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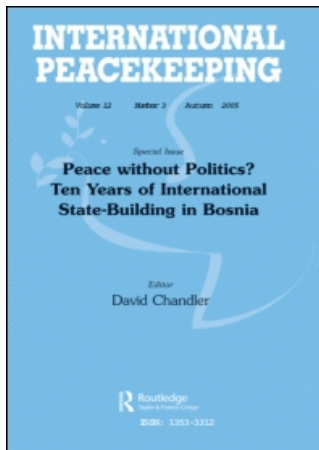
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# The 1998 Military Intervention in Lesotho: SADC Peace Mission or Resource War?

FAKO JOHNSON LIKOTI

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The 1998 military intervention in Lesotho by South Africa and Botswana was shrouded in controversy. While South African officials claimed that the intervention was a Southern African Development Community (SADC) humanitarian peacekeeping mission to rescue Lesotho from a coup, the intervention appears to have been inconsistent with the UN Charter and with the SADC Treaty. Indeed, SADC had no role in legitimating this intervention because proposals relevant to coups had not been ratified by the SADC Summit. It would appear that the motivation for this intervention, at least on the part of South Africa, was to secure strategic resources, mainly water. National interest explains the intervention, rather than the rescue of a captive state as South Africa claimed.

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This essay aims to establish whether the military intervention in Lesotho was motivated by the realist national interests of intervening countries, and to ascertain the role of SADC in facilitating this intervention. It analyses the processes that South Africa and Botswana followed during their intervention.<sup>1</sup> Despite Buzan's enlargement of security definition to embrace new developments, the traditional realist definition of security continues to dominate international relations.<sup>2</sup> As Lisa Thompson argues: 'the reality of security as military security is pervasive in policy action (and in the size of defence budgets)'.<sup>3</sup> It has been easy for policy-makers to use security in this manner as a policy goal. This article contends that South African intervention in Lesotho was motivated by its realist interests. When states' interests are at stake, they must do everything in their power and capacity to protect them by whatever means necessary. South Africa's position against intervention where its interests were minimal was clarified by an official pronouncement which declared that the South African government 'would not send military reinforcement to the Kabila government along with Zimbabwe, Angola and Namibia ... based on principle'.<sup>4</sup> The principle was based on the realist perspective that South Africa would only intervene to salvage its own interests, particularly security of water supplies. In line with Hans Morgenthau's contention that issues such as water, diamonds and other natural resources are also vital variables which propel states to intervene unilaterally in other countries in order to secure them, this article argues that this was the case in Lesotho.<sup>5</sup>

## Instability in Lesotho

The 1998 elections in Lesotho were characterized by deep tensions and animosity, which stemmed from the earlier fragmentation of the Basutoland Congress Party

(BCP) and its partial reconstitution into the Lesotho Congress for Democracy (LCD), which won elections after being formed barely eight months earlier. The split was led by the founder leader of the BCP and the then Prime Minister, Ntsu Mokhehle. The opposition parties questioned the validity of the election results. The government and opposition parties sought mediation from South Africa to settle the dispute. The Deputy President of South Africa (SA), Thabo Mbeki, then assembled an auditing team from South Africa, Botswana and Zimbabwe, headed by a South African High Court Judge, Justice Pius Langa.<sup>6</sup>

The findings of the Langa Commission created more anxiety and confusion in Lesotho. Despite its credible process and transparency, the report was mis-handled.<sup>7</sup> Instead of Mbeki presenting the Langa Commission's report in Lesotho, it was contended that the report must be presented before Heads of SADC Summit meeting in Mauritius (13–14 September 1998). The findings were summarized as follows:

we are unable to state that the invalidity of the elections has been conclusively established. We point out, however, that some of the apparent irregularities and discrepancies are of sufficiently serious concern. We cannot, however, postulate that the result does not reflect the will of Lesotho electorate.<sup>8</sup>

This paragraph created more controversy among the parties than was anticipated. Puleng Thetela argues that 'this vague, and contradictory' conclusion thus fuelled allegations that the report had been 'rewritten' in Mauritius.<sup>9</sup> The report became susceptible to different interpretations: 'on the one hand it stated that there had been fraud. On the other hand it did not find that the election had been rigged'.<sup>10</sup> It was these inconsistencies that motivated the South African Communist Party (SACP) to argue that:

these elections were characterized by widespread and apparently systematic irregularities. The Langa Commission, which produced (perhaps appropriately) a very legalistic document, found that it was not able to prove fraud, but it highlighted serious irregularities in at least 41 of the 80 constituencies.<sup>11</sup>

The preliminary report, which Mbeki shared earlier with the parties, indicated that 95 per cent of elections were not free and fair, due to serious discrepancies, and were thus highly compromised.<sup>12</sup> The Commission found discrepancies between the total number of people who had voted and the announced results and considered the explanation given by the Independent Electoral Commission (IEC) in respect of the discrepancy to be implausible. The election materials were in such a state that no reliable conclusion could be drawn: container seals had been broken and packages left open when normally a High Court order was required to open them.

This set the scene for a mutiny in the Lesotho Defence Force (LDF) which broke out in mid-September 1998 at the main army barracks in Maseru. In response to the ensuing instability, Prime Minister Pakalitha Mosisili wrote to the heads of state of Botswana, Mozambique, South Africa and Zimbabwe,

requesting military intervention in Lesotho.<sup>13</sup> What was unique about this election-related conflict was that it brought about military intervention by a neighbouring state under the auspices of SADC.

### The Military Intervention

On the morning of the 22 September, the South African National Defence Force (SANDF) intervened in Lesotho. The decision to do so was justified by the Prime Minister's direct approach to the SADC Chair, the President of South Africa. This action was seen by local political parties as beyond the Prime Minister's powers under the constitution, which makes it mandatory to consult the King on such matters.<sup>14</sup> On the other hand, the ruling party suspected the King of being in league with the protesters, since he had earlier refused to allow the army to remove them from the palace gates. This might have been the reason why the Prime Minister did not consult him. The legitimacy of the intervention was also questionable from an international perspective because it appears to have been not on humanitarian grounds. It was not saving people in any danger or preventing a human catastrophe, but was more consistent with realist imperatives. Furthermore, as Cedric de Coning argues, 'South Africa, Botswana and SADC, appeared to have failed to obtain prior authorisation from the UN Security Council as required by Chapter VIII of the Charter',<sup>15</sup> but the decision to intervene was allegedly based on agreements reached at SADC summits.<sup>16</sup> However, the intervention was also inconsistent with Article 4(a) of the SADC Treaty, which underwrites the principle of sovereign equality of all member states.

The Lesotho intervention gives credence to the claim by David Black and Larry Swatuk that the wars of the next millennium will be fought over scarce resources.<sup>17</sup> In explaining the mandate of the intervention, code-named Operation *Boleas*, the Acting South African State President, Mangosuthu Buthelezi, argued that there were three objectives: 'to secure the Dam, restore order in the security establishment and clear protestors from the Royal Palace'.<sup>18</sup> Consistent with the State President's orders, the SANDF went first to the northern part of the country to the strategic Katse Dam and shelled members of the LDF guarding it.<sup>19</sup> The dam is a joint Lesotho/South African Highlands Water project (HWP), costing US\$7.5 billion, for storing and transferring 2.2 billion cubic metres of water for the South African industrial heartland. The South African newspaper, *The Sunday Independent*, of February 1999 offers a vivid description of the intervention. Two South African helicopters opened fire on the sleeping soldiers, and special forces were then landed and massacred any LDF that had survived.<sup>20</sup> Another report states that the SANDF bayoneted the corpses and 'blasted their heads with bullets'.<sup>21</sup> The force then moved to Maseru to handle the unrest that was taking place there.

It seems therefore that South Africa's underlying motive was to secure water resources, though the embattled Mosisili did not say anything about the water project being in danger when he invited South Africa to come and quell the alleged coup. In justifying the intervention, South Africa claimed that it had intervened on behalf of SADC after being invited by a legitimate government. In this

manner South Africa's intervention was justified under the principle of collective security, barely a month after declining to intervene in the DRC.<sup>22</sup> Nor was the same facility extended to the protracted civil war in Angola, which only came to an end after the death of long-time guerrilla leader Jonas Savimbi in 2002.<sup>23</sup> The crucial question is whether the intervention was consistent with SADC's 1996 Security protocol, which also established the Organ of Politics, Defence and Security (OPDS).

### **The Role of SADC's OPDS in Intrastate Conflicts**

On 28 June 1996, the heads of states and governments of SADC had launched the Protocol, which established the OPDS, following discussions at several SADC summits and Council meetings.<sup>24</sup> In the Protocol, these leaders committed themselves to peaceful resolution of both intrastate and inter-state conflicts. They vowed to settle their internal problems through negotiations and consensus, promoting peace by working together and assisting each other to create political stability in their countries. This was soon put to the test by the disputes which broke out among Angola, Zambia, Botswana and Angola. Following accusations by the Angolan government levelled against Zambia for assisting the rebels of the National Union for the Total Independence of Angola (UNITA), SADC under the chairmanship of Swaziland was able to realize a peaceful resolution of these differences, though not to end the war in Angola. Similarly, when the water-related dispute broke out between Botswana and Namibia in the Okavango River Basin, SADC was again on hand to manage the dispute.

The aim of member states in designing the structure of the OPDS was to make it flexible and responsive to regional problems that might arise.<sup>25</sup> This regional security architecture was designed in line with Chapter VIII, Art.52 of the UN Charter to deal with threats between member states. Similarly, this security architecture was designed in such a way that it operated within the framework, and in some cases the direction, of the SADC Summit. Article 3 of the OPDS clearly reflects this line of thinking. For instance, section 1 says that the OPDS would be an institution of SADC and would report to the Summit, and thus be accountable to the Summit for its entire operations.

The OPDS preamble emphasizes strict respect for each member state's territorial integrity and sovereignty. The preamble also advocates respect for good neighbourliness, interdependence, sovereign equality, political independence, non-aggression and non-interference in the internal affairs of the member states. The OPDS must also follow procedures contained in Art.11 section 4 that require it to obtain the consent of disputing parties for its peacemaking efforts. Any state party may request the Chair, in consultation with the other members of the troika, to table any significant conflict for discussion or mediate in a conflict within the territory of that state. Finally, and in accordance with Art.11 section 4(e), the exercise of the right of individual or collective self-defence shall immediately be reported to the Security Council and to the Central Organ of the African Unity Mechanism for Conflict Prevention, Management and Resolution.<sup>26</sup>

What shocked most analysts was that at the time of the DRC and Lesotho conflicts OPDS business was currently suspended, owing to protracted disagreements between its Chair, Zimbabwe, and the SADC Chair, South Africa. During this period it functioned independently under the chairmanship of Zimbabwe's President Mugabe, who had chaired the OPDS since its inception in 1996. The Zimbabwean chairmanship was 'to fill the void left after the Frontline States dissolved in 1994', and the longest-serving statesman was elected by the Summit to fill this position.<sup>27</sup> The 1996 protocol emphasized that the OPDS should operate at the Summit level, independently of other structures.<sup>28</sup> This presupposed that SADC had two chairpersons, one for SADC as a regional body and the other for the OPDS. President Mandela of South Africa was vocal in arguing that SADC was not meant to have two chairpersons, because such a set-up would generate unnecessary competition and undue rivalries with bifurcation of goals between the two organs.<sup>29</sup> By contrast, Mugabe urged that the two should operate as separate but parallel bodies in accordance with the 1996 Summit, which established the OPDS.<sup>30</sup> Mugabe argued that SADC was a donor-funded body, which made it susceptible to foreign influence, whereas security was a highly sensitive issue which could not be subordinated to donor influence.<sup>31</sup>

The impasse between presidents Mandela and Mugabe reflected this complex relationship: South Africa argued that 'issues of politics, defence and security were too sensitive and important to be effectively left to one member state', and that 'any fears about the separate SADC Organ Summit being abused by the SADC Organ Chairman are unfounded'.<sup>32</sup> Decision chains as envisaged by the SADC Gaborone Communiqué, mostly relating to interstate issues, cannot be unilaterally taken without consultation with all member states of SADC. In terms of the OPDS, the Chairman of SADC must first consult the Troika whose decision must be endorsed by the Summit. This raised a lot of legitimacy questions regarding the transparency and ownership of this SADC mission.

At the time of the intervention, SADC had no official document regulating interventions, apart from the Gaborone Communiqué of 28 June 1996 in regard to the OPDS protocol, which was to be tasked to deal with these issues.<sup>33</sup> At the time of this conflict it had only received approval at the ministerial level and was yet to be approved by the Summit. This meant that the document was not official and could not be cited as a justification for intervention. Laurie Nathan argues further that:

The SADC decision to not allow coups in the region had in fact been a proposal from the ISDSC to the SADC Summit; the proposal had included the proviso that UN, OAU and SADC approval be obtained prior to any military intervention; the Summit had neither endorsed the ISDSC's proposal nor authorised military action.<sup>34</sup>

In the absence of Summit approval, the decision by the two neighbouring SADC countries to launch the operation seemed to have been inconsistent with SADC's decision-making rules and the UN Charter, and was hence illegal under international law. This operation highlighted the absence of agreed rules

and also the complexity in OPDS decision-making on legal, military and political matters for undertaking collective enforcement action by the institution. What was clear was that this intervention was driven by realist interests. It was further argued that when the intervention occurred, member states had agreed neither on how the OPDS should relate to SADC nor on who had to control the intervention.<sup>35</sup> The lack of transparency regarding the decision to intervene created the impression that it was a South African rather than a SADC mission. It can be argued that SADC lacked a mandate. South Africa had clear interests in Lesotho. The identity of the intervening force was predominately South African, with the Botswana Defence Force arriving a day later and limited to a motorized infantry company (130 personnel) and a battalion command element, compared to the 3,000 SANDF personnel.<sup>36</sup> The lack of transparency surrounding the level of authorization of the intervention left several questions unanswered:

It is unclear if there was any formal SADC decision that authorised the Lesotho intervention. If such decision was taken by SADC, it is unclear if it was authorised at the SADC Summit in Mauritius, at a Ministerial meeting, or at a meeting of Chiefs of Staff. Assuming for a moment that SADC did approve the intervention, what was the mandate approved by SADC for the mission?<sup>37</sup>

Several theories were formulated by political commentators, which sought to justify or repudiate the intervention. But the fact of the matter was, 'there was no record of such a decision in the minutes', and it would appear that it was decided at a meeting of defence ministers in Gaborone on 15 September 1998, at which only South Africa and Botswana were present.<sup>38</sup> This raises even more serious questions: why was the decision to intervene taken at the ministerial meeting rather than at the Summit and why by the interveners who did not even constitute a SADC quorum?

While the speed of the intervention appeared to have been paramount, it seems that the planners 'did not understand that the multinational identity of the mission was as crucial as speed to the way in which the SADC Task Force was perceived, and thus ultimately to the overall success of the mission'.<sup>39</sup> They also did not realize that the mission, to be credible, ought to have had a SADC logo and flag comparable to UN missions – symbols that would indicate that the intervention was indeed authorized by SADC.

Another flaw was the codename *Boleas*. Unlike UN peacekeeping forces that have clear, explanatory acronyms, the Lesotho mission had a non-SADC military code. It is also worth noting that South Africa and Botswana appear to have different understandings of the supposed SADC mission. Makoa argues that:

The two countries had differing interpretations of their mission and its source of legitimacy. For example, on entering Lesotho the Botswana Defence Force (BDF) flew a white flag, indicating that it saw itself as a peace-keeping force. The BDF's behaviour contrasted sharply with that of the SANDF which entered Lesotho at dawn as an invasion force, pounding

the Royal Palace, the two main army barracks in Maseru and the small LDF garrison at Ha Katse.<sup>40</sup>

SANDF personnel rather than SADC officers handled media, and the intervention force was visited by the South African Minister of Defence and the Chief of the South African Defence Force, who held press conferences with the commander, Colonel Robbie Harstlief. The perception in the media was that the reporting chain went solely through South African channels.<sup>41</sup> The whole face of the mission thus bore a heavily South African identity with military rather than civilian leadership.

Furthermore, The SADC Summit was never convened to confirm and ratify the intervention.<sup>42</sup> It was clear that the intervention was totally lopsided in terms of its preparedness and its concomitant failure to subscribe to Article 2(4) of the UN Charter and other articles.<sup>43</sup> Equally clearly, it 'ignored the seven rules of successful peacekeeping: clarity and consensus among decision-makers, adequate resources, political resolve, effective command and control, adequate financial backing, a clear intelligence picture and an accurate estimate of casualty tolerance'.<sup>44</sup> Similarly, the intervention did not get the consent of all parties to the conflict. The intervention did not involve minimum use of force, a prerequisite for peacekeeping forces operating under the UN mandate. Judging by the scale of war that ensued and the casualty levels among both soldiers and civilians at Makoanyane barracks, the Royal Palace gate and elsewhere, the force used was severe.

The reference to Article 5(c) of the SADC Treaty created another controversy. If this was a SADC intervention consistent with this article, why did the Botswana government have to settle its operational costs and why did Lesotho have to 'pay for all expenses of the SANDF operations'?<sup>45</sup> More controversial still, SADC did not foot the bill; rather the SADC Secretariat argued that the protocol establishing the OPDS had not been ratified, therefore making it difficult to qualify this intervention as a SADC operation.<sup>46</sup> Furthermore, if it was a SADC operation, why did the SANDF take part, having already signed an agreement defining the Status of Forces Agreement, while Botswana had not signed such an agreement?<sup>47</sup> Why did the BDF arrive late, rather than at the same time as the SANDF, if indeed this was a SADC operation?<sup>48</sup>

### The Motives for Intervention

From the preceding discussion, it has become abundantly clear that the 1998 military intervention provided a great challenge to SADC as an organization. What still has to be explained is why South Africa felt so eager to intervene in Lesotho's intrastate conflict barely a month after refusing to intervene in the DRC. Hobbes argued that by nature, there are three principal motives in men, which propel them to engage in quarrels: for gain, safety and reputation.<sup>49</sup> The South African intervention in Lesotho was consistent with all of these principles.<sup>50</sup> By first securing the Katse Dam, South Africa wanted to ensure that it gained control of this precious resource. Such a move would boost its reputation in the



region, ensuring that where its national interests were threatened it had shown itself capable of providing the necessary security. In explaining the South African interest in this operation, it is important to focus our attention on the Lesotho Highlands Water Project (LHWP), South Africa's main national interest in Lesotho.<sup>51</sup> It was claimed that mutineers had vowed to destroy the dam if South Africa intervened in Lesotho. This was seen as a major threat that would affect South African lives and the country's security, especially in the areas where water from the dam was being used. It was therefore a rational step for South Africa to first secure the dam before quelling the anarchy in Maseru. It would appear that South Africa's decision-makers were preoccupied with fear of the safety of the dam as instability in Lesotho unfolded.<sup>52</sup> South Africa decided they had to violate the UN Charter rather than risk the demise of this water project.

Second, at the time of this intervention South Africa was still competing with Zimbabwe to influence the region. It can also be argued that South Africa perceived that other countries in the region might take over the regional leadership if it failed to deal quickly and effectively with the case of Lesotho. It was not only fearful of losing its hegemonic status in the region, but control of Lesotho's precious resource, water.

Third, David Coplan argues that whether Lesotho's opposition parties like it or not, 'it was inconceivable that South Africa itself would ignore serious political instability in a state located in the midst of its own territory'.<sup>53</sup> It was perceived that the warring factions in Lesotho were threatening the security of South Africa. A major cause for concern was that members of the Lesotho army had mutinied and arrested their commanders. The situation in Lesotho was quickly transforming into anarchy where there was no government authority that could maintain law and order. What was needed was 'some coercive power to compel men equally to the performance of their covenants, by terror of some punishment, greater than the benefit they expect by the breach of their covenants'.<sup>54</sup> South Africa had such coercive power to force the warring parties to negotiate. It was further alleged by South African officials that negotiations between parties had stalled, thus necessitating the intervention. South Africa had to use its military to persuade the belligerent parties to negotiate. The failure of the negotiations had motivated the Prime Minister of Lesotho to seek intervention from South Africa/SADC.

Kenneth Waltz argues that states do not concern themselves with power alone, but what is important is their security.<sup>55</sup> The chaotic conditions in Lesotho threatened South African security interests, making South Africa determined to take decisive action. It can also be argued that South Africa did not consult the SADC Summit and the OAU before intervening in the Lesotho domestic conflict because it considered itself the highest authority as far as Lesotho was concerned. It had to act unilaterally without consulting the UN Security Council in order to secure its interests.<sup>56</sup> It intervened not on humanitarian grounds but to safeguard its interests and bolster a government that was 'held captive' by protesters. According to Dr Pallo Jordan MP, Chair of the South African Parliamentary Select Committee on Foreign Policy, Lesotho was a special case because it

hosted South African interests, which must be protected at all costs.<sup>57</sup> However, the unilateral action, contrary to international law reflected the perception within Lesotho opposition parties that, at the heart of this intervention lay the embedded and entrenched security and strategic interests of South Africa.<sup>58</sup> Judging by the statement of the Acting South African President, this was no idle observation.

By contrast, South Africa had only proximity interests in Burundi and the Côte d'Ivoire when it intervened in those conflicts. South Africa intervened diplomatically to assist these countries to reach peaceful settlements through negotiations. South Africa wants to be seen as a regional power-broker in the continent rather than a bully, especially in countries that are far from its borders. Its main interest is to influence the foreign policies of these countries rather than to intervene militarily.<sup>59</sup>

Taylor and Williams argued that South Africa was blamed by Zimbabwe, Angola and Namibia for the subsequent rift in SADC and double standards with regard to the use of military force in Lesotho while refusing to intervene in the DRC.<sup>60</sup> This indicates that South Africa intervenes only where its interests are at stake. Lambrechts points out that South Africa had very little strategic interest in the DRC at the time.<sup>61</sup> This was coupled with the fact that becoming involved in a complicated and ongoing conflict could have resulted in enormous costs to the South African government, which might also not be able to extricate itself easily from the conflict. Nevertheless, from 1998 onwards, South African interests in the DRC changed.

According to South African Ministry of Foreign Affairs officials, 'South Africa sent troops to Lesotho amongst others to defend the Katse Dam'.<sup>62</sup> It would seem that Lambrechts was correct in stating that 'South Africa's intervention into Lesotho was thus driven more by material interests than political and humanitarian imperatives'.<sup>63</sup> Realists argue that while domestically there are several institutions that can help the state to survive, in the international system these institutions are either weak or non-existent. In the case of the South African intervention in Lesotho, the UN, the Organization of African Unity (OAU) and SADC were similarly helpless in holding South Africa to account for this intervention. The political situation that prevailed in Lesotho before the South African intervention characterized the self-help system, where cooperation was hard to get and maintain and depended on the power of the state.<sup>64</sup> A self-help system is one in which those who cannot help themselves or who do so less effectively are destined to failure. It can be argued that it was these fears and the perceived failure that was of such concern to South Africa. According to the realist perspective it is not prudent for the state to entrust its interests to another state. It can be argued that South Africa did not convene a SADC Summit before the intervention because it did not trust other SADC members to support it where its interests were affected. This was the reason why it decided to intervene on its own, because the international system is uncertain, untrustworthy and unreliable.<sup>65</sup>

## Conclusion

The external military intervention in the Lesotho internal conflict was fraught with controversy. First, contrary to conventional wisdom, the military operation

did not by any stretch of the imagination amount to a peacekeeping operation as claimed by South African officials.<sup>66</sup> Rather it was a military enforcement operation that was not supported by Chapters VI or VIII of the UN Charter. The primary prerequisites for peacekeeping operations within the UN framework are consent, impartiality and minimum use of force.<sup>67</sup> These were absent from this intervention. Second, regional and continental bodies were not consulted. The SADC Summit was never involved in sanctioning this intervention, though the intervening countries claimed they were authorized by SADC. The operation did not have a formal mandate from SADC itself by way of a Summit resolution.<sup>68</sup> Nor did it have any formal sanction from the OAU/AU or the UN. Article 53 of the UN Charter compels regional organs to seek Security Council authorization before any intervention can be operationalized. Article 4 of the AU's Constitutive Acts also supports this position. At the time of the crisis SADC did not have any protocol governing or authorizing a member state to intervene in another state's intrastate conflict. Third, as Lambrechts argues, South Africa's main interest was to secure water from the LHWP. This was consistent with the Acting President's orders, that the SANDF should first secure the dam before dispersing protesters from the Royal Palace.

Therefore, realist interests, centring on water, were the major imperative, rather than humanitarian impulses as South African officials suggested. South Africa brought Botswana in to legitimize the intervention. Indeed, Botswana's forces flew a pure white flag, recognized in international custom as a sign of surrender, but in this case probably because Botswana saw itself as a peacemaker rather than an intervener. The face of the mission, conduct, reporting systems and command structure all bore the stamp of South Africa, not SADC or OAU, let alone the UN. It is clear that these regional and international bodies did not authorize it, at least initially. Consequently, it can be concluded that the underlying motive of this intervention was realist national interests.

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