

**AFRICOM THREATENS THE  
SOVEREIGNTY, INDEPENDENCE  
AND STABILITY OF  
THE AFRICAN CONTINENT**

**A POSITION PAPER OF THE  
NATIONAL CONFERENCE OF BLACK LAWYERS**

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## **What NCBL has concluded about Africom**<sup>1</sup>

The National Conference of Black Lawyers (NCBL) concludes that the mission of Africa Command (Africom) infringes on the sovereignty of African states due to the particularity of Africa's history and Africa's current economic and political relationship to the United States. Further, Africom is designed to violate international law standards that protect rights to self-determination and that prohibit unprovoked military aggression. Africom is also likely to become a device for the foreign domination and exploitation of Africa's natural resources to the detriment of people who are indigenous to the African continent. NCBL opposes Africom in the strongest terms and calls upon people of African descent in the U.S. to avoid military service to ensure that they will not be ordered to carry out missions on behalf of Africom, or any military unit or program engaged in violating international law, committing crimes against humanity, or committing crimes of any kind that threaten the peace of any continent.

### **What Is Africom?**

Africom is a project that will substantially change the nature of the U.S. military presence in Africa by establishing a single U.S. military command headquarters that will have Africa as its sole focus. Africom has become a Rorschach Test because while the U.S. government sees it as a vehicle for bringing peace and prosperity to the continent, it is seen by others as Africa's greatest new threat. Because of vague, confusing official statements, it has been difficult to ascertain precisely what the U.S. government claims that Africom will actually do. Africom's website describes the project as a vehicle for the Defense Department to collaborate with "partners to achieve a more stable environment in which political and economic growth can take place."<sup>2</sup> That description raises more questions than it answers. The following official statement sheds little additional light:

"Africa is growing in military, strategic and economic importance in global affairs. However, many nations on the African continent continue to rely on the international community for assistance with security concerns. From the U.S. perspective, it makes strategic sense to help build the capability for African partners, and organizations such as the Africa Standby Force, to take the lead in establishing a secure environment. This security will, in turn, set the groundwork for increased political stability and economic growth."<sup>3</sup>

Some critics are highly suspicious of the reference to "economic growth." Specifically,

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<sup>1</sup> This position paper was prepared by NCBL members Mark P. Fancher (principal drafter), Jeffrey L. Edison and Ajamu Sankofa. Information about NCBL can be found at [www.ncbl.org](http://www.ncbl.org).

<sup>2</sup> [www.africom.mil](http://www.africom.mil)

<sup>3</sup> *Id.*

does that refer in real terms to the economic health of Africa's poor, or instead to expansion of opportunities for multinational corporations to exploit Africa's natural and human resources as they have for decades? It has been suggested that the Bush Administration actually has three primary items on its agenda: 1) making Africa another front in the Administration's war on "terrorism"; 2) protecting U.S. access to African oil, mineral wealth and other raw materials; and 3) putting the U.S. in a better position to compete with China for domination of Africa's resources.<sup>4</sup> It is further suggested that the Bush Administration has no interest in accomplishing any of these objectives directly, and that Africom's purpose is to identify and nurture the development of African governments that will function as U.S. surrogates.<sup>5</sup> In this regard, Africom is off to a very bad start. As of the date of this writing, the Africom concept has been received with everything from skepticism to hostility by significant African governments, and NCBL is aware of only Liberia as having expressed a clear willingness to provide a location for Africom headquarters.<sup>6</sup>

TransAfrica Forum spokespersons have astutely suggested that Africa's cool reaction to Africom may well reflect shared memories and opinions that: "[d]uring the cold war, African nations were used as pawns in post-colonial proxy wars, an experience that had a devastating impact on African democracy, peace and development. In the past Washington has aided reactionary African factions that have carried out atrocities against civilians. An increased U.S. military presence in Africa will likely follow this pattern of extracting resources while aiding factions in some of their bloodiest conflicts, thus further destabilizing the region."<sup>7</sup>

### **Why NCBL is concerned**

If there is any principle that runs like a thread through all of the work of the National Conference of Black Lawyers, it is that protecting the human right of self-determination for all people must be given the highest priority. NCBL also recognizes that crimes against peace are among the most serious of all international criminal law violations. NCBL's principles have motivated the organization to consistently oppose military intervention into the sovereign territories and internal affairs of other countries. NCBL has opposed military operations against the Palestinians, instituted litigation against the Reagan administration in the aftermath of the

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<sup>4</sup>*Africom: The new US Military Command for Africa*, Daniel Volman, [www.pambazuka.org](http://www.pambazuka.org), (Nov. 11, 2007).

<sup>5</sup>*Id.*

<sup>6</sup>*Africom – The Invasion of Africa*, Obi Nwakanma, Nigerian Vanguard (Nov. 19, 2007) <http://panafricannews.blogspot.com/2007/11/africom-invasion-of-africa.html>

<sup>7</sup>*Say No to Africom*, Danny Glover & Nicole C. Lee, The Nation (November 19, 2007) [www.thenation.com/doc/20071119/glover\\_lee](http://www.thenation.com/doc/20071119/glover_lee)

invasion of Grenada, and also provided a consistent voice in opposition to the efforts by several administrations to destabilize Cuba through covert and military means. NCBL has opposed threats of military intervention and the use of mercenary proxies in Nicaragua, Angola and elsewhere. NCBL vigorously opposed the kidnapping of Jean Bertrand Aristide from Haiti, and has sounded an ongoing note of concern about the shrill threats made against the current government of Zimbabwe. Lastly, NCBL has opposed the war in Iraq, and regards it as a crime against peace. It is against this backdrop that NCBL has grave concerns about expansion of U.S. military operations in Africa.

### **The U.S. in Africa – The Historical Context**

To say that the U.S. enters Africa with unclean hands understates the reality. The full extent of U.S. crimes against African governments and leaders during the past 40 years is likely yet unknown. However, in 1978, former CIA agent John Stockwell provided for many their first peek into a deadly, ruthless U.S. foreign policy that destroyed what could have been a far more promising political and economic future for the continent. In his book, *In Search of Enemies*, Stockwell explained that U.S. policy in Africa was driven heavily by cold war concerns. Socialist forces in Angola and Mozambique were prime targets, and the favored method of suppression was use of mercenaries. Stockwell wrote: “Mercenaries seemed to be the answer, preferably Europeans with the requisite military skills and perhaps experience in Africa. As long as they were not Americans...”<sup>8</sup> He went on to describe a collaboration between the CIA and South Africa’s apartheid regime in a campaign to crush emerging progressive Black leadership in Southern Africa.

The use of proxies and mercenaries to carry out U.S. objectives in Africa became a standard practice as a new class of socialist leaders emerged during the early years of African independence. In his book, Stockwell referenced the CIA’s complicity with dissidents in Ghana who overthrew Kwame Nkrumah, the country’s first president. Congo’s first prime minister, Patrice Lumumba, received special attention from the highest levels of the U.S. government after he announced plans to nationalize major industries in his country and to pursue a path of non-alignment in the then raging cold war between the U.S. and the Soviet Union. Author Ludo De Witte wrote: “On 18 August 1960, during [a] National Security Council meeting, [President Dwight] Eisenhower had made it clear, without explicitly saying so, that he favored Lumumba’s elimination. An assassination operation was planned with the support of CIA chief [Allen] Dulles.”<sup>9</sup> Thereafter, the CIA concocted elaborate schemes to kill Lumumba by, among other things, putting poison in his toothpaste.<sup>10</sup> Ultimately, the CIA saw its objectives accomplished by henchmen of the agency’s stooge, Joseph Mobutu. After Lumumba was killed, Mobutu went on to become head of state in Congo, and his more than three decades of tyrannical reign was

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<sup>8</sup> *In Search of Enemies*, John Stockwell (W.W. Norton 1978) p. 182.

<sup>9</sup> *The Assassination of Lumumba*, Ludo De Witte (Verso 2001) p. 78.

<sup>10</sup> *Whiteout*, Alexander Cockburn and Jeffrey St. Clair (Verso 1998) p. 101.

one of the bloodiest Africa has ever seen.

John Perkins, a former operative of the National Security Agency, has explained that the U.S. has routinely resorted to everything from bribery to cleverly-disguised assassinations in cases where heads of state have in some way threatened the profit-making potential of U.S.-based corporations.<sup>11</sup> This raises special concerns because the threat to Africa's political and economic integrity comes not only from the U.S. government, but also from the multi-national corporations that are the beneficiaries of government policies. In recent years, this is seen most dramatically in Congo. In 2005, Human Rights Watch issued a report that from 1998 to 2003, a war to control gold fields in northeast Congo resulted in the deaths of more than 60,000 persons along with "ethnic slaughter, executions, torture, rape and arbitrary arrest..." The report goes on to attribute significant responsibility for this carnage to two foreign corporations that financed and fueled the conflict. They were Metalor Technologies, a Swiss refinery; and AngloGold Ashanti, a multinational corporation that, notwithstanding its name, is overwhelmingly directed and managed by non-Africans.

All of this raises critical questions of whether, with Africom, the U.S. is now positioning itself to become more directly involved – with or without proxies – in protecting corporate access to Africa's resources. In many other parts of the world, the U.S. has engaged in "regime change" as a matter of course for more than a century as a method of protecting the interests of the corporate world.<sup>12</sup>

### **What's Really At Stake?**

The list of Africa's valuable mineral resources is endless: gold, diamonds, chromium, copper, etc. However, the continent's vast oil reserves have attracted perhaps the most attention from the U.S. government. In 2002, Walter Kansteiner, former U.S. assistant secretary of state for Africa, declared: "African oil is of strategic national interest to us and it will increase and become more important to us as we go forward."<sup>13</sup> It is easy to understand why that perception exists. Currently, the amount of oil imported by the U.S. from the Persian Gulf is about 16 percent of its total imports. By the year 2015, it is projected that 25 percent of U.S. oil imports will be from West Africa.<sup>14</sup> It is clear that, on this issue, the U.S. puts its money where its mouth is. There is a stark correlation between U.S. aid to African countries and the oil producing

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<sup>11</sup> *Confessions of an Economic Hit Man*, John Perkins (Berrett-Koehler Publishers 2004)

<sup>12</sup> *Overthrow: America's Century of Regime Change from Hawaii to Iraq*, Stephen Kinzer (Henry Holt & Company 2006).

<sup>13</sup> *The Scramble for African Oil*, Daniel Volman, *New African Magazine* (July 2006) p. 18.

<sup>14</sup> *Growing U.S. Dependence on African Oil Poses Security Challenge*, David Wood, *Newhouse News Service* (Dec. 28, 2005).

potential of recipient African states. To be more concrete, as the two largest oil producers on the continent, Nigeria and Angola receive the most U.S. aid.<sup>15</sup>

More disturbing however (particularly for purposes of this discussion) is the level of U.S. military involvement in the protection of access to Africa's oil. The U.S. spends about \$250 million a year on military assistance programs in Africa.<sup>16</sup> This assistance is not only in the form of "peacekeeping training" but it also involves direct arms sales. As a major oil and natural gas supplier Algeria has been allowed to acquire large quantities of counter-insurgency weapons.<sup>17</sup>

Why the U.S. concern with "security" for Africa's oil? U.S. access is threatened for various reasons, but one that has been of great concern is guerrilla activity in the Niger Delta. An organization calling itself the Movement to Emancipate the Niger Delta (MEND) has, in recent times, been accused of destroying oil pipelines, kidnapping oil company personnel, stealing oil and assorted other acts. MEND has complained of oil industry economic exploitation and environmental destruction. It was reported that during the last year, many oil fields were shut down because of the attacks, and oil production fell short by more than 340 million barrels.<sup>18</sup>

All of this prompts NCBL to view with great suspicion U.S. military statements that imply that the security objectives of Africom will be focused on Al Qaeda or other organizations that fit popular contemporary notions of terrorism. It will be all too easy for Africom to target groups like MEND, or even other political formations in Africa that pose no direct threat to oil operations, but which in a broader sense threaten corporate hegemony in Africa. NCBL has been quite clear about its interest in eliminating the domination of Africa's natural resources by foreign corporations,<sup>19</sup> and the idea that organizations that may engage in political work to bring about that objective might somehow become the targets of U.S. military operations is unacceptable.

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<sup>15</sup> *Id.*

<sup>16</sup> *Skepticism Greets New U.S. Africa Command*, Todd Pittman, (Associated Press, November 6, 2007).  
[www.washingtonpost.com/wp-dyn/content/article/2007/11/06/AR2007110601210](http://www.washingtonpost.com/wp-dyn/content/article/2007/11/06/AR2007110601210)

<sup>17</sup> See footnote 12 supra. *Overthrow*, p. 19.

<sup>18</sup> *Now, The Bad News*, Africa Today Magazine (March 2007) p. 35.

<sup>19</sup> NCBL has published a model law for African states that essentially proposes methods for expelling from African countries those foreign corporations that dominate and exploit natural resources and traditional knowledge to the detriment of people who are indigenous to the African continent. It can be found at [www.ncbl.org](http://www.ncbl.org).

## The Legal Concerns

As an association of lawyers and legal activists, NCBL is particularly concerned about the potential Africom presents for routine and ongoing violations of international law. With disturbing frequency, the U.S. has in recent decades launched unprovoked military attacks on other countries, or intervened in the internal affairs of other countries through the use of mercenaries or covert action designed to destabilize foreign governments or the economic, political or social order. Notions of self-determination and sovereign integrity are closely intertwined, and international law has attempted to protect both by proscribing military aggression and other actions that constitute crimes against peace. In fact, the treaty that governs the International Criminal Court has designated aggression as one of “...the most serious crimes of concern to the international community as a whole.”<sup>20</sup> Nevertheless, the International Criminal Court is currently unable to punish the international law crimes committed by the U.S. because the Bush Administration has steadfastly refused to submit to that court’s jurisdiction. The absence of a method of prosecuting such crimes only heightens NCBL’s concerns about the likelihood that Africom will engage in criminal acts with impunity.

The United Nations Charter is one of the most authoritative sources of international law, and it explicitly acknowledges the sovereign equality of all countries and provides that aggression which threatens international peace and the territorial integrity and independence of sovereign states is prohibited.<sup>21</sup> So strong is this concern about respect for independence that the United Nations even prohibits itself from injecting the U.N. into the internal affairs of member states unless very specific circumstances are present.<sup>22</sup> However, even with those purported safeguards in the U.N. Charter, serious questions have been raised about the legality and usefulness of certain U.N. interventions over the years, providing additional reasons for the acute concerns about Africom, a far less restricted entity.

The U.S. claims that Africom is a response to African countries’ continuing requests for assistance with security. However, this is at best a distortion given the cold shoulder that Africom has been given by most African countries. If assistance has been requested, there is apparently little interest in such assistance coming in the form of Africom. This means that if the U.S. goes forward with Africom, even without malicious intent, it will essentially become an unsolicited, unwelcome intrusion that threatens the ability of African states to exercise rights to self-determination. It is more likely however that the ulterior motives of the U.S. that have been suggested by various commentators are the driving force behind Africom, and it will be difficult for that agenda to be carried out without military action, either by U.S. troops, or by surrogate

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<sup>20</sup> See: Rome Statute of the International Criminal Court, article 5(1). Note that the crime of aggression has not yet been defined for purposes of this court’s exercise of jurisdiction, but it will ultimately be a basis for prosecuting and punishing government personnel.

<sup>21</sup> United Nations Charter, article 2

<sup>22</sup> United Nations Charter, article 2(7)

forces. This threat to the peace, independence and stability of Africa is inconsistent with both the letter and spirit of applicable provisions of the U.N. Charter, and NCBL is therefore compelled to oppose Africom on legal as well as policy grounds.

### **What is to be done?**

While NCBL will continue to call upon all people of good will to voice their strongest opposition to Africom, there is also a practical realization that the Africom train has already traveled a good distance down the track and the chances of it being voluntarily recalled are somewhat remote. It is with that fact in mind that NCBL assumes a posture comparable to that which it assumed with respect to the Iraq war. NCBL strongly encourages Black youth to decline any recruiters' requests to enlist in the U.S. military. If Africom cannot be stopped at the outset, then certainly there is no reason for Africans born in America to participate in the destabilization and exploitation of a continent from whence their ancestors were kidnapped for purposes of enslavement.<sup>23</sup>

The call for Black youth to boycott the military has been raised not only by NCBL, but also by countless unnamed ministers, educators, youth counselors and other leaders in the Black community. There is also evidence that these pleas have not fallen on deaf ears. Whereas, Blacks constituted approximately 25 percent of Army personnel until the year 2000, by 2004, less than 16 percent of the Army's recruits were of African ancestry. In a study conducted by the Army itself, the conclusion was reached that the continuing decline can be largely attributed to the unpopularity of the Iraq war among members of the Black community who are respected by the youths.<sup>24</sup> This has had a significant impact on the military's ability to maintain troop levels in Iraq.

Finally, for those persons of African descent who are potential recruits, or who are already members of the U.S. armed forces, NCBL pledges to make its best efforts to arrange for pro bono legal representation if they are threatened, disciplined or prosecuted for refusing Africom assignments, or for exercising their right to conscientiously object to military service.

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<sup>23</sup> See: *Kip's Folly: A Commander for U.S. Forces in Africa*, Mark P. Fancher  
[www.blackagendareport.com/index.php?option=com\\_content&task=view&id=434&Itemid=37](http://www.blackagendareport.com/index.php?option=com_content&task=view&id=434&Itemid=37)

<sup>24</sup> *African-American Youths Are Rejecting Army, Military Says*, Ron Harris, St. Louis Post-Dispatch (March 15, 2005). [www.commondreams.org/headlines05/0315-08](http://www.commondreams.org/headlines05/0315-08)