In an attempt to achieve greater donor harmonisation, the Netherlands could approach the countries that have bilateral SSR experience and are already members of the Joint Donor Team for South Sudan.[1177] These potential partners comprise the United Kingdom, Canada, Denmark, Norway and Sweden, of which some are already involved in SSR and more specifically in the professionalisation of the SPLA. Nonetheless, scepticism remains as to whether the intended partner countries (including the ones involved in SPLA reform) would be interested to join a broad interventionist initiative and/or to align their training programmes **(58)**.

The intend to train the SPLA is a logical consequence of the security provisions under the CPA and it addresses the security needs on the ground while focusing on capacity building of military structures as these have to be able to protect the country and its citizens from external threats in the future. The reform of the SPLA becomes all the more urgent as the expectations swell that security will further deteriorate in the medium term.[1178] Also important is that such a SSR initiative may help to rebuild confidence of the local population in the security forces as the latter has an extensive history of abusing. Nonetheless, this trust will probably not precede straightaway when the populace comes across trained SPLA members **(19)**. Moreover, a positive military training effect may probably only become visible in the long-term **(59)**. In the end, such an intervention option was however suggested by the Dutch Parliament to the government to investigate in May 2010.[1179]

Finally, such SSR training is considered to be a rather low burden on the armed forces involving minimal risk.[1180] Yet, a potential military training assistance contribution always raises uncertainties and

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[1170] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 105

[1171] Swiss Federal Department of Defence, (2009), p. 4; Rands, R. (November 2010), pp. 36-39

[1172] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106

[1173] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 65

[1174] Based on my conversations with local Southerners and staff during my field trip for IKV Pax Christi to South Sudan from 7-21 July 2009; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106

[1175] Based on Swiss Federal Department of Defence, (2009), p. 4; Rands, R. (November 2010), p. 37. There are however some efforts made to better align all efforts. For instance, an EU strategy paper for Sudan is developed, though it is still in its concept phase (The Dutch House of Representatives, (23 June 2011)).

[1176] Swiss Federal Department of Defence, (2009), p. 4. The Swiss Ministry of Defence however acknowledges that in case of other countries joining the Swiss SSR initiative there would "be some challenges to overcome, such as the status these [additional parties] will have, however with the opportunity to join an established team, with already established logistical and political support, the benefits for all actors are clear (p. 5)." Yet, it is not clear whether the Swiss still train senior SPLA officers or that they already reached their intended end-state/date and terminated their initiative.

[1177] See also footnote 1002

[1178] The Dutch House of Representatives, (4 March 2011), p. 7

[1179] The Dutch House of Representatives, (3 May 2010)

[1180] Interviews 12 and 15

criticism about the lack of transparency of such military cooperation efforts.[1181] For example, what are the interventionist nation's hidden gains,[1182] "what qualifies an army to be a cooperation partner [as many hosting armed forces seems to violate universal human rights]," "what [will be] taught" and what will the armed-forces-to-be-trained do with the newly found knowledge and competences (e.g., misuse them to stage a coup, harass the local population or shooting more precise at peaceful activists)?[1183] Besides, what incentives are required that the right people are selected, that they indeed participate in the training, respect and abide the training teams, reintegrate into the military again and put into practice what they have learned when they still have massive socio-economic and political power and while the Southern government has not enough financial resources to train and pay all its officers?[1184] Then, as a final point, it is also asserted that "[t]raining is inherently short-term, yet proper mentoring takes at least 2–3 years **(60)**, and many of those trained [are] reintroduced into a chronically inefficient army."[1185]

Following the above mentioned considerations, the following scenario will be applied to the risk analysis framework for foreign military intervention. Aligned with the priorities of the GoSS, the government of the Netherlands basically intends to deploy a SSR training mission to bolster South Sudan in its efforts to modify its armed forces into a standing, independent, regular and professional army. This suggests that with consent of the GoSS, the Netherlands will commit to a supportive and reactive intervention and will simultaneously safeguard the legitimacy of the intended intervention within the entry state. International legitimacy can be found in UN resolutions 1870 and 1996. UN resolution 1870 highlights the importance of the CPA and its implementation (which includes SPLA reform), the reinforcement of the JIU's (which also comprise SPLA soldiers that have to be taken into account when discussing reform of the SPLA as will be explained later) and stresses the necessity of support by the international community.[1186] UN resolution 1996 emphasises that the current situation in South Sudan still constitutes a threat to international peace and security in the region and that institution-building is a "critical component of peace building and *emphasising* a more effective and coherent national and international response to enable countries emerging from conflict to deliver core government functions [i.e. becoming a viable state]" as well as UNMISS duty to work with the GoSS and its international partners on SSR.[1187] Finally, interventionist legitimacy is assumed to be found by the majority of the Dutch Parliament given the nature of the intervention and earlier approval of similar and other missions in Sudan and elsewhere.[1188]

As the Netherlands prefer to deploy its armed forces within a multilateral coalition, this intended intervention takes place under the lead of the United Kingdom or Canada (though the latter seems not yet involved in SPLA training) and preferably, in coordination with UNMISS and other individual but relevant SSR donor countries like the United States and Switzerland. Both the United Kingdom and Canada have a likeminded tradition in SSR, are members of the Joint Donor Team, and have the capacity to coordinate such a training mission. In addition, efforts could be made to get the other members of the Joint Donor Team on board, namely Denmark, Norway and/or Sweden. Together the contributing nations could temporarily form a coalition of the willing. Hereby it nevertheless continues to be important to reach out to get other countries (with an interest in SSR) on board for the purpose of encouraging consistency of the initiative and to consolidate its effect, though the willingness of all these states to

[1181] Heidelberger, M. (21 March 2010)

[1182] For example, the possibility to gain contracts to buy (military) equipment or to attract oil concessions *or* access to military training possibilities and opportunities examine the effects of certain arms that are not allowed or cannot be utilised in the interventionist state (Heidelberger, M. (21 March 2010).

[1183] Wulf, H. (July 2004); Heidelberger, M. (21 March 2010)

[1184] Interview 6

[1185] Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106

[1186] United Nations Security Council, (20 May 2009), pp. 2, 4

[1187] United Nations Security Council, (8 July 2011), pp. 1-2 and 4, original italics applied

[1188] See for instance the approvals for the extension of the Dutch UNMIS contribution and the SSR contribution in Burundi from 2004 onwards.

create a joint(ly coordinated) programme remains uncertain **(58)**.[1189] Here, African involvement, whether as contributing nations or as individually hired contractors, could be worthwhile as for now the intervention could be perceived as a rather Western-centric initiative **(61)**.[1190]

Then, the whole initiative can be performed under a joint umbrella agreement whereby all (individual) stipulations, content of the training modules and the division of tasks and responsibilities can be laid down in MOUs with the GoSS, SPLA, UNMISS (as this mission could deliver force protection when travelling to the military units that have to be trained and take care of potential evacuation and could potentially be an important stakeholder in the SPLA reform process **(62)**) and perhaps the GoS. Though the GoS is unlikely to participate in such an agreement and initiative, it is however useful to appease the North and promote transparency as the South still has to become a sovereign state and not to jeopardise their mutual relations, nor the international and more specifically Dutch attempts to foster peace, justice and development in North Sudan. This does however not mean that the GoSS would like to involve the GoS nor want to promote complete transparency with regard to North Sudan, as it might deem that it would provide the North a further military advantage. Besides, when South Sudan becomes independent, this is in fact also an internal affair. Finally, all legal military concerns can be laid down in a SOFA, i.e. the legal status of the interventionist military officers, the applicable criminal jurisdiction in case of committed offences, and the required visa and clearance procedures for entering South Sudan).[1191] They will likely have functional immunity vis-à-vis South Sudan's criminal law system and will be penalised only under the interventionist state's law system **(63)**. The officers will not have a combat function which will not impede on their right of self-defence and subsequently their right to carry a small-calibre weapon for self-defence.

The overall political-strategic objective of this joint foreign military intervention in coordination with UNMISS will be to avert the threat to international peace and stability within the larger Horn of Africa and Great Lakes regions while simultaneously bolstering South Sudan in becoming a viable state in terms of strengthening its capacity and self-reliance while not to jeopardise its relation with North Sudan through the realisation of security-provisions in the CPA concerning SSR in North and South Sudan by promoting (an even-handed approach and) transparency, whereby in the South alignment is pursued with the institutional security priorities of the GoSS and the Defence White Paper.

Concerning SPLA reform, the fact has nevertheless to be taken into account that the SPLA assigned most of its integrated OAGs into the JIUs that - now South Sudan voted for secession and the CPA comes to an end - have to be dissolved whereby the soldiers have to be redeployed and reintegrated into the Southern armed forces **(27)** or to be appointed for DDR programmes and subsequently have to leave the army. To not reintegrate the former Southern OAGs of the JIUs into the SPLA and subsequent military training at all might risk to upset and further polarise these OAGs as it would indicate that they are still not considered to be part of the SPLA *and* that they will be cut off completely from their relatively reliable livelihoods. Though, an interventionist intention to integrate groups of these former OAGs indeed into the SPLA and thus into the intended interventionist training is tainted with reservations**(64)**. Most importantly, the commitment of both the SPLA and the Southern troops from the

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[1189] Such joint (pre-)planning, coordination and alignment may help to pursue a grand strategy and enhance the consistency between the several projects and training modules. To speak with the words of the Swiss Federal Department of Defence (2009): "[d]iscussions should continue among donor countries, with the UN and other international actors to engage in joint activities on the ground. Coordination is key in a complex environment and participation in steering committees and contact groups should increasingly result in implementing more programmatic collaboration (Swiss Federal Department of Defence, (2009), p. 4)." Furthermore, Rands (November 2010) can be cited that "[t]here is, undoubtedly, an urgent need to coordinate [the] U[nited] S[tates'], U[nited] K[ingdom's], and other potential transformation support, and to ensure a coherent approach in the absence of an overarching strategy. At times, [the United States' and United Kingdom's] sponsored projects have put conflicting demands on the SPLA, which often has more urgent operational issues to manage (Rands, R. (November 2010), p. 37)."

[1190] The advantages are that African interventionist stakeholders might better understand local Southern realities and challenges, they probably would be less quickly expelled, the language barrier might be lower and it requires less military resources from Western interventionist states (Clingendael expert meeting, (21 November 2008)). Potential disadvantages are that neighbouring countries become even more entangled in each other conflicts and the cooperation between Western and African stakeholders might be more difficult due to different cultural mindsets and procedures.

[1191] Based on Voetelink, J. (March 2011), pp. 148-150

JIUs could be doubtful. For instance, it remains uncertain whether the SPLA wishes to re-welcome these JIU troops as these consist of army rejects in the first place and are usually not seen as genuine SPLA members. In addition, the SPLA might not desire to let these Southerners participate now in the intended military training as long as they are not reincorporated into the regular armed forces. Besides, such a reintegration would not only put another strain on the Southern military budget, but also on the military leadership as the size of the SPLA would further increase thereby possibly overstretching the existing military capacity.[1192] Another issue could be that these Southern JIUs themselves do not desire to reintegrate into the regular armed forces as they (despite also being undersupplied) received their salaries and necessities more regularly as a member of the JIUs than they would within the SPLA.[1193] Moreover, the JIUs are often not known for their effective functioning nor for their undivided good behaviour or loyalty to the SPLA. Yet, the anticipated participation of the JIUs seems congruent with the financial and equipment support both the United Kingdom and the Netherlands already gave to these units through UNMIS, but is not without risks either.[1194]

The focus group to be trained might however be even bigger, bringing to mind the newly erected OAGs by disgruntled and from the SPLA defected military officers such as renegade generals Peter Gadet Yak and George Athor Deng, *and* the Southern-affiliated Northern soldiers in the JIUs. The inclusion of this first group of new Southern OAGs into the armed forces seems a preference of the GoSS itself considering its sluggish negotiations with these groups **(27)**. Nonetheless, these groups deserted and took up arms, because they initially felt (ideologically, politically, tribally or personally) discriminated, disagreed with the current division of powers within South Sudan, accused the GoSS of nepotism and corruption, and pitied the poor state of the Southern security and law enforcement entities.[1195] In addition, the abusive campaigns carried out by the SPLA (and GoSS) against the ethnic civilian populations of these OAGs do probably not smoothen reconciliation either.[1196] This implies a tangible challenge for both the GoSS and SPLA, since they would have to cease their clashing political-military tactics, revive the negotiations and actually to follow-up with these habitually splintered groups to get them on board.[1197]

The added value of a potential reintegration and participation of these deserted armed groups would be that these groups might feel taken seriously, bolster political and military appeasement and there would be less OAGs on the loose in the South that harass civilians and fight against the SPLA. The potential downside is that such a reintegration might promote a culture of impunity due to plausible amnesty concessions and further reinforce the burden on the Southern military budget and existing military (and political) capacity, the latter already being ineffective and too massive, and raise problems with ranking issues. Besides, the possible return of these groups would not necessarily imply that the SPLA will become cohesive overnight nor that all dissatisfactions will be completely settled or that these groups will stay loyal to the Southern armed forces when they might be displeased in the future. In the end, it remains uncertain whether these OAGs desire to reintegrate and stay committed. For now, the interventionist foreign military intervention is assumed to also reach out to the newly erected OAGs **(64)**.

Since the JIUs have to be dissolved and the Northern troops subsequently have to withdraw from Southern territory, the GoSS and the SPLA will probably face another potential focus group for the professionalisation of the Southern armed forces and subsequent intended interventionist training effort.[1198] This envisioned pulling out of Northern troops might however be a serious issue for the Southern-affiliated Northerners in the JIUs **(65)**. Rands (November 2010) put it as follows:

> Many of the SAF JIUs are former OAGs; they are effectively 'aligned' with - rather than fully 'incorporated' into
> - the [N]orthern army. Many are fearful of being moved to Northern Sudan since they see themselves as

[1192] Rands, R. (November 2010), pp. 21 and 23

[1193] Rands, R. (November 2010), p. 21, while referring to Small Arms Survey, (March 2008), p. 3

[1194] Small Arms Survey, (March 2008), p. 7; The Dutch House of Representatives, (13 March 2009), p. 6

[1195] See for instance, Sudan Human Security Baseline Assessment, (3 June 2011), pp. 1-2

[1196] Sudan Human Security Baseline Assessment, (3 June 2011), p. 4

[1197] Based on Sudan Human Security Baseline Assessment, (April 2011), pp. 1-4; Sudan Human Security Baseline Assessment, (3 June 2011), pp. 1-4

[1198] Rands, R. (November 2010), p. 23

Southerners and typically have their families in the areas where they are based. Aside from regular SAF units in locations such as Malakal and Bor, many of the SAF elements of the JIUs hail from the areas where they are serving and have strong family ties in these locations. [...] As with the SPLA components, integration into the SPLA or increased incentives to demobilise are the only options the SAF components are likely to consider - movement [N]orth being out of the question. Rands, R. (November 2010), p. 23

Nevertheless, absorbing these large units of Northern soldiers, while joining the SPLA or as demobilised soldiers, unambiguously increases the integration costs and pressure on the SPLA, the GoSS and the broader Southern society which might not aspire to accommodate them. Besides, as the SPLA needs to downscale and mutual mistrust exists between North and South Sudan, the GoSS might decide to not integrate these Northern armed forces into the SPLA and select them for interventionist training but rather assign them for DDR instead and accommodate them in the South. Considering that the Southern-affiliated Northern soldiers might defect to the SPLA[1199] or disappear in South Sudan when the South obtains sovereignty and accordingly become stateless, the GoSS should at least start negotiations with the GoS on their citizenship and financial compensation for accommodating and providing them with alternative livelihoods, which might upset the Southern population already living in poverty. This particular issue however also touches upon existing North-South citizenship tensions, even though the GoS and SAF are not deemed to eagerly absorb these JIU soldiers into the regular Northern armed forces.[1200]

Subsequently, while taking into account the non-integration of Southern-affiliated Northern soldiers from the JIUs, the operational objective of the joint foreign military intervention will be to facilitate South Sudan in its efforts to modify its armed forces into a regular professional army while also addressing both the JIUs conform the CPA stipulations and the defected newly erected Southern OAGs through technical assistance by providing training on military basics according to a train-the-trainer principle. Hereby, the words 'facilitate' and 'train-the-trainer' suggest ownership of the GoSS to self-appoint the officers suitable for the training and to co-discuss the content of the training to ensure commitment to this intervention, though the GoSS' actual commitment will continue to remain uncertain.[1201] Evidently, this governmental ownership might raise tensions in the South as well since the GoSS is politically dominated by the SPLM and ethnically by the Dinka (6, 16).[1202]

The tactical level objective of the assumed joint foreign military intervention directly touches upon the (foreign) political realities and the circumstances on the ground in the entry state. That is, political ambitions and initial local needs are often (far) greater than what the interventionist states like to contribute and the military contribution eventually can deliver.[1203] Besides, it remains extremely difficult to realistically estimate beforehand what foreign countries should contribute, whether in terms of military resources or in terms of determining end-state(s) and time horizon(s), in order to reach the intended objective(s). For example: how many and what kind of military trainers are required to transform the SPLA into a professional army, especially when estimates differ on how large the SPLA is and the downsizing of these armed forces is still only foreseen in the long run? Assuming that in the end (i.e. after reducing the SPLA with roughly 90,000 soldiers) the armed forces are perceived to have a final strength of approximately 63,000-140,000, suggests that many contemporary officers are still considered to receive a basic military training (57).[1204] The exact amount of officers that will be trained has to be agreed on with the GoSS, whereby the risk exists that this number might be exaggerated (similar to the DDR

[1199] On 19 February 2011 members of the Malakal-based SAF units in the JIU deserted to the SPLA (Sudan Human Security Baseline Assessment, (December 2011), p. 1).

[1200] See footnote 863

[1201] See the section *Local military stakeholders* for more information on the flawed commitment.

[1202] See footnote 867

[1203] Interviews 4 and 6

[1204] See the section *Local military stakeholders* and footnote 910

estimates). Despite all these yet unknown figures, the assumed tactical objective nonetheless has to be divided into a joint tactical objective and the individual country's tactical objective(s).[1205]

The proposed tactical objective of the whole mission is to train all SPLA soldiers, non-commissioned officers up to junior and mid-ranking officers **(20)** that will remain employed after downsizing the Southern armed forces in basic military skills, either directly by Western trainers or indirectly through a train-the-trainer approach.[1206] Evidently, the interventionist states hereby need to deploy both military trainers and enabling or supporting staff officers to pull off such a training intervention. Ideally, the trainers are considered to be able to run multiple classes of maximum 30 Southern students (with a ratio of 1 trainer per 10 SPLA apprentices) at the same time.[1207] The training courses are suggested to take up to 6 weeks each at a minimum, which comes down to 8 educational cycles a year when taking into account spare time required for the interventionist military deployment and set-up of the training, individual leaves and the like **(60)**.[1208] In the course of the intended two years, the interventionist training units of the United Kingdom, Canada, the Netherlands, Norway, Sweden and Denmark together are estimated to accomplish a maximum of 6,000 SPLA instructors to be trained in the basic military skills *and* in delivering such training themselves.[1209] These educated instructors should then be able to train the remaining SPLA military in the subsequent years according to the principle of *train-the-trainer*, thereby creating a snowball-effect and helping the transformation process of the SPLA. This is also regarded the exit-strategy to handover the responsibilities of the intervention to the SPLA.

Each participating interventionist country could take responsibility for a cluster of training topics. Essential topics for training lay in the field of basic command and control (including leadership and instructor competences); logistics (with a predominant focus on maintenance); basic understanding of relevant law regimes (like IHL, human rights law, military law and criminal law in case of misbehaviours, and rules of engagement); (self-)discipline and ethics (including international norms, democratic control, accountability and codes of conduct); interactions with civil society and responsibilities in case the SPLA has to act as an substitute for the SSPS; literacy; communications and standard communications technology, all-source intelligence and reporting (administration); military planning and decision-making; internal and external security; (conventional) combat training and integrated action (including how to use and maintain the Southern military equipment); force protection; and gender issues.[1210] The proposition is that the SPLA forces will not be provided with any weapons by the interventionist states, although there is a recognised scarcity in appropriate weaponry **(66)**. Since the EU arms embargo is still in force, this might constitute a political-security pitfall in the end and the provision of lethal equipment is habitually not politically supported by interventionist countries' domestic constituencies.[1211]

[1205] In this scenario, I assume that the intended individual Dutch political-strategic and operational goals are similar to the joint interventionist objectives. In practice it might however differ due to political and operational caveats and preferences and accents could be put differently.

[1206] Based on Rands, R. (November 2010), p. 47

[1207] Specific data on training (i.e. staff, intended amount of apprentices and topics) of the United States and other countries who provide SPLA training in South Sudan are normally not publicly accessible. Nevertheless, this suggested ratio is considered realistic to carry out more people-centred training, but it profoundly depends - of course - on what the participating interventionist countries see fit and subsequently will commit (interview 6). In practice, this sometimes leads to extra-large classes of 200 or more apprentices and 1 trainer, which nullifies the effect of the training.

[1208] In a previous version of the scenario a single training took up to 3 weeks, which is a remarkably short time to educate the SPLA apprentices, particularly when they have rather limited military (combat) experience. Six weeks would allow for some time to conduct retraining exercises, though it is still a narrow time span to educate people. Nevertheless, stretching the training might also have certain backfire effects as the SPLA will temporarily miss personnel to its vital functions. The definitive training periods have to be discussed and settled on between the interventionist and Southern Sudanese stakeholders. For instance, see the practical difficulties with regard to the international police training in Afghanistan (Righton, N. (27 September 2011)).

[1209] This estimate is based on the assumption that the intended interventionist stakeholders might settle for modest military contributions that probably will not last the full proposed intervention period, whereby the quantity of trainers may vary per country. It is however assumed that 12-15 trainers and the goal of getting approximately 1,000 members of the SPLA trained within 1 year is achievable for each contributing nation.

[1210] Based on Rands, R. (November 2010), pp. 23-27 and 47; Bennet, J., Pantuliano, S., Fenton, W., Vaux, A., Barnett, C. & Brusset, E. (December 2010), p. 106

[1211] See footnote 1016 for information on weapon embargoes.

The intention is to accommodate the interventionist training teams, the training and the apprentices in the outskirts of Juba-town to clear the streets of wandering SPLA forces, but also to build confidence by the local population by minimising a further militarisation of the city **(67)**. Though several existing military sites are available (each with their own peculiarities, advantages and disadvantages), no location has been determined yet.[1212] Perceptibly, the preference to locate everything near Juba diminishes general security (since inter-tribal grievances are generally not addressed to foreigners), logistical and medical (i.e. access to medical services) challenges and requirements for the interventionist staff, but perhaps simultaneously raises their vulnerability to criminality that is explicitly aimed at foreigners. An option could be to base the international staff in Juba and let them travel to and from the training site during daytime, which suggests that this site has to be in reasonable reach of the city. Either way, proposing a training and accommodation site for the SPLA near Juba might imply that selected (potentially undisciplined) SPLA forces may have to travel long distances to participate which contains risks for both local populations and the armed forces themselves.

Since the professionalisation of the entire SPLA through training is a time-consuming process, it is desirable for the intended overall training intervention to last more than one year. However, for now an overall foreign military intervention of initially two years, with a possibility to extend the joint interventionist mandate, would be appropriate **(60)**. To be precise, such an intervention period accounts for the fixed end-date of the CPA, a potential relapse of a North-South conflict and subsequently the potential threat to international peace and stability within the larger Horn of Africa and Great Lakes regions, the domestic challenges of building a viable South Sudanese state along with an international preference for only limited military commitments. All in all, this would send the signal to South Sudan that the nations involved support the new born country to become a full member of the international community. Additionally, it would give the participating states some leeway as well as the chance to conduct provisional evaluations to examine whether the intervention is on track and still suitable to altering ground realities. Here, it is realistic that the intended foreign military intervention does not become effective until a couple of months after Southern Sudan officially claims independence and the CPA comes to an end. That is, even if the intended partner countries like the idea of conducting a joint interventionist military training mission, it will take time to get these countries on board, to settle on the content of the training and division of responsibilities with all parties, to recruit training staff and to deploy the required military resources **(58)**. This implies that the intervention could probably not begin before the end of October, which could bring to light some geographical environment constraints but avoids the limitations that were stipulated in the CPA to what the SPLA is considered to be allowed to do.

To conclude this paragraph, the Dutch military contribution will tactically aim to train a maximum of 960 South Sudanese SPLA soldiers, non-commissioned officers up to junior and mid-ranking officers of the jointly intended 6,000 officers. To this end, while bearing in mind the Dutch political and operational caveats, the Dutch Ministry of Defence can second a 15-person military training team (3 enabling staff officers included).[1213] The Netherlands prefer to provide training on subjects like relevant law regimes, (self-)discipline and ethics; interactions with civil society and civil responsibilities, gender issues, logistics and literacy as these contribute to a better performance of the armed forces but do not include highly controversial or future lethal activities.[1214] This particular cluster of topics is however not yet agreed with the other intended interventionist nations **(58)**.

[1212] These sites (while making use of existing military (head)quarters) range from sites close by Juba such as the barracks where the JIUs are now accommodated to sites that are located at a larger distance from Juba. An example could be the military academy in Mogiri, a place situated 35 kilometres from Juba where the Swiss provide(d) their training for senior staff. Making use of existing accommodation limits additional investments to build adequate training sites and the like, though questions will remain whether the supposed sites are still available and running, fit the needs and are security proof.

[1213] This modest military technical assistance is based on the Dutch contributions to UNMIS, Burundi (SSR) and Iraq (SSR) that did not involve more than 30 Dutch officers on the ground. In the scenario it comes down to 4 classes of maximum 30 SPLA apprentices each multiplied by 8 cycles.

[1214] With reference to the explicit civilian character of the Dutch police training mission in Kunduz, Afghanistan.

The expected costs for this intended training mission will be debited from three different funds. To begin with, the mainstream expenses such as salaries will be fully charged on the budget of the Dutch Ministry of Defence. These costs are not included in this scenario, since these do not pertain to supplementary disbursements when deploying military officers.

Furthermore, there will be additional expenses for the dispatch of the Dutch military team in terms of assignment allowances, travel and accommodation costs. Such additional costs will be at the expense of the Netherlands' '*Homogene Groep Internationale Samenwerking*' (HGIS Fund), which is a cross-departmental budgetary construction within the Dutch budget for coherent and coordinated international activities.[1215] The Fund distinguishes between *Official Development Assistance* (ODA, which is aimed at official development cooperation or development aid) and non-ODA money.[1216] Given that Dutch contributions to "small-scale interventions [like this intended training effort] generally pertain to human resources and not so much to put military hardware at the disposal of the intended intervention, the supposed additional costs that have to come at the expense of the HGIS Fund will - as a rule - be restricted to a few hundred thousand euros."[1217] Here, these particular costs are estimated at approximately € 630,000 (non-ODA money, since the foreign military intervention is supposed to bolster reform of the armed forces) for one year, provided that there is no delay in deployment.[1218]

Last but not least, there are costs that have to be covered by the Dutch Stability Fund, which is a budgetary construction that receives its resources by the HGIS fund especially for foreign activities to bolster peace, stability and development in developing countries and fragile states.[1219] This Stability Fund can merge both ODA and non-ODA funds for its projects.[1220] The intended costs for the training are estimated at € 4,396,000.[1221] This money will be spend on the development and adjustments in between of the training modules, training accommodation and office supplies for the training team, whereby part of the money can be allocated for non-lethal equipment to support the training and the SPLA.

Finally, the intended Dutch mandate - and subsequent deployment - could be effective by the end of October 2011 for the duration of one year (initially[1222]), depending on whether the supposed interventionist countries and their Sudanese counterparts can reach an agreement on the whole mission. As exit-strategy the Netherland desires to hand over its training cluster to one of the other suggested partners after one year. For the time being, this foreign military intervention will be temporarily named 'Support Reform Together.'

The presented scenario will now be inserted into part A - the intervention characteristics - of the risk analysis framework for foreign military intervention as is shown below in the table. While referring to

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[1215] The Dutch House of Representatives, (21 September 2010), p. 2, section 1.1
[1216] The Dutch House of Representatives, (21 September 2010), p. 2, section 1.1
[1217] The Dutch Ministry of Defence, (18 May 2011), p. 36, translated from Dutch
[1218] The Dutch Ministry of Defence, (18 May 2011), pp. 36-37. This estimate is based on the expected Dutch UNMIS contribution in 2010 (30 personnel and actual expenses of € 1,259,000 (initially, the anticipated deployment costs were € 400,000)) as those particular expenses probably reflect the financial situation in South Sudan best with regard to housing and travelling, even though the training team will probably travel less and shorter distances as they will stay in one state in South Sudan. The Ministry of Defence claims that the huge difference in numbers can be explained by the given that the Dutch UNMIS mandate was prolonged in 2010.
[1219] The Dutch House of Representatives, (6 April 2010), p. 1
[1220] The Dutch House of Representatives, (3 October 2003), pp. 1-3
[1221] Based on The Dutch House of Representatives, (6 April 2010), p. 3. Since the expenditures for 2010 were not available yet, the financial estimate is rooted in the Dutch 2009 contribution figures for Sudan (i.e. € 2,206,333 for a DDR contribution in line with the CPA to the UN Development Programme in Blue Nile State, South Kordofan en Abyei) and Burundi (€ 8,571,366 for an actual SSR initiative which included projects to reform the police and armed forces and projects in the field of deterring SALW, to support the peace process and to demobilise former combatants). The estimate is approximately half of both expenditure figures in 2009, as the Sudan effort was relatively small and touched less upon actual military reform than the Burundi programme.
[1222] Since fragile states (North and South Sudan are enlisted as such) are considered important governmental priorities by the Netherlands in the upcoming years, perhaps it is still possible within the current Dutch political climate - similar to the agreements with Burundi - to establish a multi-year bilateral military relationship.

both the scenario and the Southern Sudan context analysis, the complete risk analysis (parts B and C) will be processed afterwards.

INTERVENTION CHARACTERISTICS	
(Dutch) Rationales for intervention:	- The Netherlands attaches great value to the implementation and perseverance of the CPA; - South Sudan is considered a fragile state with priority within the Horn of Africa, which is key to the Dutch foreign security and development policy (chapter 1) - It fits the Dutch ambition to further promote and strengthen peace, justice and development in (Southern) Sudan; - It supports South Sudan in its attempts to become a viable and stable sovereign state.
Name of intervention	Support Reform Together (working title)
Intervention type:	Supportive
Timing:	Reactive
Legitimacy:	Approval within entry state (incumbent regime, opponents and third parties): The GoSS will give its approval when the training is in line with government priorities.
	International approval (multilateral organisations and observing countries): UN resolutions 1870 and 1996.
	Consent by interventionist's domestic governments and constituencies: To be found by the majority of the Dutch Parliament given the nature of the intervention and earlier approval of similar and other missions in Sudan and elsewhere.

Mandate:
– objective(s) (political-strategic, operational and tactical level),
– intended partners (their hierarchy or chain of command),
– presumed activities,
– strength of force (amount of military resources, rules of engagement and force protection),
– explicit political and operational caveats,
– assumed duration of commitment and exit-strategy.
	Contemplate of whole initiative:
	– Joint political-strategic level objective: in coordination with UNMISS, to avert the threat to international peace and stability within the larger Horn of Africa and Great Lakes regions while simultaneously bolstering South Sudan in becoming a viable state in terms of strengthening its capacity and self-reliance while not to jeopardise its relation with North Sudan through the realisation of security-provisions in the CPA concerning SSR in North and South Sudan by promoting (an even-handed approach and) transparency, whereby in the South alignment is pursued with the institutional security priorities of the GoSS and its Defence White Paper.
	– Joint operational level objective: with ownership of the GoSS to facilitate South Sudan in its efforts to modify its armed forces into a regular professional army while also addressing both the JIUs conform the CPA stipulations and the defected newly erected OAGs through technical assistance by providing training on military basics according to a train-the-trainer principle.
	– Joint tactical objective: to train all SPLA soldiers, non-commissioned officers up to junior and mid-ranking officers that will remain after downsizing the Southern armed forces in basic military skills, either directly by Western trainers or indirectly through a train-the-trainer approach. Concrete target; ca. 6,000 educated SPLA instructors in the basic military skills *and* in delivering such training themselves.
	– Intended partners (aside from the Netherlands): members of the Joint Donor Team in South Sudan (i.e. the United Kingdom, Canada, Denmark, Norway and Sweden) and/or for instance countries that already conduct SPLA-reform initiatives like United States, Switzerland, Germany and Kenya.
	– Suggested lead-nation: the United Kingdom or Canada.
	– Each participating interventionist country might become responsible for a cluster of training topics.
	– Presumed activities:
	  – The intention is to run multiple classes of maximum 30 Southern students (with a ratio of 1 trainer per 10 apprentices) at the same time whereby the appointed Southern armed forces will be trained with their own weaponry. The training courses are suggested to take up to 6 weeks each at a minimum. Then, there could be 8 educational cycles a year.
	  – Parallel training courses in the field of basic command and control; logistics; basic understanding of relevant law regimes; (self-)discipline and

	ethics; interactions with civil society and responsibilities in case the SPLA has to act as an substitute for the SPSS; literacy; communications and standard communications technology, all-source intelligence and reporting; military planning and decision-making; internal and external security; combat training and integrated action; force protection; and gender issues.
	– Strength of force: the interventionist training teams might carry a small-calibre weapon for self-defence. UNMISS is expected to deliver force protection and take care for evacuation, if necessary.
	– Exit-strategy: the handover of the responsibilities of the intervention to the SPLA. Once the training modules are successively brought to an end educated South Sudanese SPLA soldiers will be able to train others with their acquired knowledge.
	– Assumed duration: intended training mission - at earliest - from the end of October/beginning of November 2011 for the initial duration of two years.
	Intended Dutch contribution (additional information that differs from the whole initiative):
	– Tactical level goal: to train a maximum of 960 South Sudanese SPLA soldiers, non-commissioned officers up to junior and mid-ranking officers of the mutual intended 6,000 officers.
	– The Dutch Ministry of Defence will second a 15-person military training team (3 enabling staff officers included)
	– Activities: training on subjects like relevant law regimes, (self-)discipline and ethics; interactions with civil society and civil responsibilities, gender issues, logistics and literacy as these contribute to a better performance of the armed forces but do not include highly controversial or future lethal activities. This particular cluster of topics is however not yet settled on with the other supposed interventionist nations.
	– Explicit political and operational caveats: dispatch of armed forces within a multilateral setting, while conceivably teaming up with international military capacity already in place. No willingness and ability to expand the mission, mandate or to execute a protracted foreign military intervention at a higher level of use of force due to an insufficient amount of resources, budget deficits and governmental cuts.
	– Exit-strategy: the Netherland desires to hand over its training cluster to one of the other suggested interventionist partners after one year.
	– Assumed duration: the intended Dutch mandate - and subsequently deployment - could be effective by the end of October 2011 for the duration of initially one year, depending on whether the supposed interventionist countries and their Sudanese counterparts can reach an agreement on the whole mission.
Indication of financial costs:	Supposed financial settlement of assumed Dutch contribution:
	– The costs of the military training are estimated at € 4,396,000. This money will be spend on the development and adjustments in between of the training modules and office supplies for the training team, whereby part of the money can be allocated for non-lethal equipment to support the training and the SPLA. Within the scope of reform of the armed forces, these costs will be brought before the Dutch Stability Fund.
	– The mainstream expenses such as salaries will be at the full expense of the Ministry of Defence. These costs are not included in this scenario, since these do not pertain to supplementary disbursements when deploying military officers.
	– The supposed additional costs (hiring housing for the staff and accommodation for the training) will be at the expense of the HGIS Fund. The estimated expenses are € 630,000 (non-ODA money, since the foreign military intervention is supposed to bolster reform of the armed forces) for one year, provided that there is no delay in deployment.
Area of deployment:	South Sudan, on the outskirts of Juba. Preferably making use of existing military sites.

Part A: More comprehensive risk analysis Framework for foreign military interventions; Intervention characteristics

A closer look at the factors of influence

This second part of the risk analysis framework, which addresses the factors of influence, follows from the context analysis for South Sudan, the scenario for a Dutch foreign military intervention in South Sudan, and the intervention characteristics as described above.[1223] This is illustrated by the second step in the analytical process (see the figure on the right). In this part of the framework the **red numbers** correspond to the numbers that were highlighted in the previous sections of this chapter.

Before denominating the factors of influence, it is important to point out which stakeholders and domains are relevant with regard to the intended foreign military intervention, what time horizon (i.e. how far will be looked into the future) will be applied for the risk analysis, the level of detail (i.e. is the emphasis on trends, specific occurrences or both), and the number of times the analysis has to be carried out before reaching an intervention judgement.

There are three stakeholder categories that can be affected: interventionist, local and third-parties. With this intended military training effort, relevant interventionist stakeholders will be the Netherlands and other donor countries (i.e. their governments and armed forces) that might participate and/or are already committed to (North and) South Sudan, UNMISS, and other IOs (e.g. UN, EU, AU, Arab League, World Bank and Internal Monetary Fund) and internationally operating (Dutch) NGOs that work in South Sudan. Local stakeholders pertain to the GoSS (the SPLM included), GoS (the NCP included), political opposition parties, the SPLA, SAF, JIUs, OAGs on the loose (e.g., the Ugandan-originated LRA and SPLA-defected armed groups, local NGOs, local churches that fill institutional gaps, and grass root level traditional leaderships. Third-party stakeholders will be the local populations in South Sudan (including internally displaced people and refugees, and armed civilians with the purpose of self-defence)), neighbouring states and in the donor states, and the International Criminal Court. These broad clusters of stakeholders can be further specified when specific groups (for instance special needs groups like child soldiers, children, women, disabled persons and the elderly or ethnic categorisations), within these clusters will become more relevant that these deserve group labels of their own. During the Clingendael expert meeting on 21 November 2008 the suggestion was given to also map out the interests of the stakeholder groups in the model to obtain a better understanding of these groups and their proceedings. Then again, this chapter is eventually not about South Sudan, the assumed intervention or the stakeholders but about illustrating the use of the risk analysis framework for foreign military intervention, its value and challenges.[1224]

Regarding the selection of relevant domains, the choice is made to apply all eight analytical domains (i.e. the security, geographical environment, health, political, social, legal, economic and institutional domains). After all, these are the basic required domains to obtain a more inclusive risk

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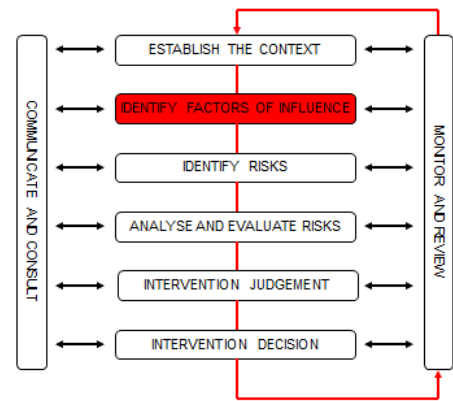
[1223] As the initial version of the scenario was only partly assessed during the expert meeting at Clingendael, I decided to predominantly base this examination on literature and interviews and to integrate the factor of influence responses given during the expert meeting into the context analysis and intervention scenario.

[1224] Stakeholder groups like the (international) business community and Southern Sudanese diasporas are not taken into account in this analysis, though that these might have considerable impact on the Southern society and intended intervention. For instance, Shell is a Dutch-English oil multinational that is one of the biggest oil producers in the world and despite its corporate social responsibility programmes, the multinational is not without controversies in Africa (i.e. in Nigeria it is accused of causing environmental pollution and indirectly triggering human rights violations due to partnering with abusive regimes). Shell is not yet active in Southern Sudan as it is part of the autocratic and repressive North until its independence, but a sovereign South with a (perceived) significant oil-reserve might become interesting for the multinational (interview 5). However, Shell's Southern Sudanese economic activities might have adverse effects on other interventionist initiatives, particularly of the Netherlands and the United Kingdom. Altogether, I did not found any particular mentioning of these stakeholder groups in context analyses on South Sudan (despite that this is not evidence of their absence) and accordingly decided to not incorporate business communities and diasporas for now.

awareness enabling to examine factors of influence and their alleged risk impacts. The institutional domain (in fact a refinement of other domains) is essential, since the intended foreign military intervention is about state and capacity building, and as South Sudan is on course to independence.

Finally, bringing to mind chapter 3, the expected time horizon of the analysis is considered at least to cover the whole period of the assumed military intervention. Ideally, this period should be supplemented by a couple of extra years as a minimum, since the intended training effort to professionalise the SPLA is considered to only have visible effect in the longer term and because a number of significant risk impacts could materialise with delay. The Dutch military contribution to the proposed two-year long military training mission is assumed to last for one year, which suggests that the time horizon would enclose two years at least.

The future of South Sudan as an independent state will probably be both uncertain and consistent in the short term, i.e. in the next five years after the South will secede. For instance, this new self-rule could (emotionally) change a lot for the Southerners. Also, a further worsening of the security environment still is conceivable within the next couple of years (given the region's violent history), though a new full-scale armed conflict is considered unlikely immediately after South Sudan will formally secede from the North. At the same time, the South faces immense challenges to become a viable state whereby it risks to further fail or even collapse. In an independent South Sudan the internal Southern socio-economic, security and political circumstances will however remain and will not adjust overnight. To be more precise, the lack of infrastructure, the malfunctioning of the autocratic, factionalised and yet militarised government, the lack of adherence to existing laws, the deteriorating security environment (upheavals of armed inter-tribal hostilities, attacks of the North in the border areas, OAGs on the loose and increasing criminality), the unsettled disputes and anxieties between North and South Sudan are just a few of the pressing and outstanding issues.

For all these reasons, an analytical time horizon of four years (counting from the day South Sudan becomes independent) seems most appropriate. This indicates that also upcoming events (e.g., new Southern national elections in 2015, an oil infrastructure deal between South Sudan and Kenya to replace the South's dependency on North Sudan, expected decline in the Southern oil production by 2015, final judgements on the statuses of Abyei and the transitional areas and subsequent border demarcation) have to be accounted for in the risk analysis framework. However, such a limited time horizon applies to Heuer's Jr. (1999) observation that "[s]hortening the time frame for prediction lowers the probability, but may not decrease the need for preventive measures and contingency planning."[1225]

The level of detail that will be applied in the analytical process includes both trends and specific occurrences and behaviour. The number of times the analysis has to be carried out before reaching an intervention judgement will be limited here to one cycle as that suffices to illustrate the risk analysis framework. This also prevents that the identification of factors of influence surpass the context analysis on South Sudan and that the subsequent identification of possible risk impacts will be infinite. In the final part of the risk analysis framework it will subsequently be pointed out when a new analytical cycle is required. In the end, part B of the framework the factors of influence related to the foreign military intervention will be broken down in behavioural (man-made) and natural or historical factors.

Part B - the factors of influence - of the risk analysis framework for foreign military intervention looks then as follows:

[1225] Heuer, R.J. Jr. (1999), p. 156

RISK TO WHOM:	• To interventionist stakeholders:	The Netherlands and other donor countries that might participate and/or are already committed to (North and) South Sudan, UNMISS, and other IOs and internationally operating foreign (Dutch) NGOs that work in South Sudan
	• To local stakeholders:	The GoSS (the SPLM included), GoS (the NCP included), political opposition parties, the SPLA, SAF, JIUs, OAGs on the loose and local NGOs, local churches that fill institutional gaps, and grass root level traditional leaderships
	• To third parties	The local populations in South Sudan (including internally displaced people and refugees, and armed civilians with the purpose of self-defence), neighbouring states and in the donor states, and the International Criminal Court.

		Security factors	*Geographical environment factors*	*Health factors*	*Political factors*	*Social factors*	*Economic factors*	*Legal factors*	*Institutional factors*
FACTORS OF INFLUENCE (driven by behaviour)	Interventionist self-behaviour	(35) Presence UNMISS and UNISFA (62) UNMISS assumed to deliver force protection for the intended intervention (64) Intention to integrate Southern JIUs/new OAGs into intended SPLA training (66) Intention to train SPLA with its own weaponry	(67) Intention to give training in a central location on the outskirts of Juba	(49) Yearly deliverance of significant amounts of food aid	(2) At times floating interest, divided support and lack of pressure overall international community/donor countries (13) Further Western pressure to pursue the indictment President Al-Bashir (58) Commitment to training intended partners, harmonisation of training programmes and adequate military resources uncertain and lengthy process (61) As yet, proposed initiative rather Western-centric		(53) Foreign investors need more economic incentives to invest in South Sudan	(4) Violations of weapon embargoes by foreign countries (63) Functional immunity of interventionist military officers	(18) Heavy involvement donor countries and IOs, international NGOs to bridge institutional and financial gaps GoSS (56) Focus on the development of military capacity South Sudan (60) Intended length intervention and educational cycles limited; no monitoring of trained soldiers foreseen
	Behaviour by local stakeholders	(8) Current North-South anxieties, border hostilities and further militarisation (20) Varying levels of education, literacy, discipline and combat experience SPLA/JIU/OAG soldiers of different ranks (21) Factionalised and ineffective SPLA (23) Lack of discipline & loyalty SPLA/Southern JIUs (24) Desertion and erection new OAGs due to dissatisfaction with SPLA and GoSS (28) (Provisional) civilian duties assigned to SPLA while lacking civilian training (38) Prevalence of active foreign OAGs like the LRA	(41) Lack of proper infrastructure and (governmental) facilities outside Juba (and other major cities) (42) Some areas (illegal) access restrictions imposed by SPLA, OAGs or criminals (43) (Off-road and political-strategic) regions strewn with mines/ unexploded devices, also due to anew placing by the SPLA/(newly erected) OAGs		(3) Less confidence in donor countries by (Southern) Sudanese parties due to feeble support CPA implementation (6) Militarised, inexperienced, autocratic/non-liberal, centralised & factionalised GoSS/SPLM (12) GoS/NCP averse to Western (military) involvement (14) Pending settlement of cross-border issues North-South Sudan and with neighbouring states (16) Authority GoSS/SPLM disputed (17) Envisioned Southern elections in 2015	(10) Widespread patronage system, nepotism & corruption (22) Neglect of special needs groups, OAGs and (sexual) minorities (within the SPLA and/or society) (65) Southern-affiliated Northern JIUs' refuse to return to the North	(11) Huge civil service payroll depends on mono-economy (i.e. oil-sector) revenues (26) Lack of alternative livelihoods for civilians and soldiers to be demobilised (36) Southern military expenditures mainly used to pay salaries and to buy weaponry (50) North-South oil-interdependency, for the time being (51) GoSS' quest for economic autonomy: future oil infrastructure deal South Sudan- Kenya	(29) Independent South Sudan likely to become a party to Northern approved international law frameworks/regimes (30) Existing gaps in the Southern Sudanese law regimes (and a general lack of public information/illiteracy) (31) Lack adherence laws and legal procedures by Southern security and law enforcement entities (32) Civilian and military authorities have control over legal apparatus	(25) Envisioned need to downsize SPLA while North-South militarisation & genuine DDR failed before due to lack commitment GoSS/SPLA (27) Obligation/ desire GoSS to reincorporate part of Southern JIUs/new OAGs into SPLA
	Behaviour by third party stakeholders	(19) Trust doubtful of population in trained security forces based on their experiences with the SPLA (33) Erection of community defence forces				(48) (Forced) people movement in/to South Sudan			
FACTORS OF INFLUENCE (driven by 'spontaneous' particular events or shaped by natural or historical features)		(5) Emergence of new conflicts and crises worldwide (15) Persistent (and intensified) locally based Southern conflicts (39) Easy access to and omnipresence of SALW in (Southern) Sudan	(37) Porous Southern borders (40) Hot and tropical environment South Sudan with raining seasons, half of dozen ecological zones, rich biodiversity and various high-value resources	(46) Mainly juvenile population with a low life expectancy (47) Presence of (transmittable) diseases, whether tropical (e.g. malaria) or typical for an underdeveloped country (e.g. cholera), including HIV/AIDS, in South Sudan	(7) Tendency (political) power and competition through armed violence South Sudan (9) Limited reach and influence GoSS outside urban areas (lack of public service delivery)	(1) Since the CPA, peace dividend seldom rurally visible by ordinary citizens (44) English hardly spoken rural areas (45) Non-cohesive society South Sudan	(52) Expected decline Southern oil & revenues by 2015 (54) Widespread poverty and high unemployment rates (55) Present global financial crisis and subsequent pressure national budgets	(34) Friction between formal law and traditional systems and procedures	(57) Intended training task is massive (59) Training dividend only possibly visible in longer term

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Part B: More comprehensive risk analysis framework for foreign military interventions; Factors of influence

Based on the context analysis and the intervention scenario, 67 factors of influence were identified. Given this number, the risk analysis probably not only becomes increasingly complex but also progressively reflects a multidimensional reality when identifying possible risks in the next part of the risk analysis framework. Nonetheless, this does not mean that this list is exhaustive nor that another assessor would identify and ascribe importance to the same factors of influence based on the context analysis. Remarkably scarce factors of influence were found with third-party stakeholders and in the health domain, but this might also be caused by the nature of the context analysis. This raises questions whether there were no particular events and behaviour relevant for the context analysis at that time, whether a joint conduct of the risk analysis process with diverse relevant assessors would have had the same result, or whether additional guidelines are needed for a context analysis when a multidisciplinary team of assessors is lacking.

      With regard to the analytical process, it can be remarked that gathering these factors from a written context analysis and putting them in a successive order into the analytical framework could curtail people's freedom of thought, despite that this also bolsters a more systematically analytical process. Previous, jointly executed risk analysis processes demonstrated that especially the security, health, political and economic domains came most naturally across people's minds.[1226] This resembles the given that people are predominantly inclined to recognise factors of influence and subsequent risks that could have an (direct) impact on themselves, their intended resources and mission. In that case, the written context of South Sudan might have curbed this human tendency to some extent.

      Furthermore, at times it proved a dilemma to assign a factor of influence to one domain or one stakeholder group because of the possible overlap. This was predominantly revealed when dealing with the institutional factors of influence. Yet, this was to be expected considering that the institutional category is in fact a refinement of the other domains.

      Lastly, it occasionally was challenging to ascertain whether a particular occurrence would be a factor of influence or a risk. The difference between cause and effect appears not always unambiguous other than at the moment in time when these are assessed. For instance, the second factor of influence (i.e. at times floating interest, divided support and lack of pressure of the overall international community/donor countries) in part B of the framework could also be seen as the result of the emergence of new conflicts and crises worldwide. Accordingly, the risk analysis framework for foreign military intervention encourages internal discussion. In the end, it was decided to keep both manifestations as separate factors of influence as such international floating interest can also be perceived as an issue in itself due to other occurrences than only the rise of new conflicts and crises.

The risks identified

The last section - Part C - of the risk analysis framework for foreign intervention encompasses three analytical or procedural steps (see the red bars in the figure on the right). First of all, the framework delves into the identification of possible risk impacts derived from the factors of influence in the previous part of the model. Although such causal links might be more prevalent in the human mind than in reality, it was also stressed in chapter 3 that the principle of causality is essential to humans and can in fact not be sidestepped when attempting to grasp the complexities of

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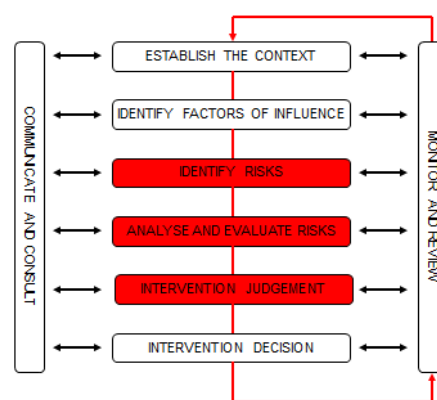
[1226] Based on the Clingendael expert meeting on 21 November 2008 and with the control group (see footnote 62) at the same institute subsequently. However, the risk analysis framework had not yet integrated the legal and institutional domains at that time. In addition, it has to be remarked that the participants of the Sudan brainstorm session on 21 November 2008 calculatingly decided to start with filling in of the economic domain, as they argued that many security risks derive from factors of influence in other domains. This group also came across institutional effects even in absence of this domain.

everyday.[1227] Accordingly, part C addresses the potential (real and perceived) risk impacts that will be assigned to the eight identified domains and stakeholder groups; again recognising that risks have multiple dimensions and directions. However, the category of factors of influence driven by 'spontaneous' particular events or shaped by natural or historical features is no longer an element of this part of the framework. This is because risk principally has significance when it is expected to affect people in some way.[1228] Hence, the risk identification only pertains to the three stakeholder groups. Eventually, the risk identification will reveal how the assessor(s) thought about certain risks and concurrently it provides insight in the scale and directions of the anticipated impacts when taking into account that these might spread into different domains affecting multiple stakeholders. When multiple stakeholder groups are deemed to face the same risks (i.e. it is believed to be a large-sized risk), the expected risk impact becomes visible several times within the analytical framework for foreign military intervention. Then again, it might also be possible that a risk is thought to have its roots in multiple factors of influence thereby only leaving a foot print of one expected risk impact. The identified risk impacts, which can be either perceived or real, are written down in the first three rows of the final section of the risk analysis framework for foreign military intervention.

The next procedural step is the actual analysis and evaluation of the risk impacts, which directly touches upon judgement and hence the concept of acceptable risk (which has a very political attitude and involves the practical value of risk) enters the stage. Following the analysis of the risk impacts, four elements are vital to this step in the framework, namely 1) the anticipated risk levels for the separate domains and for the domains as a whole; and 2) the link to potential risk management in terms of will (risk appetite) and ability to influence the categorised risk impacts, and 3) conceivable risk management responses to conduct the intended intervention and to meet its assumed goals. The risk levels disclose the estimated likelihood and magnitudes of the identified risk impacts, also with regard to the intended conduct and continuity of the proposed foreign military intervention. At the same time, the risk levels and their subsequent ranking will reveal where the centre of gravity is expected to lie amid the identified risks. Accordingly, this will disclose which risk (domain) should be given priority when assessing possible risk responses *on the condition* that there is deemed some eagerness and an ability to change the risk impacts. These potential risk responses will however not be executed too detailed, as this thesis is not about risk management but only desires to illustrate the value, use and possible challenges of the risk analysis framework for foreign military intervention. Finally, after this final step within the risk analysis and evaluation, part C of the risk analysis framework is concluded with the insertion of 4) an intervention judgement whether to conduct the intended foreign military intervention (perhaps in the longer run and with alterations) or not.

Part C concerning the risk assessment then looks as follows and is discussed accordingly.

[1227] Heuer, R.J. Jr. (1999), p. 127; Vonk, R. (1999b), p. 145; Taleb, N.N. (2007), p. 62; Kaan, M. (2 May 2011), p. 19
[1228] Perelman, L.J. (28 September 2009)

POTENTIAL IMPACTS:	*Security Risks*	*Geographical environment risks*	*Health risks*	*Political risks*	*Social risks*	*Economic risks*	*Legal risks*	*Institutional risks*
For interventionist stakeholders	**1,14,19,22,41,52,54,59, 65** (Armed) protests, riots & public unrest **4,39** Enlarged weapon prevalence, either or not under governmental control; increased resort to weapons to settle disputes **5,55** Increased burden on already scarce military resources **7,23,64** Possible disloyalty, misbehaviour and misusing of trained skills **8,12,14,50,51,56** Another North-South war **13** (Armed) protest & violence by supporters Al-Bashir **15,24,31,37,38,39,42,4 8,54** Further deterioration Southern security environment, including rising levels of criminality **17** GoSS desires to end interventions even when hostilities are on-going and grievances are not yet settled; accusations of neo-colonial behaviour otherwise **62** UNMISS unable to deliver force protection in time and interventionist trainers not the first in line to be rescued **64** Internal (tribal) fighting during training **67** Increased exposure to (violent) criminality	**12,13** No longer access to North Sudan, politically, humanitarian or economically **40,41,42,43** Strained mobility and freedom of movement **40,41,42,43** Expensive long logistical lines and airlift capability required to unlock remote areas (and let soldiers from these areas participate into the intended training)	**4,8,15,24,38,43** Exposure to (lethal) injuries and mental disorders **15,24,38,40,41,42** The delivery of (humanitarian) assistance becomes complicated and unworkable **40** Difficulty to acclimatise for Western military officers from colder countries **47,48** Exposure to some of the illnesses and possible dispersion of infectious diseases, despite pre-deployment vaccination and medicines like malaria pills	**1,2,3,4,13,59,60** Weakening credibility, trust, support and de facto legitimacy donor states **2,13,22,63** Weakening confidence in (efforts) and reputation damage interventionist states, violations of treaties & playing out of interventionist parties by local stakeholders **3,55,62** Other donor countries', IOs and Southern Sudanese commitment to the training requirements uncertain **6,10,16** Accusations of supporting a potential repressive and corrupt regime of which genuine commitment to training is uncertain **6,8,9,10,21,22,23,24,31, 36,56,57,59** Investigation into of success or failure of the intervention by national Parliament **8** GoSS not willing to involve the North into intended training and to promote complete transparency **12,56** Exacerbating North-South tensions and intended military training might be perceived as a direct affront to the sovereignty of North Sudan **13** Upsetting African and Arabic countries and IOs plus negatively affecting mutual relations **13** Fosters North Sudan's ability to victimise President Al-Bashir in order to gain support and increase his de facto legitimacy **64** Commitment GoSS and SPLA doubtful as Southern JIUs/new OAGs are not yet reintegrated into SPLA	**10,42** Exposure to corruption; forced to pay bribes **35** High expectations inhabitants South Sudan cannot be met/fulfilled	**6,10** Interventionist investments disappear into the wrong hands in South Sudan **6,9,10,15,24,31,32,33, 38,39,41,43,44,48,50, 52, 53,54** Unattractive economic climate, including a possible outstanding debt burden of South Sudan (legacy from being attached to the North) and uncertainty about either estimated size of prevailing oil reserves or the availability of new wells **8,36** Investments to the GoSS might be used for other priorities **26,27,36,41,43,46,47, 51,64,65** Additional financial support is required to back the GoSS to make the expensive adjustments **50,53** International oil sanctions for South Sudan will not be fully lifted when the South still depends on the Northern oil infrastructure	**2,3,5,6,58,63** Acceptance of a MOU and/or SOFA with the GoSS is doubtful **28,31,32,33,34** Violations of international human rights and of legal procedures; eroding of the Southern law regimes and law enforcement capacity	**2,5,27,36,52,55,57,58** Too limited military resources to carry out the intended training and to professionalise the SPLA; intended conduct of training becomes uncertain **2,55** Individual donor commitments are aborted prematurely; discontinuity of conducted interventions **6,9,23,24,36,60,66,67** Effectiveness intended training doubtful **6,10,21,22** Biased selection process SPLA soldiers suitable for intended training; only regular SPLA members are selected **7** Difficulty to change the mindset of and professionalise the SPLA **8** Short-term perceived military operational requirements outweigh professionalisation of the SPLA and genuine state-building **18,49** Creates dependency; GoSS has no incentive to perform better **20,44** Training might not be suitable for each appointed member of the armed forces; different training levels for the courses are required **20,27,64** Refusal to attend training together and possible internal fighting **21** Trained SPLA officers will be reintroduced into an ineffective factionalised SPLA **44,61** Language barrier with interventionist military officers **51A** Southern oil infrastructure will not become available in the short run **59** Lack of transparency and accountability of the intended training **61** Less understanding of local Southern realities and challenges plus it cost more Western capacity **67** Doubtful whether selected SPLA members from remote areas participate into the training

For local stakeholders								
	1,14,19,22,41,52,54,59, 65 (Armed) protests, riots & public unrest **4,39** Enlarged weapon prevalence, either or not under governmental control; increased resort to weapons to settle disputes **7,23,64** Possible disloyalty, misbehaviour and misusing of trained skills **8,12,14,50,51,56** Another North-South war **12** North Sudan increasingly on the defensive **15,24,31,37,38,39,42,4 8,54** Further deterioration Southern security environment, including rising levels of criminality **16** Defecting governmental officials & erection of new OAGs **17** Intimidation, suppression & harassment political opponents and their supporters **19,31,33,38,59** Population seeks (armed) alternatives and takes law in own hands **21,28,59,60** SPLA cannot fulfil its mandate in the short run **21,33** Further eroding GoSS' monopoly on the use of violence **22,24,27** Further splintering or paralysing of the SPLA **26** Armed refusal to demobilise **40** Conflicts over resources **45** Political/societal instability	**8,15** Abrupt and large-scale people movement to find refuge **9** Impossibility for the GoSS to bring in SPLA soldiers from remote areas for the training **37** Possible freedom of movement for undesirable stakeholder groups ((foreign) OAGs, smugglers, human traffickers, SAF) **40,41,42,43** Strained mobility and freedom of movement **40,41,42,43** Expensive long logistical lines and airlift capability required to unlock remote areas (and let soldiers from these areas participate into the intended training)	**4,8,15,24,38,43** Exposure to (lethal) injuries and mental disorders **47,48** Exposure to illnesses and possible dispersion of infectious diseases **47,48** Vaccination campaigns for the Southern population required which impose an additional burden on the Southern governmental budget and scarce capacity	**1,6,9,10,14,16,18,19, 22,24,28,33,41,49,54, 59,63** Weakening credibility, trust, support and de facto legitimacy GoSS/SPLM **2,52,58** State collapse **5,15,49,55,56** Floating interest and support general international community **6,9,10,11,14,15,16,21,22,2 4,26,28,32,33,38, 39,41,45,46,48,52** Difficulty for the GoSS to establish a viable, peaceful and unified state **12,56** Exacerbating North-South tensions and intended military training might be perceived as a direct affront to the sovereignty of North Sudan **13,50,65** Political impasse between North and South Sudan **17** Defecting military officers who raise political parties thereby strengthening the military mindset within the political domain **38** Mother country does no longer feel responsible for these groups/political issue to demobilise them and to get them out of the country **61** Western political agendas prevail **65** GoSS compelled to politically, legally and socio-economically accommodate Southern-affiliated Northern soldiers from the JIUs	**9,41** Uneven Development **10,42** Exposure to corruption; forced to pay bribes **25,26** Community support programmes needed to prevent communal tensions	**2,52,58** No diversification of Southern economy; lingering economic vulnerability **6,9,10,15,24,31,32,33, 38,39,41,43,44,48,50, 52, 53,54** Unattractive economic climate which does not or only limitedly appeals foreign investors and brings about less government income **10,25,27** Further expanding of the Southern government payroll **11** Economic vulnerability to neutralise economic set-backs **15,18,38,49** Further disruption of economy and civilian livelihoods **37** Increased cross-border (illegal) trade and labour migration outside government control and regulation; less tax incomes **43** Arable land is useless **46** Limited labour force available to diversify the economy, and costly educational investments needed **50** Increased costs for the GoSS for using the North Sudanese oil infrastructure whereby the North seeks compensation for the loss of part the oil fields and subsequent revenues; this might include a temporary shutdown of the oil production and export **52** Anticipated drop in government income	**4,30,31,32,34** Instigating a culture of impunity and lawlessness **4,31** Precedent effect of accepted non-compliance with (inter)national law regimes **28,31,32,33,34** Violations of Southern (international) human and constitutional rights and of legal procedures; eroding of the Southern law regimes and law enforcement capacity **29** GoSS, Southern security and law enforcement entities as well as OAGs can be held legally responsible when not abiding the international law regimes **29** Signing and ratifying the Statute of Rome implies that the GoSS should extradite President Al-Bashir to the ICC when he would visit the South **30,32,34** Southern inhabitants do not know what (international) human and constitutional rights they have/what they are legally entitled to **31,32,63** Southern inhabitants have no or only limitedly access to formal justice and impartial trials **63** Misconducts and perpetrations of crimes committed by interventionist military officers during their job might be not penalised in the interventionist state	**2,10,25,27,51,52,58,65** Increasing burden governmental budget and capacity (insurmountable financial & institutional gaps) at the expense of development, particularly in rural areas **2,5,25,27,34,36,52,55.57,58,64,65** Too limited military resources to carry out the intended training and to professionalise the SPLA; intended conduct of and sustainment of the intended training becomes uncertain **6,9,23,24,36,60,66,67** Effectiveness intended training doubtful **8,25** No genuine DDR attempts in the short run after Southern independence **9,18,41,49,54** Creates dependency on (foreign) assistance **21** Trained SPLA officers will be reintroduced into an ineffective factionalised SPLA **27** Newly erected Southern OAGs might not desire to reintegrate into the SPLA, because of the abusive campaigns that were carried out by the GoSS and SPLA **27** Uncertainty if current SPLA leadership desires to re-welcome former army rejects/defected SPLA officers and has the capacity to absorb these combatants **44** Language barrier between the populace and governmental institutions **51** Uncertainty if Southern oil infrastructure can be realised in the short run, also because of Southern budget constraints

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Third party stakeholders	4,39 Enlarged weapon prevalence, either or not under governmental control; increased resort to weapons to settle disputes 8,12,14,50,51,56 Another North-South war 15,24,31,37,38,39,42,48,54 Further deterioration Southern security environment, including rising levels of criminality 17 Intimidation, suppression & harassment of non-SPLM constituencies 40 Conflicts over resources 45 Political/societal instability	8,15 Abrupt and large-scale people movement to find refuge 37 Possible freedom of movement for undesirable stakeholder groups ((foreign) OAGs, smugglers, human traffickers, SAF) 40,41,42,43 Strained mobility and freedom of movement	4,8,15,24,38,43 Exposure to (lethal) injuries and mental disorders 15,24,38,40,41,42 (Temporary) suspending of (aid) activities foreign governments, IOs, foreign and local NGOs, and churches, perhaps supplemented by a withdrawal of foreign personnel 41,47 High mother and 'under-5' mortality rates 47,48 Exposure to illnesses and possible dispersion of infectious diseases 48 Temporary locally demographic pressure versus scarce natural resources	5,15,49,55,56 Floating interest and support general international community	8,15,26,39,47,48 Further corroding of community lives and traditional leadership 8,15,26,39,47,48 Further increase of female-headed households and orphans 9,41 Uneven Development 9,15,26,41,47,54 Low quality of life, especially in rural areas 10,22,34 Deepening inequality without opportunities to turn for the better for the people not included in the system 10,42 Exposure to corruption; forced to pay bribes	15,18,38,49 Further disruption of economy and civilian livelihoods 43 Arable land is useless	4,31 Precedent effect of accepted non-compliance with (inter)national law regimes 4,13 Eroding credibility of the international law system 28,31,32,33,34 Violations of Southern (international) human and constitutional rights and of legal procedures; eroding of the Southern law regimes and law enforcement capacity 30,32,34 Southern inhabitants do not know what (international) human and constitutional rights they have/what they are legally entitled to 31,32,63 Southern inhabitants have no or only limitedly access to formal justice and impartial trials 63 Misconducts and perpetrations of crimes committed by interventionist military officers during their job might be not penalised in the interventionist state	2 Insurmountable institutional gaps and development lags even further behind, particularly for the regular citizen living in rural areas 8 Short-term perceived military operational requirements outweigh professionalisation of the SPLA and genuine state-building 44 Language barrier between the populace and governmental institutions
RISK LEVEL:	Moderate risk With an almost certain likelihood (Including a significant outlier: the factor of another North-South war is not expected to materialise in the short run)	Moderate risk With an almost certain likelihood	Low risk With an almost certain likelihood	High risk With an almost certain likelihood	Low risk With an almost certain likelihood	Moderate risk With an almost certain likelihood	Moderate risk With an almost certain likelihood	Extreme risk With an almost certain likelihood
OVERALL RISK LEVEL:	Extreme risk With an almost certain likelihood							
WILL AND/OR ABILITY TO INFLUENCE RISK:	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures	Risks fall outside assessors' eagerness towards risk-taking, but there is considered will and ability to take countermeasures

POTENTIAL RISK RESPONSE TO MEET GOALS:	e.g. risk reducing: Together with other members of the international community try to mediate, put both North and South Sudan under pressure and provide them with incentives not to start another North-South war **→ new risk analysis**	e.g. risk reducing: decentralise the intended training to state level whereby a rotation schedule can be made regarding to the raining season (during the dry season SPLA-soldiers from the inlands can be trained and during the wet season soldiers will be trained who are based near the intended location where the training will take place) **→ new risk analysis**	e.g. risk transfer to interventionist or local medical instances: Medical examination and perhaps vaccination of the SPLA-soldiers who will attend the training **→ new risk analysis**	e.g. risk avoidance by not further politically pushing through the indictment of President Al-Bashir **→ new risk analysis**	e.g. risk reduction: address the GoSS/SPLM and SPLA to condemn and punish corruption and apply carrot and sticks method to withdraw (financial) assistance **→ new risk analysis**	e.g. risk reduction: approach other donor countries to provide additional funds and assistance to support the GoSS to make adjustments **→ new risk analysis**	e.g. risk reduction: address the GoSS/SPLM and SPLA to condemn and punish all misbehaviour and violations of laws by security forces and law enforcement entities and apply carrot and sticks method to withdraw (financial) assistance **→ new risk analysis**	e.g. risk transfer to African partner countries: consider to increasingly partner with African donor states committed to South Sudan to jointly carry out intended training or to subcontract African trainers **→ new risk analysis** e.g. risk avoidance of the anticipated ineffectiveness of the current intended foreign military intervention whereby the intervention will be advised against **→ new risk analysis**
OVERALL JUDGEMENT:	INTENDED INTERVENTION IS NOT ACCEPTABLE YET, BUT THE ANTICIPATED RISKS ARE CONSIDERED MANAGEABLE IF THE DESIGN OF THE INTERVENTION IS MODIFIED							

Part C: A sensitive risk analysis framework for foreign military interventions; Risk

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Risk impacts
Following the context analysis, the intervention scenario and the identified factors of influence an overview is developed of 147 *validly predictable* (either real or perceived[1229]) risk impacts.[1230] By default, this list - alike the factors of influence - is not exhaustive nor would another assessor recognise similar risk impacts. Despite that the intended foreign military intervention (i.e. the training mission)is considered to be of a rather low burden on the interventionist armed forces involving minimal risk,[1231] such an initiative in South Sudan demonstrates to involve more risks after conducting the risk analysis. This riskiness is rooted in both behaviour of stakeholder groups and non-behavioural factors of influences (i.e. factors by 'spontaneous' particular events or shaped by natural or historical features). Here, it is mainly the behaviour of local and (to a lesser extent) interventionist stakeholders themselves, which are assumed to either carry out or to participate in the intended military training, that causes significant risks to the assumed execution of the foreign military intervention. Then again, the identified risk impacts are foreseen to go beyond the interventionist military resources and intervention, affecting (the activities of) local and third-party stakeholders.

A challenge of the risk analysis framework for foreign military intervention relates to the validly predictable aspect of the categorised risk impacts.[1232] Identifying less plausible risks which are signalled by less (convincing) factors of influence, including the outliers such as black swans, require special attention by the assessor(s) as people are inclined to recognise those risk impacts which they can observe, verify or reasonably imagine based on multiple prevailing factors of influence and occurrences that happened before (including their individual past experiences and observations). The identified possibility of another armed conflict directly after the split between North and South Sudan (despite the given that its nature will be different as it will be a war between two sovereign states) can be considered such an outlier or narrated black swan. This particular type of black swan circulates in society (i.e. people talk about it), is perceived to have a devastating impact but simultaneously is internationally deemed implausible to materialise in the very short run because of the (economic) interdependency between North and South Sudan.[1233] Nonetheless, risk assessors need to be cautious to grasp potential risk signals in the near future that indicate an outburst of such a new armed conflict in order to enable international mediation between North Sudan and the juvenile new Southern state.

Furthermore, comparable to the identification of the factors of influence, it occasionally proved a dilemma to assign a risk impact to one domain or stakeholder group. An example can be found with the anticipated risk impact of the GoSS' difficulty in establishing a viable, peaceful and unified state, which could be allotted to either the political or institutional domain depending where the risk assessor(s) places the accent. This can be explained by the given that risks can be multidimensional stemming from several factors of influence in different domains.

Another analytical aspect is that - aside from comparable risks - there seems variance in what risk domains groups of stakeholders are expected to face the largest number of risk impacts. Interventionist stakeholders are estimated to be primarily confronted with risk impacts in the institutional, security and

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[1229] Inherent to risk is that the discerned risk impacts will be always tentative in nature at best and certainty can only be obtained after something has indeed occurred, thereby enabling the identification of real and perceived risks (Heuer, R.J. Jr. (1999), p. 107). This is also applicable to the identification of real or perceived factors of influence.

[1230] The validly predictable aspect of the identified risk impacts is rooted - amongst others - in observable societal manifestations whether in (South) Sudan or elsewhere in the world which relate to this particular foreign military intervention or share similarities with the state of flux in the South. The number of anticipated risk impacts involves duplicates of risks that are estimated to affect multiple stakeholder groups.

[1231] Interviews 12 and 15

[1232] To be precise, the possibility always exists in practise that unexpected risks might materialise which are not identified in advance but in retrospect might pave the way for future identification and recognition. Obviously, the blind spot of risks that could happen but did not take place (yet) is hardly to overcome. It is perhaps a cold comfort that "one unexpected event may be easy to disregard, but a pattern of surprises may be the first clue that your understanding of what is happening, requires some adjustment, is at best incomplete, and may be quite wrong (Heuer, R.J. Jr. (1999), p. 74)."[1232] This suggests that a risk assessor has to go back to the drawing board and start a new risk analysis process.

[1233] Yet, the effects of such a conflict might be moderate for the intended interventionist trainers as they for the present are still anticipated to be deployed in Juba which would smoothen their evacuation when necessary.

political domains. Then again, local stakeholders are expected to encounter risks in the security, political, institutional and legal domains. Third-party-stakeholders are considered to be mainly subject to security, social and legal risks. It might be coincidence, but it could be explained by the broad-ranging stakeholder categories, the character of the context analysis of South Sudan and/or the possibility that the risk originators' behaviour affects others more.

The identification of risk impacts also stumbled upon a sort of mushrooming effect.[1234] This refers to the intended level of detail and possible second- and third-order impacts. Here, a particular factor of influence instigates a risk that in itself brings about other (side-)risks.[1235] Nevertheless, as was stated in chapter 2, it will be analytically very difficult to link third-order impacts to the original risk outcome as these are also influenced by wider politico-social changes. As it was already decided to carry out the risk analysis once, it made it easier to limit the width of the analytical process. This last remark leads to the next step within the risk analysis and evaluation, namely: the attribution of risk levels, to individual risk domains and to all domains together.

Risk levels
Regarding the risk levels, the ranking in terms of the anticipated magnitudes and likelihood is most important. Hereby, it is essential to make three remarks when assigning values to the domains. Firstly, despite that multiple groups of stakeholders could face identical risk impacts, there might be differences in the expected risk magnitude and likelihood which affect the overall rate. Secondly, ranking indirectly unveils how eager a risk assessor is to take risks (i.e. the risk appetite). Thirdly, the importance of factors that have only a minor impact on the risk assessor's judgement will probably be overestimated, while the extent to which this decision is based on a few variables will be possibly taken too lightly.[1236]

Since South Sudan is a war-torn society in transition, its state of affairs is already characterised by an (occasionally) explosive security environment, a weak state capacity, a very low standard of socio-economic development and widespread presence of SALW.[1237] Accordingly, many of the identified risk impacts are not expected to change the Southern internal state of flux too significantly but only to deepen prevailing tendencies. Except for the political, institutional, health and social domains which were ascribed different magnitudes, moderate impacts prevail within the framework. The health and social domains are expected to contain low risk as the extent to which the stakeholder groups (and the proposed foreign military intervention) are deemed to be affected varies significantly. Here, it has to be remarked that the Southern Sudanese population is considered the most vulnerable to the expected impacts. The political and institutional domains contain high and extreme risk as these are considered to incorporate the most significant risks pertaining to the future viability of South Sudan as a state, the expected ambiguous effectiveness and potentially limited successfulness of the intended foreign military intervention (with regard to its current design) and the subsequent credibility of the Dutch government.

It might be argued that lower-level likelihood will probably be less often applied to individual domains, due to the human tendency to identify mainly validly predictable risks. Though this seems demonstrated in this risk analysis process as well, it depends on the risk impacts that will be found. Pertaining to this risk analysis, all risk likelihoods for the individual domains are estimated to be almost certain (i.e. between 50 and almost 100 % that the risks will materialise, which is supported by convincing factors of influence). To be precise, many anticipated risk impacts materialised before, either in South Sudan or when conducting such an interventionist military training effort encountering similar circumstances within war-scarred countries. However, setting all risk levels at the same level does not

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[1234] This was also experienced by the participants in the sessions at Clingendael. The 'mushrooming' effect compels assessors to prioritise and rank the risk impact. See the section *Risk analysis and evaluation, and the first steps towards risk management*.
[1235] See Chapter 2, the section *Risk impact*.
[1236] Heuer, R.J. Jr. (1999), p. 56
[1237] This transition (period) can be perceived in multiple ways: South Sudan as recuperating from the North-South civil wars and implementing the CPA, South Sudan in preparation to become independent, and South Sudan as struggling to become a viable state facing immense challenges, including possible new future North-South armed conflict. With regard to the latter, oil-interdependency can be a catalyst for conflict as well as a mitigating factor. This however also depends on other factors, for instance the extent to what both the GoS and GoSS will be successful to find other sources of income.

imply that there will be no perceived differences between the domains. In other words, the odds-range of 'between 50 - almost 100 %' presumes some flexibility to further prioritise the risk domains.

Concerning the overall risk level, the centre of gravity is anticipated to lie within the institutional and political domains. Here, particularly the future viability of an independent South Sudan and the expected ambiguous effectiveness and potentially limited successfulness of the present design of the intended foreign military intervention are considered to be of overriding importance in assigning the overall high score.[1238] At the same time, the score presumes a low risk appetite - accurately or not - which might trigger the tendency to either take many risk countermeasures when the intervention is deemed important or to dismiss the whole effort in advance. This then leads to the possible will and/or ability by interventionist and local stakeholders to influence the identified risks and the potential risk response to meet the interventionist objectives.

Will, ability and risk responses
The risk appetite of the interventionist stakeholders together with the given that "no intervention decision is intended to be carried out at any and all costs" is inherent to the estimated will and ability to influence the identified risks and the potential risk responses.[1239] Here, the concept of acceptable risk touches upon the assessor's benchmarks that signify at what point it is thought no longer acceptable to pursue the intended intervention. The current design of the proposed intervention, the behaviour of local stakeholders and the Southern state of affairs cause that the risks of the interventionist military training effort in South Sudan fall outside the eagerness towards risk-taking and are not acceptable. Yet, notwithstanding all its potential challenges and deficiencies, the intended training effort is still deemed highly valuable, since such capacity building might support war-torn South Sudan to become a viable state in the longer run. On the one hand, this gives the impression that there is both a desire and an ability to influence the anticipated risks. On the other hand, it emphasises the political attitude of the acceptable risk type and the possibility that the accepted risks do not need to be congruent with either real or perceived risks.

Hereafter, in the risk analysis framework, a few examples of risk responses are given from an (Dutch) interventionist point of view whereby the assessment of the potential effects of the suggested risk responses is outside the realm of this thesis as this denotes a complete new risk analysis process. Although the examples of counter-measures are considered to enable (to some extent) the avoidance, reduction or transfer of the expected risk impacts, the controllability (and perhaps ownership) of some risks can be quite difficult because of the circumstances in South Sudan and therefore these might lie outside the capability of the interventionist stakeholder in the end. For instance, an interventionist stakeholder like the Dutch government might urge the GoSS/SPLM and SPLA to condemn and punish all misbehaviour and violations of laws committed by its security forces and law enforcement entities while simultaneously threatening to withdraw its (financial) assistance when the military officers that have to be trained disobey and misuse their trained skills during and after the training.[1240] As such, particularly since the Dutch government is not one of the largest players in South Sudan, it will be very dependent on the local will, ability and behaviour to reduce the identified risks indeed. Accordingly, the local stakeholders are the actual risk managers. On the other hand, changing the design (e.g. not putting together higher and lower-level military officers, promoting African interventionist participation, and using decentralised

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[1238] This assumed effectiveness has to do with dilemmas whether the intervention was deemed promising and durable as the intended local and international Western commitments are still uncertain (especially of the countries that are already involved in SSR and military training in particular), the short time frames of the intervention without monitoring or on the spot training of the soldiers, the GoSS lacks budget to further train and professionalise the SPLA, the nature of the armed forces and the desire to locate the training centrally near Juba. It also raises questions whether it is still possible to join the military initiative of Switzerland and to broaden and further internationalise (i.e. inviting other donor countries to participate) their project.
[1239] Vertzberger, Y.Y.I. (1998), p. 5
[1240] Reviewing whether trained military apprentices misbehave after the interventionist training is challenging, as - despite the presence of the Joint Donor Team - the proposed foreign military intervention not yet encompasses a monitoring or training on the job component.

locations) of the intervention lays perhaps more within the reach of interventionist stakeholders to positively affect the identified risks.

The insertion of risk responses into the framework denotes that a new risk analysis process is required to examine what practical changes could come to light if these are applied. After all, these risk responses might instigate completely different risk impacts that might not only alter the realities on the ground but also the intervention judgement.

Overall intervention judgment

The overall judgment can be reached which describes the final conclusion by the risk assessor(s) to either or not pursue the intended (or an adjusted version of the) intervention, while also taking the potential available risk responses into account. Here the political attitude of acceptable risk might prevail in reaching a verdict. On the subject of conducting the proposed military training of the SPLA, the foreign military intervention has all odds against it.[1241] Based on the risk analysis, it is argued to not pursue this intervention. Nevertheless, (socio-political) considerations that perhaps also motivated the development of the proposed foreign military intervention in the first place, might be of overriding importance in side-stepping substantial risk impacts. An eventual judgement might entail (calculated) considerations that a SSR intervention 1) in a war-torn and fragile society will be always challenging but is necessary anyway to help a country like South Sudan to become a viable state (thereby also strengthening the mutual diplomatic relations), 2) might improve international peace and stability within the larger Horn of Africa and Great Lakes regions, 3) in this particular case still has some opportunities to considerably increase the anticipated effectiveness and successfulness of the intervention as interventionist stakeholders can modify some significant aspects of the design of the mission, and 4) the interventionist military officers are believed to be at minimal personal risk in South Sudan.

Besides, the risk analysis discloses that other immense state-building challenges await in South Sudan which are believed to affect the success of the intended intervention and raise the question whether the improvement of for instance (the GoSS,) the SSPS and legal system have priority over modernisation of the SPLA.[1242] In other words, the leverage of such SSR initiative has to be supplemented by efforts to invest in local conflict resolution and developing judicial and police capacity, for example through projects of community policing that bridge the gap between the direct security-driven needs of the population and the medium-term capacity-building results of the training. It highlights the need for interventionist stakeholders to encourage a grand strategy that aligns the efforts of various governmental and non-governmental players. At the end of the day, in this case, the Netherlands' political-military leadership will however decide on the fate of the intervention and though this risk analysis enhances informed decision-making it will not always prevent that the relevant decision-makers decide something otherwise. Here, when the Netherlands will wait to take a positive intervention decision in the aftermath of Southern secession, the political window of opportunity might disappear or become less attractive to conduct the intended training mission, because of other (inter)national priorities and commitments or because of the rising conflict potential between North and South Sudan.

To conclude, the intended intervention is not considered acceptable yet, but the anticipated risks are considered manageable if the design of the intervention is modified. This means that the Dutch government, when it desires to pursue the adjusted proposed intervention, ought to pay extra attention to the institutional and political risks in order to execute the intervention in a responsible manner. At the same time, this suggests that the overall intervention judgement does not necessarily logically derive from the identified overall risk level; i.e. a foreign military intervention that is anticipated to encounter extreme risk with an almost certain likelihood is not automatically rejected.

[1241] Evidently, this overall judgement can normally be taken only after assessing the potential effects of the risk responses.

[1242] The enhancement of the GoSS, police and legal institutions might have more direct visible peace dividend for ordinary Southern citizens than enhancing the SPLA.

4.3 *Sub-conclusion*

This chapter aimed to demonstrate the use, value and the challenges of the risk analyses framework as developed in chapter 3, based on a context analysis of (South) Sudan and a scenario for a Dutch military intervention. Hence, the following sub-question can now be answered: *What does the risk analysis framework this research project puts forward look like when it is applied to a scenario for Dutch military intervention in South Sudan and what are observations in using the framework?* The use of the model was demonstrated extensively in the previous sections when the parts A, B and C were filled out and analysed accordingly. The sub-conclusion will therefore mainly touch upon aspects of 'value' and 'challenges', i.e. the identified lessons when applying the risk analysis framework. It has to be underlined again that this chapter only aimed to illustrate the model, not to test it. So, jumping to hard conclusions has to be avoided here.

This risk analysis revealed significant possible pitfalls and considerations whereby the effectiveness of the intervention in its current design is most liable to risks in the institutional and political domains notwithstanding that the provision of a SSR training mission may not be difficult in itself and usually considered a low burden on the Dutch armed forces. Here, an considerable disadvantage is that many of the identified risks find their origin in the behaviour of relevant local stakeholders and local circumstances in South Sudan such as the absence of infrastructure outside urban areas. Bringing to mind the supportive nature of the intended intervention, actual risk management measures and subsequently the controllability of the identified risks that are believed to affect the intervention's effectiveness are not within the ability of the interventionist stakeholder(s).

As a lens to look at reality, the framework evidently helps to structuralise the thinking process when assessing such a complex issue as risks of a proposed foreign military intervention. It might not necessarily prevent human tendencies as explained in the previous chapters, but it might curb their dominance in the end (especially when conducting the risk analysis process in a joint setting). More precisely, the framework compels its assessors to think through and further reflect on their assumptions and intended actions thereby making them aware not only of possible implications and side-effects but also on the versatility of risk and why they decide to allocate certain properties to particular domains and stakeholders. Besides, the risk analysis framework seems to pave the way for other additional analysis tools when touching upon issues like context/conflict analysis, stakeholder analysis and risk management. This suggests that for further improving informed decision-making, effective action and to become truly sensitive to the operational environment of a military intervention, the risk analysis framework for foreign military intervention can be used alongside other analytical tools during the phase of pre-deployment planning and decision-making. Finally, the risk analysis framework seems to demonstrate the practicability of the definitions that were developed in this thesis for foreign military intervention and risk.

Finally, the conduct of a risk analysis process according to the risk analysis framework for foreign military intervention also came across some challenges. Here, three issues will be dealt with: the visibility of the three types of risk impact, the small steps to potential risk management and the usefulness of jointly conducting the risk analysis processes. The definition of risk established three different risk impacts, namely in terms of positive, neutral and negative risk impacts touching upon the risk assessor's value expectation (i.e. are the expected risk impacts deemed desirable or undesirable?). The identification of negative risk impact was not too difficult within the risk analysis framework, as people are naturally inclined to grasp the potential down-side (and magnitude) of risk. For this reason, risk impacts that are perceived as negative might typically pop up within the framework.[1243] In addition, in this particular risk analysis process with regard to a SSR effort in South Sudan, neutral risk might be also not too difficult to ascertain, because many of the identified risk impacts seem not really to change but merely to deepen the bigger picture of the South. Yet, neutral risks might demand some reading between the lines. The possible positive side of risk seems however not absorbed within the risk analysis framework. The given that some

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[1243] This human tendency seems to have occurred also during the brainstorm sessions at Clingendael and in the present risk analysis process.

of the factors of influence have positive effect indeed and a foreign military intervention will probably never carried out in absence of any positive reinforcements and tangible rewards, the question presents itself whether it is valuable to get more insight into the potential benefits of the anticipated risk impacts and to which stakeholder these are deemed to relate. In the end, despite that risk assessors might themselves be aware of the different risk impacts, conceivably more emphasis could be given to the positive aspect of risk within the risk analysis framework.

The risk analysis framework for foreign military intervention only limitedly touched upon risk management by selecting and listing risk responses and assessing their potential impacts. In practice there might however be a demand for more profound risk management to develop a risk strategy when assessing the risks of a possible foreign military intervention. Such a risk strategy might pertain to a (measuring) list of factors of influence that have to arise to trigger action to apply risk responses and set in motion exit-strategies. This way, also more attention can be paid to the different (individual) intervention objectives and the priorities among them. On the other hand, the risk analysis seems to benefit from the insertion of ability and willingness towards risk-taking and subsequent risk responses. Altogether, this suggests that additional research might be needed to further develop this part of the risk analysis framework.

Evidently, this particular risk analysis was conducted to the best of the knowledge of one single assessor whereby the risk analysis framework bolstered the structuring and broadening of the thinking process. Nevertheless, the outcome of the analysis is probably entrenched with knowledge gaps and individual preferences (though this is inherent to any risk analysis in the end), the discerned factors of influence and identified risk impacts. Hence, the question remains to what extent the assessor was able to detach him-/herself from his/her personal experiences, perceptions and values.[1244] Accordingly, this underlines the significance of conducting the risk analysis process jointly with diverse, multidisciplinary risk assessors in an attempt to curb the effect of prevailing personal biases on and subsequent ambiguity in the analysis process and encourage further analytical objectivity.[1245] Although people tend to be more creative when teamed with others, the downside is the distinct risk of group thinking whereby people tend to denote risk more positively and are willing to take collectively more or greater risk than they would do on an individual basis.[1246] Hence, it can be concluded that additional research could be useful to further enhance the analytical objectivity of the risk analysis framework.

[1244] Based on Vertzberger, Y.Y.I. (1998), p. 21; Aitken, S. & Valentine G. (eds.) (2006), p 340
[1245] With reference to footnote 298, this analysis tend to be inclined by the perspective of that of the interventionist military. By the nature of this single-assessor analysis, the input from and interaction between other relevant stakeholders are absent. Accordingly, the overall risk awareness is limited just like the knowledge of the reactions and actions of others and possible implications.
[1246] Heuer, R.J. Jr. (1999), pp. 77-78; Claes, F.P. (2004), p. 21; Schulze, K. (29 April 2009). See also chapter 1, footnote 46

Chapter 5   CONCLUSION: THE RISKY WAY AHEAD

> Look, I think that you make sure that you have thought through all the alternatives, and that you feel confident enough that this is the best decision, that it justifies potentially some of those kids [read: soldiers] not coming back. And the challenge is that you never have 100 per cent certainty. Woodward, B. (2010), p. 98, while citing President Obama

The objective of this thesis was twofold, to contribute to the conceptual development of risk with regard to foreign military intervention and to develop a risk analysis framework. This framework had to grasp the ambiguity of today's interventions in the form of a more comprehensive risk concept. Hence, the central research question was: *How can risk for foreign military intervention be defined and how can risk analysis for foreign military intervention be structuralised to account for the complexity of today's foreign military interventions and military operational areas?* Subsequently, four sub-questions were answered to facilitate the overall conclusion of this thesis.

The first step was to disentangle the current cumbersome and opaque definitional jungle of foreign military intervention labels and to develop a definition that was convenient for this thesis. Hence, the first sub-question was: *What is considered foreign military intervention?* Instead of trying to develop a specific distinct definition once more that will inevitably end up with a semantic gap between means and ends, it calls for a definition that is both open and sensitive in heart to capture the multiple analytical domains, the different scopes of foreign military intervention and enlarged military responsibilities, complex military areas of operations and the diverse stakeholders, whether within an intervention or not. At the same time, the definition had to discourage the prevailing high expectations and prejudices of foreign military intervention being a large-scale, hostile, intrusive and coercive act that is often combined with a high-scale use of force.

The backbone of the definition is the relationship between the intervening and the entry state wherein the interventionist stakeholder might deploy its intended foreign military intervention. After all, this determines the intervention type (supportive, non-sided or hostile) and subsequently (partly) tackles the issue of legitimacy to deploy an intervention in another sovereign state and discloses what is considered the nature of the intended intervention. In the end, foreign military intervention is considered: 'from divergent (ulterior) rationales and objectives, the offensive, preventive or reactive, continuous but limited in time, dispatch of military resources to another sovereign state, in an individual or collective context, whereby uniformed personnel is given lethal and/or non-lethal responsibilities that can be up- and down-scaled in use of force, in an attempt to influence the political, security, economic, social, institutional, health and/or natural or man-made infrastructural conditions in the entry state in a supportive, non-sided or hostile manner.' Here, no distinction is made between large-scale interventions or the deployment of just a few military officers in order to capture almost all foreign military activities that take place within the sovereign sphere of another state into the definition.

The second step was to answer the sub-question: *What is considered risk in terms of foreign military intervention?* Risk - which is always rooted in elements of perception, uncertainty and incomplete knowledge - demonstrated to be a very complex and ambiguous concept that is often attributed a negative connotation in terms of its assumed impact. Regarding foreign military intervention, the potential benefits and neutral effects of risk-taking, the multiple directions of risk, the diverse stakeholders (interventionist, local or third-party stakeholders) in various domains (both inside and outside a certain entry state) had to be incorporated. Additionally, the practical value of risk and its analysis lie in the connection to potential risk management.

Most important to the definition of risk, is that risks derive from factors of influence (i.e. tangible or estimated phenomena) which arise from the behaviour of certain actors *or* which are set forward by natural and historical processes and 'spontaneous' events. Altogether, in this thesis risk is defined as 'the likelihood that with a foreign military intervention, from factors of influence, both validly predictable and unexpected, real and perceived, direct and indirect criss-cross consequences will materialise, that may

differ in their scale, magnitude and time span, and can have positive, neutral or negative impact on either the intervention itself or on interventionist, local or third-party stakeholders in multiple domains, and therefore can give rise to interventionist considerations whether these consequences are deemed acceptable and how they can be responded to.' In the end, a foreign military intervention always involves some kind of balancing act between what an interventionist state desires and what military resources it has available and the risks it estimates to encounter when conducting the intended intervention.

Based on the defined concepts of foreign military intervention and risk, an analytical tool was developed to analyse the risks of an intended foreign military intervention in any given country. Hence, the following sub-question was: *How can risk analysis for foreign military intervention be structuralised to be sensitive to characteristics of a foreign military intervention, various stakeholders and the multiple risk domains?* To this end, a standardised however flexible matrix-shaped risk analysis framework was developed that is both qualitative in nature and sensitive to the complexities and peculiarities of both foreign military interventions and risk. This risk analysis framework for foreign military intervention grasps the key elements of such interventions and risks while addressing the intervention characteristics, the three stakeholder groups, the different domains, both the expected factors of influence and risk impacts separately and the first steps towards risk management, including a final judgement on the planned intervention. Here, the stakeholders serve three roles in the risk analysis framework: as the originators of risk (alongside natural factors of influence), as receivers of risk as they can become affected by certain risk impacts and as potential risk managers. Furthermore, in the framework eight basic required domains are identified that refer directly to the domains that can either affect a foreign military intervention and subsequent troops, and the ones that can be influenced by the interventionist military forces and the intervention itself: the security, geographical environment, health, political, social, economic, legal and institutional domains. Nevertheless, these domains can be fine-tuned[1247] or supplemented with other specific domains (e.g., communication, technical, information or intelligence domains) for each intended foreign military intervention, when required.

Now that the framework was established, in chapter 4, the use, value and challenges of the risk analysis framework were illustrated based on a scenario for a Dutch foreign military intervention in South Sudan. Accordingly, the fourth sub-question was: *What does the risk analysis framework this research project puts forward look like when it is applied to a scenario for Dutch military intervention in South Sudan and what are observations in using the framework?* Again, this scenario did not intend to test the risk analysis framework. However, there are definitely some outcomes to share on the use, value and challenges of the risk analysis framework for foreign military intervention. The main conclusion is that the risk analysis framework definitely provides an insightful and practical took for policy and decision-makers to decide and manage the design of a foreign military intervention. The framework shows the linkages, dependencies and opportunities between different stakeholder groups and between the various factors of influence and risk impacts. Moreover, it compels planners, risk assessors and decision-makers to look beyond their limited self-interest and into the various domains they (intend to) influence and by which they themselves are influenced. Moreover, the risk analysis framework demonstrates the need for a comprehensive and 'joint-up' approach between the different interventionist stakeholders and hence contributes to the concept of a 'grand strategy' to a country's foreign policy. Nonetheless, the framework also exposed some remaining challenges regarding the visibility of the three types of risk impact, the small steps to potential risk management and the usefulness of jointly conducting the risk analysis processes.

Finally, the central research question can now be answered: *How can risk for foreign military intervention be defined and how can risk analysis for foreign military intervention be structuralised to account for the complexity of today's foreign military interventions and military operational areas?* Without repeating the previous answers to the sub-questions, risk with regard to foreign military intervention and the subsequent analysis can indeed be made representative to the complexity of today's foreign military interventions and military operational areas by modifying existing interpretations of both

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[1247] This applies also to the intervention characteristics and stakeholder categories.

risk and foreign military intervention into concepts that are sensitive to the complexities and peculiarities of these phenomena. Particular attention has been paid to the intervention characteristics, the roles of diverse stakeholders involved in a foreign military intervention, the way risk comes into existence (factors of influence) and the different directions of risk and domains wherein the eventual risk impacts could materialise. Altogether, it can be concluded that risk, foreign military intervention and risk analysis are complex matters, which demand time to assess more thoroughly. Particularly with foreign military interventions, exactly this time factor might be the most costly and scarce asset. However, this thesis demonstrated that there are no risk-free decisions, either consciously or not. The research has at least enabled stakeholders to an intervention to conduct their intervention decisions more responsibly and to frame the intervention in a more humble and realistic way, when referring to objectives and conduct of foreign military interventions.

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