

**THE AFRICAN UNION AND THE QUEST  
FOR PEACE AND SECURITY IN AFRICA:  
2002 -2012**

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## DECLARATION

I hereby declare that this work is the result of an original research conducted by me under the joint supervision of the undersigned. References to all publications have been duly acknowledged. I am, however, solely responsible for any lapses, marginal or substantial, which may be found in this work.

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## DEDICATION

*To the glory of God Almighty*

*To my entire family for their relentless support throughout my academic life*

*Also to my beloved husband Theodore and children: Raymond, Philip, Nana Yaw, Nkunim and Andy.*

*May God richly bless you all.*



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## LIST OF ABBREVIATIONS

AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISEC	African Union Mission in Support of the Elections in the Comoros
AMISOM	African Union Mission in Somalia
AMU	Arab Maghreb Union
APF	Africa Peace Facility
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
BBC	British Broadcasting Corporation
CADSP	Common African Defence and Security Policy
CEPGL	Economic Community of the Great Lakes Countries
CEMAC	Economic and Monetary Union of Central Africa
CEN-SAD	Community of Sahel Saharan States
CEWS	Continental Early Warning System
CNDD	National Council for the Defence of Democracy in Burundi
COMESA	Common Market for East and Southern Africa
CSSDCA	Conference on Security, Development and Cooperation in Africa
EAC	East African Community
EASBRIG	East African Brigade
ECCAS	Economic Community of Central African States
ECOMOG	Economic Community of West African States Ceasefire Monitoring Group

ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
EU	European Union
FDD	Forces for the Defence of Democracy
FES	Friedrich Ebert Stiftung
FRODEBU	Democratic Front of Burundi
G8	Group of Eight
ICC	International Criminal Court
ICG	International Crisis Group
IGAD	Inter-governmental Authority on Development
IGADSOM	IGAD Peace Support Mission in Somalia
IOC	Indian Ocean Commission
ISS	Institute for Strategic Studies
JEM	Justice and Equality Movement
KANU	Kenya African National Union
MAES	African Union Electoral and Security Assistance Mission to the Comoros
MIOC	African Union Military Observer Mission in the Comoros
MOU	Memorandum of Understanding
MRU	Mano River Union
MSC	Military Staff Committee
NARC	National Rainbow Coalition
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisations
ODM	Orange Democratic Party
OAS	Organisation of American States

OAU	Organisation of African Unity
PAP	Pan-African Parliament
PF	Peace Fund
PNDS	National Party for Democracy and Socialism
PNU	Party of National Unity
PoW	Panel of the Wise
PSC	Peace and Security Council
PSD	Department of Peace and Security
PSOD	Peace Support Operations Division
REC	Regional Economic Community
R2P	Responsibility to Protect
RR	Rally for Republicans
SACU	Southern African Customs Union
SADC	Southern African Development Community
SAPSD	South African Protection Detachment
SLM/A	Sudan Liberation Movement/Army
SOP	Standard Operating Procedures
TFG	Transitional Federal Government
TGoB	Transitional Government of Burundi
UIC	Union of Islamic Court
UK	United Kingdom
UN	United Nations
UNAMID	United Nations-African Union Hybrid Operation in Darfur
UNECA	United Nations Economic Commission for Africa
UNOAU	United Nations Office to the African Union

UNSC	United Nations Security Council
UPRONA	Union for National Progress
WAEMU	West African Economic and Monetary Union

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## ABSTRACT

A significant challenge that confronted the Organisation of African Unity (OAU) throughout its establishment was the successful management of intra-state conflicts in member states. The OAU was criticised for its lack of intervention in these conflicts due to its Charter provision of non-interference in the internal affairs of member states. The launch of the African Union in 2002 signalled a new era in the quest for peace and security in Africa. The AU initiated important steps towards the creation of an African Peace and Security Architecture for the management and maintenance of conflicts. The AU's Constitutive Act further gives the right of intervention in the internal affairs of members to the Union. Since its establishment, the AU has launched military and diplomatic operations in Burundi, Sudan, Somalia, Comoros, Togo, Ivory Coast, Niger, Madagascar, Kenya, Zimbabwe and Libya among others. The main objective of this study is to assess the African Union's management of the military and diplomatic interventions in Africa since its inception in order to come to terms with the challenges that confront the AU in the quest for peace and security in Africa. The study hypothesised that although the African Union's doctrine of non-indifference has galvanized its young institutions of peace and security into making significant strides in the conduct of peace operations on the continent, it has had very limited effect on the success of interventions. The research findings noted that, while the AU has demonstrated commitment to address conflicts in Africa it faces severe capacity constraints. This does not auger well for the Union's future in peace and security.

# CHAPTER ONE

## RESEARCH DESIGN

### 1.0 Introduction

The early 1990s saw the end of the Cold War that had greatly impacted international relations. The post-Cold War era has been noted to have led to an increase in the willingness of governments to work through the United Nations and other international organisations to resolve conflicts and keep peace around the globe.<sup>1</sup> The increase in regional cooperation arrangements has reduced inter-state conflicts throughout the world. On the contrary, intra-state conflicts gained ascendancy within the same period. Fearon argues that the post-Cold War period has seen an increase in intra-state conflicts the world over but especially in the Third World and in Africa.<sup>2</sup> The prevalence of intra-state conflicts in the post-Cold War era “is attributable mostly to ethnically driven conflicts over self-determination, succession or political dominance and religion.”<sup>3</sup>

Fearon further notes that the appearance of civil wars as a major international problem also peaked after the Cold War. Most of these civil wars and their multiple repercussions have also resulted in intra-state wars becoming the main threat to international peace and security.<sup>4</sup> The international community and major international organisations like the United Nations cannot be said to have prepared well for this trend. These organisations were designed to cope with inter-state relations and problems. The occurrence of these conflicts within states has created the challenge and a reluctance to intervene either on legal grounds of sovereignty or for the fear of high death tolls should intervention take place. Collier and Sambanis have made the observation

that intra-state conflicts in the post-Cold War period have contributed to a significant rise in civilian casualties than the inter-state wars prior to the end of the Cold War.<sup>5</sup>

Hutchful notes that the end of the Cold War brought the willingness to both question and rethink the traditional concepts of security among nations.<sup>6</sup> The emergence of global systems, global communications and the elements of a global culture transcend national borders to encompass people all over the world.<sup>7</sup> Yilmaz observes that this has ‘led to the growing obsolescence of territorial wars between states’<sup>8</sup> but at the same time introduced new risks into international security. These new risks were originally not deemed to be part of the traditional security concerns but have become of great concern to states in the post-Cold War period. In addition to intra-state conflicts, issues associated with the environment, poverty, weapons of mass destruction, maritime piracy, illicit drug trafficking, and the proliferation of small arms have plunged states into conflict and have become a major challenge that nations face in the post-Cold War era.

It has been observed that Africa has not been left out of these new threats to peace and security. The 1990s and early 2000s, saw most countries in Africa go through one upheaval or the other and these, to a large extent, were believed to be a result of the end of the Cold War.<sup>9</sup> The Cold War saw the propping up of authoritarian regimes and the support of client states. Francis posits that Africa was of strategic importance to the superpowers in terms of military, economic and political spheres. The superpowers supported these client states through the supply of arms and aid incentives. The supply of arms led to the formation of both military and para-military groups in client states. The end of the Cold War ended the support received by states like Angola,

Uganda, Somalia, Zaire Ethiopia and Sierra Leone and this led to the outbreak of conflicts, which had been simmering during the Cold War as a result of the brutal regimes that emerged in Africa.<sup>10</sup>

Insecurity in Africa has come in the form of ‘conflicts and insurgencies, small-arms proliferation, HIV/AIDS and drought to violent crime.’<sup>11</sup> The United Nations is noted to have stepped in to resolve some of the conflicts but failed woefully, as the case was in Rwanda. The end of the Cold War therefore found Africa in dire need of solutions that will stem the ravages of conflict on the continent. It has been suggested, for instance:

that during the last two decades of the 20th Century, about twenty-eight African countries engaged in violent conflict. Out of this number, the 1994 Rwandan genocide reportedly accounted for approximately eight hundred thousand deaths while the war in the Democratic Republic of Congo reportedly claimed some 4.7 million casualties. A significant number of people, most of them non-combatants, also died in the conflicts in Liberia, Sierra Leone and other African countries as a result of physical injuries, hunger and diseases.<sup>12</sup>

Hutchful further notes that the implication of the above includes, an equally profound failure of development in Africa. He observes that Africa has seen a drastic decline in standards of living and there has been little or no economic growth in the last four decades. He attributes the lack of growth to conflicts that destroy every little gain made in economic development. Conflicts destroy infrastructure that is necessary for development.

According to Deveraux and Maxwell, the security crisis in Africa is now driving a new form of regionalism that focuses overwhelmingly on security.<sup>13</sup> It has been suggested that a possible answer to the management of the problem of insecurity on the continent lies with regionalism, in general, and regional security institutions, in particular. Lake and Morgan have, for instance, noted the increase in regional security organisations during the past decade, as part of the new

wave of regionalism in security affairs. Helena Gandois has similarly noted the increasing attention regionalism in security affairs has received in the context of security management due to its potential as a force for global change.

## **1.1 Statement of the Problem**

The problems facing Africa in the contemporary world are economic, political, social, as well as environmental in nature. “Africa portrays the image of a continent, riddled with territorial disputes, armed conflicts, civil wars, violence and the collapse of governments, and ultimately states.”<sup>14</sup> The longest lasting and most debilitating of these conflicts have occurred within sovereign states and have assumed various forms – states against their own populations, dominant ethnic groups against minorities and dominant religious groups against others. These conflicts have also engendered a platform for warlords and various other actors benefiting from the turmoil.<sup>15</sup>

The organisation of African Unity (OAU) was strongly criticized for failure to intervene in the crises that led to loss of hundreds of lives in Burundi, Rwanda, and the Democratic Republic of Congo in the 1990s. Paul. D. Williams,<sup>16</sup> Yorom, G. J. and Anning, E. K.,<sup>17</sup> El Ayouty<sup>18</sup> and Funmi Olonisakin,<sup>19</sup> in their works opine, that the OAU was unable to transform itself into an efficient organisation, capable of promoting peace and security in Africa. These authors cite institutional weakness, the OAU’s policy of non-interference, a lack of political will on the part of African leaders and financial constraints as some of the challenges the OAU faced in the management of peace and security. The authors further criticize the OAU, for failing to find lasting solutions to the problems of peace and security in Africa throughout the Organisation’s

history. The non-interference policy, these writers opine, crippled the OAU further and made it powerless in the field of preventing violent conflicts. Instead, over the years, the OAU relied on the international community to resolve conflicts on the continent, despite its repeated failure to do so successfully.

The launch of the AU in 2002 initiated important steps towards the creation of an African security regime for maintaining and managing conflicts. Operating within the political rhetoric of providing “African solutions to African problems,” the regime aims at addressing all the problems of peace and security on the continent. The literature on the subject matter clearly reveals that ten years since the inception of the AU, all the relevant policies have been formulated where peace and security is concerned but their implementation appear to have been rather slow. Kristina Powell<sup>20</sup> and Peter Cooke aptly note that “the institutional architecture envisioned by the AU is ambitious and broad, and yet, at the moment, these ambitions remain largely a framework, with neither depth nor capacity.”<sup>21</sup> Powell also notes a significant divergence from the OAU’s peace and security mechanisms in the AU’s current regime.<sup>22</sup> Unlike its predecessor the OAU that had a non-intervention policy, the African Union clearly spells out its provisions for intervention in the internal affairs of member states.

Most of the works, however, have often focused on one or two interventions of the organisation and drawn general conclusions as to how the organisation has fared. An analysis of the totality of the AU’s interventions (military and unconstitutional changes of government) provide a broader and holistic picture in assessing how well the AU has fared and the challenges that have confronted the organisation in its quest to intervene in crisis situations on the continent.

Specifically, what this thesis does differently, therefore, is assess the totality of the AU's management of interventions since its inception, from 2002 to 2012 and how its doctrine of non-indifference in the internal affairs of states has been operationalized and translated into interventions.

## **1.2 Objectives of the Study**

The study seeks to accomplish the following objectives:

- a) Give an overview on the quest for peace and security in Africa;
- b) Assess the normative framework for intervention from the OAU to the AU;
- c) Assess the peace and security architecture of the African Union as to whether it meets the security needs for interventions;
- d) Assess the performance of the AU in interventions or the lack of it from 2002 to 2012;
- e) Draw conclusions and offer recommendations.

## **1.3 Hypothesis**

This study is underpinned by the supposition that although the African Union's doctrine of non-indifference has galvanized its young institutions of peace and security into making significant strides in the conduct of peace operations on the continent, it has had very limited effect on the success of interventions.

## **1.4 Theoretical Framework**

The study is conducted within the framework of neo-institutionalism. Neo-institutionalism evolved as a result of the deficiencies found in the institutional theory. Within the disciplines of political science and international relations, institutionalism has been applied variously in describing constitutions, legal systems, and government structures.<sup>23</sup> The behavioural revolution of the 1960s and 1970s changed all that by seeking to understand how and why individuals acted as they did in real life and not solely on structures. The rational choice model also developed in the 1960s and 1970s explained politics in relation to the interplay of individual's self-interest.<sup>24</sup> Proponents of the rational choice model contended that people usually do what they believe to assure them the best overall interest, when faced with several courses of action. This led many analysts, prior to the 1980s, to the conclusion that there was more to politics "than the formal arrangements for representation, decision-making, and policy implementation."<sup>25</sup> By the 1980s, institutionalism had emerged as a reaction to the under-socialized character of the dominant approaches in political science. Today, institutional theory is used by scholars across the social science and is employed for the analyses of various systems, both micro interpersonal interactions and macro global frameworks.

### **1.4.1 Traditional Institutionalism**

Institutional theory attends to the deeper and more resilient aspects of social structure. It considers the processes by which structures, including schemas, rules, norms and routines become established as authoritative guidelines for social behaviour.<sup>26</sup> It enquires into the creation, diffusion, adoption over time and space of these elements, as well as how they fall into

disuse and decline.<sup>27</sup> Institutions, on the other hand, are referred to as the regular, stable, recurring patterns of behaviour.

Institutionalism connotes a general approach to the study of political institutions, a set of theoretical ideas and hypothesis concerning the relations between institutional characteristics and political agency, performance and change.<sup>28</sup> The institutional approach is the study of government and politics is often referred to as the “historic heart” of the subject and part of the toolkit of every political scientist.<sup>29</sup> The institutional approach covers the rules, procedures and formal organisations of government. It employs the tools of the lawyer and the historian to explain the constraints on both political behaviour and democratic effectiveness.<sup>30</sup>

Embedded in the definition of the institutionalism theory is a formal structure, whose existence has both symbolic and action-generating properties.<sup>31</sup> In line with their symbolic functions, numerous authors have underscored some of the key functions served by mission statements, structural arrangements, and top-level members.<sup>32</sup> Formal structures signal the organization’s commitments to rational, efficient standards of organizing, and thus provide general social accounts.<sup>33</sup>

#### **1.4.2 Characteristics of Traditional Institutionalism**

Political science, in the 19<sup>th</sup> and the early half of the 20<sup>th</sup> centuries, had traditional institutionalism constituting its basis. Its characteristics include structuralism, legalism, holism, historicity and normative. These characteristics are explained in turn.

Law is the first characteristic of traditional institutionalism. It is concerned with the dominant role of law in governance.<sup>34</sup> The constitution of both the framework of the public sector itself and a major way in which government can affect the behaviour of citizens and thereby shape states into effective bodies is law.<sup>35</sup> Secondly, traditional institutionalism view structure as very important since it determined behaviour.<sup>36</sup> In talking about structure, old institutionalism focused on major institutional features of the political system. Again, in order to obtain the variations they desired, old institutionalists relied on comparative analysis in considering political systems.<sup>37</sup> Old institutionalism relied on holism, which was concerned with constitutions and formal structures. Due to the reliance on holism, scholars of this tradition tended to compare whole systems rather than individual institutions such as the executive, the legislature and the judiciary.

Further, political institutions were analysed within the context of the socio-economic conditions and historical development within which they operated.<sup>38</sup> The assumption was that, in order to fully appreciate the workings of a political system, researchers had to understand the development pattern that produced the system. Again, it was presumed, that the behaviour of political elites tended to be a function of their collective history. Their understanding of politics was also influenced by their history.<sup>39</sup> This last characteristic of old institutionalism was its strong normative undertones. The study of politics emerged from normative roots and so old institutionalists linked their descriptive analysis of politics with the concern of “good governance.”<sup>40</sup>

### 1.4.3 Criticisms of Traditional Institutionalism

The old institutionalism came under a lot of criticism, mainly from the behavioural and rational choice theorists. Among the criticisms are the following:

- a) Individuals had little or no impact in the old institutionalism due to the over reliance on structure.<sup>41</sup>
- b) Critics of the old institutionalism also argue, that the concentration on the normative undermines the subject matter of political science. The critics were of the opinion that the concern with norms and values meant that their work could not be scientific.<sup>42</sup>
- c) It has been argued that the focus on formal government institutions, constitutional issues and public law was unpalatably formalistic and old-fashioned.<sup>43</sup>
- d) The concentration of old institutionalism on whole systems as basis of comparison made generalization and therefore theory building too difficult.<sup>44</sup>
- e) The old institutionalism was further seen as relatively insensitive to the non-political determinants of political behaviour and hence to the non-political bases of governmental institutions.<sup>45</sup>

These criticisms led to the conclusion, that the old institutionalism was too descriptive, a-theoretical and parochial.<sup>46</sup> It is as a result of these criticisms that the new institutionalism emerged.

### 1.4.4 New Institutionalism

The new institutionalism is a relatively new theoretical perspective that has reached increasing levels of acceptance among social scientists. Neo-institutionalism is defined as a belief in the usefulness of an established institution. It considers institutions as a set of rules that guide and

constrain the behaviour of actors. North, views institution, as formal and informal rules, procedures, routines, norms and conventions embodied in the organisational structure of the state or political economy.<sup>47</sup> It further aims at an explanation of how institutions are transformed and run. Neo-institutionalism again characterizes states as a special type of organisation invested with authority to make binding decisions for the people and organisations juridically located in a particular territory and to implement these decisions using, if necessary, force.<sup>48</sup> Neo-institutionalism further defines actors to include individuals and groups of all types, whether social or commercial in orientation. Institutions are also defined to include governments and a myriad of external and non-state actors.

The term “new institutionalism” was coined by March and Olsen to emphasize the theoretical importance of institutions.<sup>49</sup> To March and Olsen, political institutions had receded in importance from the position they held in the earlier theories of political science. They argued to ‘bring the state back in’ and to ‘structure politics’. They contend that political institutions played a more vital role in shaping political outcomes, because the organization of political life makes a difference. The extensive work carried out by March and Olsen has prompted very important questions as to (a) what constitute a political institution, (b) the way institutions do their work, particularly how they define and defend interest, (c) the capacity of individual actors to influence the functioning of relatively autonomous political institutions.<sup>50</sup>

Unlike the traditional institutionalism, which was averse to theory, the new institutionalism has embraced and developed diverse theoretical projects. New institutionalism further employs deductive approaches that start from theoretical propositions about the way institutions work.<sup>51</sup>

### **1.4.5 Core Assumptions of New Institutionalism**

The core assumptions of the new institutionalism include the following: firstly, institutions create elements of order and predictability. They fashion, enable and constrain political actors as they act within the logic of appropriateness. Institutions are carriers of roles and identity and they are makers of a polity's character, history and vision. They also provide affinity ties that bind citizens together in spite of the many things that divide them.<sup>52</sup> Secondly, comprehensive and routine process leads to the generation of structures that are translated into political action and action into institutional continuity and change. Thirdly, political order is created by a collection of institutions that fit more or less into a coherent system. Political actors organize themselves and act in accordance with rules and practices, which are socially constructed, publicly known, anticipated and accepted. Institutions by virtue of these rules, norms and practices define basic rights and duties, shape or regulate how advantages, burdens and life-chances are allocated in society, and create authority to settle issues and resolve conflict.<sup>53</sup> Fourthly, institutions give to social relations, reduce flexibility and variability in behaviour, and restrict the possibility of a one-sided pursuit of self-interest or drives.<sup>54</sup> The fundamental logic of action is rule following, that is, prescriptions based on the question of appropriateness and a sense of right and obligations derived from an identity and membership in a community and the ethos, practices and expectations of its institutions. Rules are followed not because of the use of naked power but because they are seen as natural, rightful, expected, and legitimate. Members of institutions are expected to obey, and be the guardians of its constitutive principles and standards. Lastly, institutions are not static and irreversible.

In general, however, because institutions are defended by insiders and validated by outsiders, and because their histories are encoded into rules and routines, their internal structures and rules cannot be changed arbitrarily. The changes that occur are most likely to reflect the adaptation to local experience and thus be relatively myopic and meandering, rather than optimizing, as well as inefficient, in the sense of not reaching a uniquely optimal arrangement.<sup>55</sup>

#### **1.4.6 Approaches to New Institutionalism**

New institutionalism has three main variants: normative, historical and rational choice institutionalism. Normative institutionalism is associated with the writings of March and Olson and reflects the important role assigned to norms and values within an organisation in explaining behaviour of actors.<sup>56</sup> March and Olson are of the opinion, that to better understand political behaviour, both at the individual and collective levels, one must employ the “logic of appropriateness” that individuals acquire through their membership in institutions.<sup>57</sup> Proponents of the normative approach further argue that people functioning within institutions behave the way they do because of normative standards rather than their desire to maximize individual tastes and preferences. People acquire these standards of behaviour, through involvement with one or more institutions and the institutions are the major social repositories of value.

The Historical institutionalism, on the other hand, is associated with the works of Steino, Thelen and Longstreth.<sup>58</sup> The proponents of historical institutionalism built on the old tradition of political science that assigned importance to formal political institutions.<sup>59</sup> Historical institutionalism argues that the policy and structural choices made at the inception of the institutions will have a persistent influence over its behaviour for the remainder of its

existence.<sup>60</sup> Historical institutionalism further argues for the historical analysis of institutions by adapting the concept of path dependency. By path dependency, historical institutionalists concern themselves more with the persistence of organisations after they are formed than on the fact of their initial creation.<sup>61</sup>

Rational choice institutionalism is the third and final approach of the new institutionalism. The basic tenet of the rational choice is that institutions are arrangements of rules and incentives, and the members of the institutions behave in response to those basic components of institutional structure.<sup>62</sup> The goal of rational choice institutionalism is to uncover the laws of political behaviour and action. Scholars in this tradition are of the view that once these laws are uncovered, models can be constructed that will help social scientists understand and predict political behaviour. Rational choice institutionalism relies on four basic assumptions: first, is its extensive reliance on a set of behaviour, where actors are said to have fixed set of preferences;<sup>63</sup> second, they view politics as a series of collective action dilemma;<sup>64</sup> third, they emphasize the role of strategic interaction in the determination of political outcomes;<sup>65</sup> and finally, that institutions originate and persist over time.<sup>66</sup>

#### **1.4.7 Strengths of New Institutionalism**

Among the key strengths of the institutional theory are the following:

First, new institutionalism places emphasis on the fact that institutions do not simply represent constraints or embody opportunity for action, but rather, institutions are central makers in the process of preference formation. Institutions are therefore involved in every dimension of politics and they shape political processes every step of the way.<sup>67</sup> Second, new institutionalism

provides the analytical tools for determining institutional change. Rational choice theorists contend that institutions are demanded because they enhance the welfare of rational actors.<sup>68</sup> Third, new institutionalism helps us to really examine the nature of institutions in a political system. It provides an explanation for the persistence of institutions and their policies.<sup>69</sup> Fourth, new institutionalism emphasizes the relationship between institutions and actions. Actors are deemed to adapt their behaviour to existing institutional frameworks leading to a legitimization of institutions and ensuring institutional continuity.<sup>70</sup> Finally, new institutionalism emphasizes the origins of institutions. Theorists turn primarily to the functions that these institutions perform and the benefits they provide. The theory is very helpful in explaining how existing institutions continue to exist, since the persistence of an institution often depends on the benefits it can deliver.<sup>71</sup>

#### **1.4.8 Criticisms of the New Institutionalism**

Some criticisms have been levelled against the new institutionalism. The basic critique is the question as to whether the new institutional theory presents anything new and whether its claims, both theoretical and empirical can be sustained. Guy Peters argues that the new institutionalism offers some theoretical inconsistency. To him, should one adopt some versions of this approach, they may end up with different empirical evidence, leading to different predictions about behaviour, than had they employed another version for that research.<sup>72</sup> Peters further observes that new institutional theories are better at explaining differences among types of institutions than explaining the development of one or another individual institution due to the fact that new institutional theories tend to be variance theories. Again, new institutionalism is criticized because there is the difficulty in falsifying the predictions coming from this body of theory. It is

difficult to find any situation in which individuals could be said not to be acting rationally in the context of some possible set of incentives or another.<sup>73</sup>

#### **1.4.9 Justifying the Use of New Institutionalism**

Neo-institutionalism is of particular relevance to this study because the African Union is basically composed of governments in addition to a host of external and non-state actors who contribute in diverse ways to the quest for peace and security in Africa. The Union works in close collaboration with the United Nations, the World Bank the European Union and other governments outside Africa, civil society groups and the academia. Further to this, Cox refers to rules that guide the behaviour of such actors. The African Union has rules that serve as benchmark for its relations with all the actors mentioned above. In the quest for peace and security, the AU has established rules and procedures for intervention in member states. These rules include the Constitutive Act and the Protocol on Peace and Security. These offer policy guidelines for the management of issues of peace and security in Africa.

Neo-institutionalism is again relevant to this study due to the attention it pays to both formal and informal institutions. North views formal and informal institutions as portraying “a continuum from unwritten traditions and customs to written law.”<sup>74</sup> Boyd, further posits, that such informal institutions are handed down to successive generations through the “teaching and imitation of knowledge, values and other factors that influence behaviour.”<sup>75</sup> Van Nieuwkerk notes that the informal often refers to the norms and customs that portray “the way things are done.”<sup>76</sup> The OAU was accused, for instance, of holding its Heads of State meetings behind closed doors to avoid criticizing each other in public. Herbst argues that this informal character of meetings of

the Heads of States of the OAU later became institutionalized and contributed to the Organisation's loss of credibility.<sup>77</sup> Taylor observes that this informal behaviour in the OAU has been handed down to the AU and its structures (most especially, in the area of peace and security).<sup>78</sup>

Again, in the case of Africa, one can talk of affective ties that have developed over the decades that complimented formal structures within the OAU, and now, the AU. One of such affective ties is the "perceived need to guard against an enemy from within or without."<sup>79</sup> This affective tie has led to the formal institutions of peace and security that seeks to protect the continent from threats internal to Africa. The Protocol on Peace and Security of the AU clearly notes the continued prevalence of armed conflicts in Africa and the fact that no single internal factor has contributed more to socio-economic decline on the continent and the suffering of the civilian population than the scourge of conflicts within and between our states. This further demonstrates the relevance of the theory to the study.

Further, institutions have generally been assumed to be independent variables. Weaver and Rockman have observed that "differences in institutions can affect the nature of policy."<sup>80</sup> Neo-institutionalists like Marsh and Stoker have, however, debunked this view by advancing the view that "institutions are not independent entities, existing out of space and time"<sup>81</sup> but are "embedded" in a particular context.<sup>82</sup> This is of relevance to this study since the context within which the AU created formal institutions for the handling of peace and security (the non-indifference clause), forms the hypothesis of this thesis. This work seeks to investigate how this political rhetoric has affected the handling of issues of peace and security by the African Union.

Finally, the performance and effects of institutions can also be constrained by their constitutive factors since their informal nature is as a result of the “crystallization of customs and traditions handed down to succeeding generations.”<sup>83</sup> In the context of this study, the performance of informal institutions in the area of peace and security within the African Union may be inhibited by some of these customs and traditions. This study explores this perspective in relation to how some factors peculiar to Africa’s context (sovereignty and non-interference) have influenced and impacted the way the African Peace and Security Architecture has functioned so far. Secondly, it examines how the African Union’s norm of non-indifference has been translated into interventions on the continent.

One of the core assumptions of Neo-institutionalism is that political actors organize themselves and act in accordance with rules and practices, which are socially constructed, publicly known, anticipated and accepted. This is so with the AU and its member states. The AU’s policy on unconstitutional changes of government, for instance, is publicly known by member states and anticipated whenever a breach of the rules occur in any member state. African states are now aware that in the instance of genocide or crimes against humanity, the non-interference clause no longer applies as the Union has the right to intervene on behalf of the affected citizens. This has led to a reduction in flexibility in behaviour and reduced the possibility of a one-sided pursuit of self-interest.

From the discussion above, neo-institutionalism is relevant to this study because African leaders through the African Union and the African Peace and Security Architecture have adopted an institutional approach in addressing the challenges to peace and security in Africa. The analyses

in this study are therefore informed by postulates of the neo-institutionalism. In order to negotiate and mediate conflicts successfully, diplomats need to be assisted by strong institutions, without which their work will be virtually impossible.

## **1.5 Literature Review**

There is a plethora of studies on the African Union and its institutions. Very few studies, however, exist that examine the totality of the AU's involvement in peace and security from its inception in 2002 to 2012. This task is carried out in this study. The review of literature is divided into four parts as follows:

- a) General Studies on Regions, Regionalism and Regional Organisations in the International System;
- b) Studies on Regional Organisations and how they Operate to meet their Core Mandate of Security;
- c) Studies on the O.A.U in the area of Peace and Security;
- d) Studies on the African Union and its Management of Peace and Security.

### **1.5.1 General Studies on Regions, Regionalism and Regional Organisations in the International System**

Several studies have been conducted on regional organisations in the international system. The contemporary world has seen great changes to the normative conception of the terms regionalism and regional organisations as compared to what the UN Charter had intended it to mean in 1945. This section reviews literature on the definitional contentions as well as the evolution of the concepts

of regions, regionalization, regionalism and regional organisations that exists in the literature. It further reviews literature on the history of regional organisations in the world.

The definition of regions have been termed “ambiguous and elusive” by most international relations scholars.<sup>84</sup> The word “region”, originated from the Latin word “*regio*”, meaning direction or point of the compass. No two researchers readily agree on one definition since different definitions enable researchers identify different regions. Analysts, however, generally accept that ‘regions have indeterminate borders.’ ‘The uncertainty of borders remain relevant even in our contemporary understanding of the concept.’<sup>85</sup> Regions can be found at all territorial levels: there are regions within nation-states, cross-border regions on the sub-national level, as well as regions above the nation-state. The studies conducted by Bruce Russett, Peter Aronsson, Louise Fawcett, Thomas Franck, Andrew Hurrell, Ademola Abass, Oran Young, Joseph Nye, Helena Gandois and Peter Deng explore the definitional challenges in the term region. This study employs the macro-regions also called ‘international regions’ by Bruce Russett, which is composed of different states.<sup>86</sup>

Aronsson in his work “The Desire for Regions: The Production of Space in Sweden’s History and Historiography” refers to a region as “territory controlled by a regent and his regiment.”<sup>87</sup> Fawcett, in his work “The Regional Dimension of Global Security” on the other hand, elaborates on the territorial criteria by defining a region “as a group of geographically contiguous or proximate states, regions or territories.”<sup>88</sup> Franck also raises the issue of geography as an important criterion for region. Hurrell in his work “Regionalism in Theoretical Perspective” however, notes that “there are no natural regions and definitions of region and indicators of regionness vary according to the particular problem or question under

investigation.”<sup>89</sup>Nye in his work, “International Regionalism” introduces an additional criterion in defining regions, apart from geography and territory, by adding a “degree of mutual interdependence.”<sup>90</sup>Abass in “Regional Organisations and the Development of Collective Security” posits that regions can be measured in terms of “physical distance since territorial proximity justifies claims to regionality.”<sup>91</sup>Young contributes to this argument by stating in his work “Professor Russett: Industrious Tailor to a Naked Emperor” that without physical contiguity as a necessary condition, ‘the term “region” is apt to become so inclusive that it is useless’<sup>92</sup> Regions therefore need a physical reality since they cannot exist without it.

Another dimension to this argument is that regions can also be defined by the actions of states, both political and economic. Nye posits in his work, “International Regionalism”, that the only criterion that eventually defines a region is their political and economic decisions. Regions therefore become visible ‘by patterns of interaction between neighbouring states. A region is composed of different states linked by a geographical relationship that decide to identify themselves as a region in their discourses and actions.’<sup>93</sup>

These studies are important in that different writers define the term region differently and so are these terms accorded different connotations in international relations. In the case of Africa, ‘it is especially important to insist on this fact that regions are constructed by the actions of states. The division of Africa into five regions – North, West, Central, East and Southern Africa – is not in any way a given.’<sup>94</sup> While some analysts insist on the geographical criteria in Africa, others ‘define five regions based on major features of political and economic life.’<sup>95</sup>Deng, for instance, writes that it is only through the actions of states that we can identify, for instance, West and

Southern Africa. To Deng, ‘Cameroon generally swings between Central and West, while Tanzania, after the collapse of the East African Community, redefined itself as a Southern African State. The constructed character of African regions, to the author, is thus obvious.’<sup>96</sup> In this study, the African Union is defined as an organization that restricts membership on the basis of geographical contiguity.

Regionalism and Regionalization, on the other hand, are two words that have been used interchangeably in international relations literature. These are, however, two distinct referents. Mansfield and Milner in their work, “The New Wave of Regionalism” define regionalism as ‘a political process characterized by economic policy cooperation and coordination among countries,’ while regionalization ‘refers to the regional concentration of economic flows.’<sup>97</sup> Regionalization, according to the authors, is a bottom-up approach ‘characterized by undirected economic and social interactions between non-state actors, be it individual companies, or non-governmental organisations.’<sup>98</sup> Regionalization therefore dwells on activities within a region and the region itself now becomes a separate unit of analysis.<sup>99</sup> Regionalism, on the other hand, is a ‘top-down approach that occurs at the political decision-making level, as a political project that may concern economic policy coordination, but also now extend to areas like peace and security.’<sup>100</sup> It can, however, be said that regionalism is often influenced by regionalization. Wannop in his article “The Regional Imperative: Regional Planning and Governance in Britain, Europe and the United States” writes that regionalism “is often analysed in terms of the degree of social cohesiveness (ethnicity, race, language, region, culture, history, consciousness of a common heritage) economic cohesiveness (regime type, ideology), and organizational cohesiveness (existence of formal regional organisations).<sup>101</sup>

These studies are very instructive and key for our study of the African Union as a regional organization. Africa as a region identifies with a common heritage (colonialism), common ideology (Pan-Africanism), and the consciousness of this common heritage has resulted in the formation of regional organisations like the OAU and now the AU. The issues of culture, ethnicity and language cut across borders in Africa as a result of the partitioning of the continent. Further to this discussion is the formation of regional organisations, which has now resulted in regional security organisations, which is the main focus of this study. The degree of organisational cohesiveness within the AU's peace and security structure is, however, flagged for further scrutiny in our study.

Various definitions of a Regional Organisation exist in the literature. In answering the question 'What is a Regional Organisation?' Nye 'refers to organisations based on (1) formal agreement among governments (2) possessing diplomatic forums and (3) assisted by an associated international bureaucracy.'<sup>102</sup> Franck adds up to these criteria by defining regional organisations as 'any grouping of states in some defined geographical context with historic, ethnic or socio-political ties, which habitually acts in concert through permanent institutions to foster unity in a wide range of common concerns.'<sup>103</sup>

A clear distinction can further be made between regional institutions and regional organisations. Young defines organisations as being 'material entities possessing physical location (or seats), offices, personnel, equipment, and budgets,'<sup>104</sup> and institutions as 'inter-subjective norms or sets of rules meant to govern international behaviour.'<sup>105</sup> Keohane takes this a step further by including formal organisations as 'a sub-category within his definition of international

institutions.<sup>106</sup> The focus of this study is on formal organisations but the terms regional organization and regional institutions are used interchangeably.

The *Year Book of International Organisations*<sup>107</sup> provides a clear distinction between international organisations and other organisations, whose status might be unclear, like ad hoc committees. They provide eight criteria as follows:

- a) Aims: They must be genuinely international in character, with the intention to cover operations in at least three countries:
- b) Members: Voting power must be such that no one national group can control the organization.
- c) Structure: There must be permanent headquarters.
- d) Officers: Officers should not all be of the same nationality.
- e) Finance: At least three countries make substantial contributions to the budget.
- f) Relations with other Organisations: the organisations should lead an independent life.
- g) Activities: Evidence of current activities must be available.
- h) Other criteria.

Based on these criteria, the United Nations Economic Commission for Africa (UNECA) identifies 15 regional and sub-regional organisations in Africa.<sup>108</sup>

**TABLE 1. 1: African regional and sub-regional organisations as identified by UNECA**

AMU	Arab Maghreb Union
AU	African Union
CEPGL	Communaute Economique des Pays des Grands Lacs/Economic Community of the Great Lakes Countries
CEMAC	Communaute Economic et Monetaire de l'Afrique Centrale/Economic and Monetary Union of Central Africa
CEN-SAD	Community of Sahel-Saharan States
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
ECCAS	Economic Community of Central African States/ CEEAC – Communaute Economique des Etatsd'Afrique Centrale
ECOWAS	Economic Community of West African States
IGAD	Intergovernmental Authority on Development
IOC	Indian Ocean Commission
MRU	Mano River Union
SACU	Southern African Customs Union
SADC	Southern African Development Community
WAEMU	West African Economic and Monetary Union)

Source: UNECA, 2010.

These studies are very instructive for the current study. This is because the African Union, which is the subject of this study, fulfils all the criteria set by the UNECA. The Constitutive Act of the AU clearly sets out the aims and objectives of the Union, which binds all members of the Organisation towards a common goal. Each member state of the Union has equal voting rights based on the principle of the sovereign equality of states and the AU has a permanent headquarters in Addis Ababa. Officers of the Union are selected from member states and so do not all belong to a particular country or sub-region of the continent and the financial burden of

the Union has been mostly borne by countries like Nigeria, South Africa and Libya, to mention a few. The current activities of the AU, especially in the area of peace and security, are evident to members of the Union and information on current activities can readily be obtained from the Union's website. The AU is therefore a regional Organisation that serves the African continent not only in terms of the political, social and economic spheres, but also in the area of peace and security.

### **1.5.2 Regional Organisations: A Historical Overview**

Abass, O'Brien, Robertson, Hettne, Fawcett, Nye and Keating give various accounts on the origins of regional organisations in the international system, as well as their transformation from traditional regionalism that deals with economic and political issues, to the new regionalism, that includes regional security.

Writing under the rubrics, "Regional Organisations and the Development of Collective Security," Abass posits that the study of international organisations and its dynamic impact on state relations did not attract much academic interest before the emergence of the League of Nations,<sup>109</sup> and later the United Nations. This, according to the author, is however, not to say that no international organization existed prior to the emergence of the League and the UN. The Congress of Vienna and the Rhine Commission (both formed in 1815), for instance, were regional associations that served European and American interests, respectively.<sup>110</sup> Despite the existence of these and other universal organisations like the Universal Postal Union, Abass notes that studies on regional organisations, prior to the formation of the UN, concentrated mostly on economic issues.<sup>111</sup>

Citing O'Brien, the author opines that the Organisation of states under one effective umbrella was necessitated by the outbreak of World War One and its aftermath. The formation of the League of Nations was therefore to preserve the "existing regional basis for states co-existence."<sup>112</sup>The Covenant of the League, though recognizing and mentioning regional organisations in its Article 21, did not, however, allocate any significant role to it. Robertson in his book "The Law of International Institutions in Europe" argues, that the League of Nations found a small place in the textbooks but that was practically the end of it. "Neither the League itself, nor these other organisations that existed at the time received any major academic attention."<sup>113</sup>Formed in 1945 after World War II, the United Nations marked the turning point in the study of regional organisations. Abass observes that not only did the Charter of the UN preserve the place of regional organisations, like its predecessor the League, but the Charter went a step further to allocate some important roles to regional organisations "within specified legal parameters." Chapter VIII of the United Nations Charter sets out clear provisions that regulate the activities of regional organisations.

Fawcett in his work, "The Regional Dimension of Global Security" attributes the rise in regional organisations after the formation of the UN to developments in Europe, which led to the negotiation and signing of the Maastricht Treaty by the European Commission and the expansion of the Commission to include the Scandinavian states and Central Europe.<sup>114</sup>Taylor states that the 1960s saw the growth in the number, scope and diversity of regionalists' schemes. Whiles Nye, in his seminal work, "Peace in Parts: Integration and Conflicts in Regional Organisations", notes that this growth "caused an unprecedented intermingling of macro-economic organisations and macro-regional political organisations."<sup>115</sup> These led to the formation of classical regional

organisations like the Organisation of African Unity (OAU) and the Organisation of American States (OAS), among others.<sup>116</sup>

Keating in his work “The New Regionalism in Western Europe: Territorial Restructuring and Political Change”, writes that the traditional conceptions of regionalism and regional organisations were that they were one-dimensional in nature and scope. He says this, however, changed with the advent of the new regionalism.<sup>117</sup>

Hettne in his article “Neo-Merchantism: The Pursuit of Regioness”, posits that the new regionalism refers to the set of regional arrangements that emerged shortly before the end of the Cold War. These new regional organisations were multi-dimensional in nature and scope and embraced a diversity of purpose.<sup>118</sup> Among the organisations that sprang up in the 1970s and 1980s are the Economic Community of West African States (ECOWAS) and the Southern African Development Coordination Conference (SADCC), both in Africa. Traditional regional organisations like the OAU, later found it difficult to draw a line between the economic and political regionalism it embraced. The members of the organization came to the conclusion that “security issues cannot be considered separately from the regional economy.”<sup>119</sup> They therefore agreed to embrace a broader mandate in order to meet the changing need of its members in the post-Cold War era.

The works of O’Brien, Hettne, Fawcett, Nye and Keating are very important to this study and they provide the history of regional organisations and the reasons that account for the shift in focus of these regional organisations from pure political and economic issues to now include

security. The nexus between regional organisations and the promotion of peace and security helps us figure out what factors promote or undermine the performance of these organisations in Africa. The African Union emerged in 2002, as a regional organization in Africa with a new and broader mandate that includes peace and security, which its members agree, is necessary for the attainment of the socio-economic goals of the continent. Most of these works are however on regional organisations in Europe, Asia and the Americas. This study however focuses on Africa and her efforts at continental regional security.

Studies conducted by Lake and Morgan, Held et al, Asante, Schulz, Soderbaum and Ojendal, Francis, Kirchner, Emil and Dominguez and Boutrous-Ghali are unanimous on the emergence and importance of regional security organisations the world over.

Lake and Morgan in their article “The New Regionalism in Security Affairs,” refer to Regional security as the coming together of diverse regional or international actors to establish mechanisms within the community to deal with conflicts when they occur or to forestall their occurrence.<sup>120</sup>The authors posit, that interdependence in the international community has made the lack of security in one state have implications for security in a region as a whole. Security then has become the collective interest of diverse regional or international actors. Countries within a region are interdependent within a regional security order since the major security threats in the post-Cold War era are more internal than external in nature and are political, social, economic and environmental rather than military in character.<sup>121</sup>

Held et al, contribute to this discussion by asserting that the developing world has witnessed the emergence of a number of approaches to security problems that are different and go beyond that of Europe and other regions of the world. The old regionalism, they argue, has given way to ‘a more open form of regionalism ... referred to by the notion of the new regionalism and which has resonated in Kuala Lumpur, Brasília and Lagos.’<sup>122</sup>

S. K. B. Asante, throws more light on the old regionalism and the factors that contributed to their formation. He posits that the old regionalism or the first wave of regionalism in Africa began in the 1950s and ended in the early 1970s. This old wave, according to Asante, was necessitated by colonialism, the Cold War, and political instability, among others.<sup>123</sup> He opines that the Countries in Africa that gained independence initially, came together in order to have a common front to help free the rest of Africa from the vestiges of colonialism. The old regionalism, he notes, further leaned more towards the economic and focused on power-based or material based structures.

Schulz, Soderbaum and Ojendal trace the beginning of the new regionalism to the early 1980s. They opine that the new regionalism does not only lean toward the economic, but also, issues of security that push nations towards cooperation. According to the authors, this new regionalism further focuses not only on the material incentives but also on factors such as norms, institutions and identity.<sup>124</sup> Francis agrees with this assertion by writing that, in recent times, regional patterns of co-operative security, conflict management and resolution are emerging as features of the post-Cold War international politics.<sup>125</sup> According to Francis, “attempts at building regional

peace and security systems are perceived as one of several responses to contain the spread of regional conflicts through mutual security and collective defence.”<sup>126</sup>

Francis further notes that the nature of threats in the international system has changed considerably with the end of the Cold War. Individual states are no longer able, on their own, to ensure the security of their citizens and the nations as a whole. Coupled with this is the fact that the origins and targets of threats are now more difficult to determine due to a “global system with increased telecommunications networks, highly sophisticated weaponry, failed states and its associated organized crime.”<sup>127</sup> The world economic recession and financial crises have also led to the increase in migration and the spread of pandemics and diseases the world over which all contribute to instability in the international system.

States, as a result of this, have opted for regional cooperation in the area of security. Kirchner, Emil and Dominguez have observed that “the steady rise and or remit expansion of international organisations provide ample evidence of such a shift in state behaviour.”<sup>128</sup> This steady rise, according to the authors, is due in part, to the failure of the United Nations to provide global security. The UN, according to Tavares, has been too fragile to cope with global conflicts. The world body, according to the author, lacks “the capacity, resources and expertise”<sup>129</sup> necessary for the combat of global security issues. This has led to the United Nations’ growing support for regional organisations and referring to them as “both necessary and desirable.”<sup>130</sup> Boutrous-Ghali in his ‘Agenda for Peace’ notes that:

“regional organisations can contribute to conflict prevention in a number of specific ways. Such organisations build trust among states through the frequency of interactions, and have a greater grasp of the historical background to a conflict.”<sup>131</sup>

Kitchner et al., again attribute the increase in the formation of regional security organisations in the world to the fact that states have come to the realization that the “majority of threats and security problems are primarily regional rather than local, national or global.”<sup>132</sup> The nature of threats also transcends borders and these threats include “inter-state and intra-state armed conflict, proliferation of deadly diseases, illegal immigration, illegal selling of small arms and light weapons and failed or failing states.”<sup>133</sup> These and many more account for the increase in security regionalism the world over.

The reasons for the formation of the old and new regionalism gives a clear explanation of the kinds of organisations Africa had at early independence. The authors further explain the changing dynamics in world affairs, which lead to the birth of the new regionalism. The African Union and her quest for peace and security in Africa clearly fits the Organisation within the ambit of the new regionalism. These studies underscore the transition from the old to the new regionalism and the importance of the emergence of regional security organisations in the management of regional conflicts. Our study builds on this by assessing the AU and its management of issues of peace and security since its inception in 2002.

### **1.5.3 Regional Organization in Asia, Europe and the Americas**

States use international organization to manage their everyday interaction and also to manage the more dramatic episodes like International Conflict. David Jones and Michael Smith in their article “Making Process, not Progress: ASEAN and the East Asian Regional Order” discusses the formation of ASEAN in 1967 to accelerate the economic growth, social progress and culture development in the region through joint endeavours in the spirit of equality and partnership in

order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations.”<sup>134</sup> The authors note that, by the end of the Cold War, however, “ASEAN stood revealed as a diplomatic community of weak states, and its collegial style of sub-regional conflict resolution between 1976 and 1991.”<sup>135</sup>

To the authors, ASEAN’S international and regional diplomatic stature improved dramatically in the 1990’s as a result of “ASEAN, allowing states to establish an extremely low level of institutionalization with a highly non-intrusive agenda.”<sup>136</sup> The dominant understanding behind ASEAN regionalism, therefore, became that “a collocation of weak state actors engineered a set of procedural norms and persuaded stronger regional actors to both adopt and adapt to them.”<sup>137</sup> The authors further note, that certain norms and processes eventually emerged through practice, which has transformed the ASEAN from a weak regional organization into a more inclusive organization. These norms include the non-interference in the affairs of member state and the eschewing of the use of force. Jones and Smith concluded that these norms are not unique to ASEAN, since they are engrained in the statutes of most regional organization, including the UN.

Amitav Acharya in his article “Ideas, Identity and Institutional Building from the ASEAN Way to the Asia-Pacific way?” contributes to the discussion on ASEAN norms by noting, that what distinguishes “ASEAN norms is not their content, but their implementation in a framework of regional interaction.”<sup>138</sup> According to Acharya, the ASEAN way “is about the process through which such interactions are carried out.”<sup>139</sup> To Acharya, the ASEAN way further connotes a preoccupation with expediency, informality, requiring a practice of non-confrontation.<sup>140</sup>To the

author, the ASEAN way of regional integration, however, lacks “a clear format for decision making and meeting”<sup>141</sup>, since it has not embraced a centralized permanent bureaucracy with decision making authority.<sup>142</sup>

Acharya’s work is important to our current study on Africa’s regional organization, the African Union, in that, the AU provides an alternative structure in terms of format for decision making as well as meetings. The AU has clear structures and institutions that man the day-to-day affairs of the organization and these structures are scrutinized in this study.

Shaun Varine in his work, “ASEAN and the Management of Regional Security” posits, that the ASEAN is the most successful indigenously produced regional organization in the developing world. The author credits the organization with great internal cohesion as well as international effectiveness.<sup>143</sup>The writer opines that ASEAN defines security in comprehensive terms. Security, by ASEAN terms, consist of “political, military, economic and social factors interacting at all level of analysis”<sup>144</sup> Member states of ASEAN had hoped that the organization will serve three mutually reinforcing security functions: that ASEAN will mitigate latent tension between its members; that economic development will contribute to political stability; and that the promotion of internal security will reduce the vulnerability of its members to the machinate of outside powers.

The author concludes, that ASEAN as a regional security organization has proven to be fairly effective in managing its internal security relation. ASEAN’s effectiveness has however been hindered by two factors: “the decisive role of powerful states in setting the parameters of

regional interaction and the “divergent interest of the individual ASEAN states when defining their own regional interests.”<sup>145</sup>

In his article, “ASEAN’s New Challenges”, Leszek Buszynski buttresses the point, that ASEAN has emerged as the most successful case of regionalism outside Europe, despite its uncertain future when it was formed in 1967. Despite its achievements, the writer notes that ASEAN faces new challenges today that will test its cohesion in other ways. The main challenge to ASEAN regionalism is what is termed by the author, as a clash between the old and new regionalism. To the author, the old regionalism was “characterized by a product of the Cold War, as inward looking, exclusive and created by governments for specific security or economic purposes”<sup>146</sup>. He contrasts this to the new regionalism, which to him is “outward looking, non-exclusive and multidimensional in function.”<sup>147</sup> The new regionalism further combines both the demands of states and non-states actors in a multi-level and complex character.<sup>148</sup> The writer further posit that ASEAN, during Cold War, acted as a “diplomatic vehicle for the coordination of regional positions in relation to Communist Subversion and the Cambodian conflict in particular”<sup>149</sup> The end of Cold War brought the extension of the diplomatic field to include a more extensive economic and business function.

Touching on the challenges confronting ASEAN, the author cites issues of expansion (to embrace the Southeast Asian states); organizational and functional difficulties as well as security-relating to “China’s regional role, the South China Sea and the Korean Peninsula”. He concludes that ASEAN will face some major challenges in the future, the responses to which will define its future role and function. These future challenges include the expansion of the

organization, that is, the integration of Indochina and eventually Myanmar into ASEAN will create unique problems. Again, the borders of economic regionalism may not necessary coincide with security regionalism. The author states that the process, the structure and the mechanism that evolved within the ASEAN to cope with the problem of the seventies and eighties are plainly inadequate today with the added roles and responsibilities of the organization.

The study offers a general overview of ASEAN and the challenges, both past, present and future that confronts the Organization. However, the role of ASEAN in terms of peace and security, though touched on, is not explored into detail. Our study discusses the role the African Union in managing peace and security in Africa. In doing so, the process, the structure and the mechanisms that have evolved for the management of peace and security are discussed.

Like Buszynoki, the work of Russell H. Fifield on ASEAN was brief but authoritative. He affirms the history of ASEAN and asserts that the institution and environment within which ASEAN operates have impacted greatly on the growth of the Organization. He points out that “a balanced sheet of ASEAN today shows just how far the organization has travelled and where its achievements and failures are found.”<sup>150</sup> To the author, ASEAN’s greatest success is in the political and diplomatic field. To the author, quite substantive gains have also been made in the economic and social arena but this pail in companion to the diplomatic and political successes. Despite the fact that the Bali Summit refers to military cooperation, it is formally off-limits for ASEAN and so the author only mentions it in passing.

This study is important to our current research as it provides the general environment within which the ASEAN operates. This provides the justification to look at the institutional context within which the AU operates, but specifically, in the area of peace and security.

Writing under the rubrics, “Conflict Management and Constructive Engagement in ASEAN Expansion”, Ramses Amer opines that the process of bringing all ten Southeast Asian countries into ASEAN by the original five members of the organization had economic and political motives but also security considerations.<sup>151</sup> To the author, this process of expansion contributed to the gradual acceptance by other Southeast Asian countries of ASEAN’s code of conduct for inter-state interaction. This paved the way for the accession to full membership to ASEAN by countries like Vietnam, Laos and Burma as well as Cambodia. The need for expansion, the author states, had economic motives, since “the level of economic development between the new and the old members of ASEAN had considerable discrepancy and the need for investments into new and foreign markets”<sup>152</sup> would open new markets for exports within the Free Trade Area of ASEAN. The author concludes, however, that the political and security consideration of ASEAN, are more important in explaining why the original members embarked on this process of expansion. This policy of constructive engagement has ensured the peaceful management of inter-state conflicts within ASEAN.

Ramses Amer’s article is important to this study as it examines the effort made at implementing the conflict management mechanism of ASEAN and provides useful guidelines in our current study in assessing the AU’s implementation and management of conflicts in Africa since its inception. Also of importance to this study is the constructive engagement aspect of the ASEAN

integration. How the AU has engaged its members constructively in the area of peace and security is assessed.

Desmond Dinan's article, "Europe Recast: A History of the European Union", provides the history of the European Union. He recounts the various visions of European integration, from world war II and the desire of Europe's politicians "to end international strife, foster social harmony and promote economic well-being,"<sup>153</sup> to the crucial issue of shared sovereignty. He makes it clear that "European politicians were (and still are) instinctively averse to sharing national sovereignty, despite the rhetorical flourishes to the contrary"<sup>154</sup>. To the author, European political leaders shared sovereignty "primarily because they perceived that it was in their countries' interest to do so."<sup>155</sup>

Dinan posits, that the EU emerged without a clear shape or form and has evolved since its formation into many layers and initiatives. The EU has expanded to the extent that decision-making has become cumbersome and the organization lacks popular support or legitimacy. Despite these challenges, Dinan opines that "the EU has recast Europe by making European War virtually obsolete"<sup>156</sup> He opines that "Europe may be boring, even Byzantine, but it is safe. The battles of Jena, Waterloo, Verdun, or Normandy- where seemingly intractable problems were once resolved – have given way to the meeting rooms in Brussels, tidily furnished with bottled water."<sup>157</sup>

This study is very important to the current research in that it offers insight into the formation of the European Union and how it has succeeded in virtually eliminating wars from Europe. Since

the AU is modelled after the EU, this study assesses the AU's effort at ridding the African continent of conflicts and the extent to which that has been successful.

Writing under the rubrics, "What does the European Union Do?" Albert Alesina, Ignazio Angeloni and Kudger Schukmecht set out to evaluate the "attribution of policy prerogative to European Union level institutions and compare them to the implications of normative policy models and to the preferences of European citizens"<sup>158</sup>. The authors set criteria and offer a set of indicators for measuring European Union institutions like the EU Court of Justice, the Parliament, the Commission and the European Council, among others. To the authors, however, it appears that the EU seems to be losing support within several member states despite the many achievements of the Union including a single currency and the delegation of monetary powers to the European Central Bank.<sup>159</sup>

Alesina, Angeloni and Schuknecht's work contributes to this current study by providing a coherent framework, within which regional organizations and their institutions can be examined and their activities measured. The AU's institution, responsible for peace and security, is subjected to the indicators suggested by the authors to determine the content of success or failure of the institutions of peace and security since its inception.

Writing on "The OAS Peace and Security System" Ronald Barliant talks about the OAS Charter that was the fundamental document that was signed and ratified by the 21 states that were original parties to the Rio Treaty. The Charter sets forth a long series of principles that guide the members of the organization in their relations with one another. The writer opines that the OAS

Charter's provision on peace and security was general as it was hoped that the Rio Treaty and the Pact of Bogota would deal with specific procedures.<sup>160</sup>

Barliant, however, notes that the principle of non-intervention is set forth in strong terms in Article 15 of the Charter, and Article 16 and 17 supplements it. The author also discusses the structure of the OAS and how the various structures relate to peace and security. He further discusses the successes of the OAS in preventing, containing, and ending international violence, especially, between the Central American and the Caribbean states. Despite the successes, the author is quick to assert that not all conflicts in the hemisphere have been resolved by the organization.<sup>161</sup> Barliant concludes, that many issues remain unresolved like the domination of the United States and controlling the policy direction of the organization. This, the author notes, is resented by the smaller states that make up the OAS and he therefore believes that "to continue to demand what will not be given will only weaken the inter-American system of integration"<sup>162</sup>

This study offers a general overview of the OAS, its charters, the charter provisions on peace and security, the challenges of the past and what the future holds for the organization. The study provides a guide in assessing the AU's Constitutive Act and what provisions on peace and security it makes for Africa.

#### **1.5.4 Studies on Africa's Regional Organisation - OAU in the Area of Peace and Security**

The literature on International Relations, generally considers Africa a region less likely to face external aggression or threat from member states. To the extent that security is considered a problem therefore, scholars of International Relations generally view this as the result of domestic conflict and individual insecurities.<sup>163</sup>

Karl Jackson, David Lake and Patrick Morgan in their seminal work “Africa in the New International Order”, write that the past two decades have seen internal wars leading to human dislocation both within African states and across their borders.<sup>164</sup> This, according to the authors, has resulted in Africa being touted as a region without a “security dilemma,” since threats to her security is deemed to be more internal in nature than external.<sup>165</sup>

Keller contributes to this debate by explaining what it means when Africa is referred to as a ‘region with no security dilemma.’<sup>166</sup> He attributes this assertion to the fact that member states within the region face no external threat from each other. Among the reasons he cites for the lack of external threat include the weakness of states within the region, the resource – poor state of most of the countries within the region and the fact that most of these countries tend to be artificial creations and thus regimes in this region tend to lack popular support.<sup>167</sup>

Williams, however, takes a different view to the current state of insecurity in Africa. He attributes Africa’s state of insecurity to the human choices that have been made over centuries under the ‘influence of powerful international forces such as colonialism, capitalism, statism, globalization and other factors more specific to Africa.’<sup>168</sup> But ultimately, the author is of the view that African states have failed to provide their people with security. The author sees the choice of referents as very important to any analysis on insecurity in Africa since that shapes one’s perceptions and thoughts as well as responses to security threats. The referents here allude to local and global factors that shape security issues in Africa.

On the local level, issues like the environment, which to William has received very little attention, but which is the most fundamental in most respects, where security is concerned, to the author, must be brought to the fore. Again, the actions and perceptions of Africa's governments, which, according to the writer, are mostly neo-patrimonial and which has had a damaging effect on civil society and the struggle for individual and social rights and freedoms on the continent is another point of reference. States, to the author, should be viewed 'as a means to provide security for their people and not as the ends of security policies.'<sup>169</sup>

The works of William, Keller, Karl Jackson, David Lake and Patrick Morgan bring to the fore the causes of insecurity in Africa and what the global and local factors that shape security in Africa are. Our work will draw on the lessons learnt from these studies in our effort at studying the role of the AU in the management of peace and security in Africa.

In Africa, regional security issues have been the foremost on the minds of leaders, and this was evident during the formation of the Organisation of African Unity (OAU). The OAU Charter noted in its preamble, "the conditions for peace and security must be established and maintained."<sup>170</sup> The Charter further committed the OAU to the "peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration".<sup>171</sup> Despite these noble pronouncements in the Charter, certain principles within this same Charter hindered the Organisation from this peacemaking role. The principles of "non-interference in the internal affairs of member states" and the "sovereign equality of states" are the cases in point.

Solomon Gomme opines that the OAU was “barred from any involvement with issues considered to be within the jurisdiction of its member states, particularly, all disputes and conflicts within a given country”.<sup>172</sup> These two principles eventually led to the “culture of impunity” in some African states. Gomes observes that the OAU “existed for 40 years, during which time it was faced with major peacemaking and mediation challenges.”<sup>173</sup> In order to fulfil its peacemaking role, the OAU Charter in Article XIX established a Commission on Mediation, Conciliation and Arbitration. This Commission, according to Gomme, was not effective in the administration of security due to the ad hoc basis on which it functioned. He further observed that the “peacemaking and mediation history of the OAU is one defined by the use of ad hoc bodies.”<sup>174</sup>

This ad hoc approach, however, changed when in 1993, African leaders during the Cairo Summit decided to establish the OAU Mechanism for Conflict Prevention, Management and Resolution (the Mechanism) to prevent, manage and resolve conflicts in Africa.<sup>175</sup> The Mechanism was guided by the principles and objectives of the Charter but further “functioned on the basis of the consent and the cooperation of the parties to the conflict”.<sup>176</sup> Despite the formation of the Mechanism however, the OAU focused on “conflict prevention rather than peacekeeping.”<sup>177</sup> The 1990s saw the OAU, basically supporting sub-regional organisations and the United Nations in the maintenance of peace and security on the African continent.

Keller cites other modalities that were available to the world as a whole and the OAU in particular for the management and resolution of conflicts. The United Nations Mechanisms for Conflict Resolution, he opines, was applied variously in Africa, though it achieved various levels of

success.<sup>178</sup>The international community in general and African leaders in particular began to look for new ways of addressing both domestic and regional conflicts on the continent. They called for the development and establishment of new institutions that can effectively avert the debilitating conflicts in the region and also resolve them once they erupt.<sup>179</sup>

Most of these scholars trace the turn around in Africa's quest for regional security institutions to manage peace and security on the continent effectively, to the gradual withdrawal of Western powers from conflict and peacekeeping issues in Africa. Gandois writes that this gradual withdrawal can be traced to the downing of the 'Black Hawk' in Mogadishu in October 1993,<sup>180</sup> where eighteen American servicemen died. This led to the altering of policies towards armed conflict not only by the United States but also by several Western powers. This resulted in the idea that 'the best way to maintain international peace and security in Africa is for Africans to resolve the continent's problems by themselves.'<sup>181</sup> Coupled with this is the political rhetoric of "African Solutions to African Problems" which has gained wide support among political leaders on the continent. Gandois observes that this rhetoric has now gained support even among African governments who have advocated a policy of non-interference in the past. African leaders like Mbeki and Kagame at different forums have insisted that it is critical that Africans deal with the conflict situations on the continent themselves.<sup>182</sup>

James Bosomtwi-Sam in his article "Architects of Peace: the African Union and NEPAD" takes a different view to the 'African Solutions' rhetoric, by stressing, that this does not and should not entail a disengagement from Africa by the rest of the world. He is of the view that 'building an effective peace and security architecture in Africa requires the commitment and support of all

partners based on mutual accountability for outcomes.’<sup>183</sup> This writer sees African conflicts as diverse, both in nature and sources and is, thus, not surprised that the measures taken to achieve peace and security have equally been diverse. He cites mediation efforts, humanitarian assistance missions, military force deployments and the imposition of sanctions as means that have been employed in the past to restore peace to the continent. He further cites the wide range of actors involved in the management of conflicts in Africa: the OAU, UN, African sub-regional organisations like ECOWAS and SADC, and the World Bank to drive home his point that Africa cannot do this on its own.

The studies of Bosomtwi- Sam, Gandois, Keller and Gomme are very important for this work since they lay down the background to the quest for peace and security institutions and why Africa felt the need to own its peace and security initiatives. Our study traces the background to the incidents that led to the eventual turn around for the OAU and later the African Union in terms of peace and security. Various institutions and programs that were initiated by the OAU and the AU are also discussed.

Writing on “Legitimacy and the authority of the OAU”, Scott Thompson and Richard Bissell discuss the formation of the OAU in 1963. The writers note that with the “formation of the OAU, there finally existed a continental organization which translated institutionally, what African brotherhood amounted to at its greatest.”<sup>184</sup> They re-echo the assertion that the formation of the OAU was a compromise between the radicals and the moderates. They opine that the “radicals were given the form of African unity in the organization’s aspirations, while the moderates, who insisted that the OAU not assume supranational functions, were given the substance, that is, that

the OAU makes the sovereignty of the African state its first principle”<sup>185</sup> African leaders, by forming the OAU, had hoped that the organization would become a cohesive instrument to ward off neo-colonialism and the influence of the great powers on the continent. In their view, at the formation of the OAU, the greatest task was for the organization to establish a higher degree of legitimacy among its members. This, the OAU tried to attain by helping resolve border conflicts and by helping countries still under colonialism to free themselves.<sup>186</sup>

The authors conclude that if there is a lesson to be learned on the ups and downs of the OAU, then it is that between legitimacy and authority. To them, the level of legitimacy in the OAU could not deviate from the areas of competence the OAU operated in without endangering the steady growth of the organization.

The study contributes immensely to our current work by providing the historical antecedents to the formation of the OAU as well as how the issue of authority and legitimacy was resolved within the organization. Legitimacy and authority are very necessary today, if the AU will succeed in its quest for peace and security in Africa. This study investigates the two issues of legitimacy and authority within the AU in relation to its members, as these are crucial in the extent to which the AU’s decisions are respected and implemented by its members.

Richard Fredland contributes to the debate on the OAU by asserting that the OAU was a victim of the lack of success experienced by African States, but perhaps not similarly the beneficiary of their positive achievements.<sup>187</sup> To the author, an assessment of the OAU was difficult as at the time of his study for a variety of reasons. Among the reasons he cites for this difficulty are the

elusiveness of specific criteria for measurement and the fact that the establishment of organization coincided with the emergence of Africa politically.<sup>188</sup> He examines the frustrations of the organization in terms of sovereignty, ideological divisions among African states, imperialist interest, the lack of success of intra-African international activities, ineffectiveness, the division of Africa between Arabs and black Africa, Location, introspection, diversion of international attention from Africa and apathy on the part of African leaders.<sup>189</sup> Fredland concludes that these liabilities will not diminish markedly in impact in the foreseeable future but the OAU must do its best to respond to situations that are beyond its control.

This study is very important as it offers the context within which the OAU challenges can be looked at. Most of the challenges discussed by the author are still plaguing the African Union today. Our work will examine what the current challenges are in the area of peace and security and what efforts the AU has made to resolve them.

Jean-Emmanuel Pondi's study, "the OAU in Yaounde: Pursuit of Tradition or Doctrinal Renewal", discusses the 32<sup>nd</sup> meeting of the OAU in Yaounde in 1996, which to him, marked the turning point in the organization's fixation on states to become more people-oriented.<sup>190</sup> Pondi opines that the OAU meeting in Yaounde in 1996, not only dealt with governments but also held several related non-governmental forum in support of the OAU. These, to the author, were significant in assessing the new direction the OAU took in terms of peace and security in the years that followed.

### **1.5.5 African Union and the Management of Peace and Security**

The call for new mechanisms for the resolution and management of insecurity in Africa led to the blossoming of new initiatives on the continent in response to what the UN Charter refers to as ‘international peace and security.’<sup>191</sup>

The study conducted by Stephan Klingebiel discusses the coming into being of the AU in 2002. He opines that this marked a very important milestone in the quest for peace and security in Africa. He views the OAU’s inability to effectively deal with conflicts in the region as a result of some of the norms and principles that were enshrined in its Charter. He therefore sees the Constitutive Act of the African Union as a ‘realistic African reform programme’<sup>192</sup> and a marked improvement over its predecessor. Klingebiel identifies seven pillars upon which Africa’s new security architecture rests. These pillars include the need to constructively address challenges that present themselves in the area of peace and security; the recognition of the close interrelation between security and development; the formulation of an emancipated peace and security policy; the comprehensive array of organizational capacities and structures being built up; and the support of African think tank and Non-Governmental Organisations in the area of peace.

Klingebiel’s work provides the background information on the African Union and its Constitutive Act, as well as how far the Union has come in terms of its peace and security objectives. Three of the seven pillars identified by Klingebiel will be examined further in this study. We will therefore assess how constructively the AU has addressed the various challenges it faces in the area of peace and security; what policies have been formulated in the area of peace and security and how the Union’s and structures have been built up since the inception of the Union in 2002.

Eki Yemisi Omorogbe's study "Can the African Union Deliver Peace and Security?", discusses the establishment of the AU in 2002. To the author, the restructuring of the Organisation was in order to respond effectively to Africa's problems including armed conflicts.<sup>193</sup> She discusses the framework put in place for the management of peace and security in Africa. Using Burundi, Darfur and Somalia as case studies, the author asks the important question of whether the AU has the potential and capacity to take the lead role in resolving armed conflicts on the African continent. The author draws the conclusion that, in each case examined, resource challenge undermined the Union's ability to take effective action.<sup>194</sup> She draws the conclusion that the AU is unable to provide for Africa's peace and security without the support of Western donors.

It is instructive to note that this work provides an overview of the AU's efforts at intervention in three African countries. The study, however, fails to identify the other challenges, apart from resources, that could have hindered the AU's operations in these countries. Our work will address this shortfall by analysing the other factors apart from resources, which constrains the AU from achieving its peace and security objectives.

William Gumede's work, "Time for a Radically New African Union: Only Credible Candidates May Apply", focuses on the reform of the institution of the Union, especially as they were conspicuously silent during the rebellions in the North of Africa. To the author, "the current leadership of Africa's regional and continental institutions are too discredited, the institutions too toothless and the rules for membership too lenient"<sup>195</sup> to enable them resolve the problems of peace and security. The writer calls for a radical overhaul of the AU and its institutions in order to bring "new energy, new ideas and leaders to make the continental organization work."<sup>196</sup> He concludes

that the basis of a revamped AU must begin with a small club of countries that can pass the test of democracy and prudent economic governance. This, to him, could play an important role in building a new democratic culture across the continent that will yield the dividends of peace and security for the years to come.

Even though this study asks for a revamping of the AU and its institutions, no serious attempt is made to identify the resources needed for the revamping. The study is also too general. Our work considers the factors that militate against the smooth functioning of the AU and its institutions of peace and security.

Malte Brosig discusses the rebirth of the OAU into the AU and points out that after ten years of being under construction, the peace and security institutions of the Union have achieved not much. He notes that when the AU was inaugurated in 2002, it had ambitious goals, one of which was the establishment of the African Peace and Security Architecture.<sup>197</sup> To the author, this symbolized the AU's break from the OAU's culture of impunity to embrace a culture of in-indifference.

Brosig further states that the AU has put great efforts into the operation of the African Peace and Security Architecture. He discusses the various structures that make up the APSA like Peace and Security Council, the Panel of the Wise, the Continental Early Warning System, the African Standby Force and the Peace Fund. The author notes that these institutions, if properly operationalized, will revolutionize the management of peace and security in Africa. He, however, terms the APSA as 'work in progress' and makes the observation that due to this status, the AU has become a bystander to conflict resolution and is often forced to leave its duties to others in the

international community. He concludes that since its founding in 2002, the APSA remains a project under construction. Despite the fact that the APSA is still evolving, it has come to be viewed as the premier and recognized African institution for the resolution of conflicts.

This work discusses the various institutions of the AU's Peace and Security Architecture within the context of ten years of its founding. While our work acknowledges the important role of assessing the various institutions of the AUPSA, it also assesses how these institutions have been employed in the management of peace and security in Africa since 2002.

Mathews contributes to the debate on the AU and its institutions by observing that the operationalization of the AU's institutions and the inauguration of the Peace and Security Council of the AU in 2004 marked a turning point in the quest for peace and security in Africa.<sup>198</sup> He states that the various institutions that make up the AUPSA are very innovative and if given the right resources, the APSA will become the leading instrument for the resolution of conflicts on the continent. Mathews concludes that Africa is now seen, in the context of a new international security agenda, as very relevant in terms of its security policy.

Michael Smith writes that humanitarian intervention is justified when a state behaves in a way that gravely threatens the peace and security of its own people as well as other neighbouring states and or 'in cases of egregious and potentially genocidal violations of human rights – even if the violations occur entirely within the borders of a given state.'<sup>199</sup> To the author, the sovereignty of a state can be overridden whenever its behaviour becomes a threat to its own citizens and to the

international community as a whole. ‘Members of the international community are therefore not obliged to respect the sovereignty of a state that egregiously violates human rights.’<sup>200</sup>

On the question of who should undertake an intervention, Smith is of the opinion that the United Nations plays a vital role in this and is mandated by law as the sole body that can authorize interventions. There have been instances though where regional bodies have intervened in conflicts without recourse to the United Nations or only sought the consent of the UN after entering a conflict. He argues that indeed, interventions need not be limited to the institutions of the UN but rather it should be a genuinely collective process that brings together the international, regional and national arrangements to prevent ‘major threats to peace, order, and human rights.’<sup>201</sup>

Michael Smith’s article though not on the African Union sets the right tone for interventions, which is the focus of this study. He discusses interventions in other regions but neglects Africa. Our work fills that gap by assessing Africa’s regional efforts at managing peace and security.

Writing on the “Problems Plaguing the African Union Forces,” Robert L. Feldman posits that the predecessor of the AU, which is the OAU, took a ‘head in the sand approach’ to issues of peace and security, which ‘allowed nations to ignore the human rights violations of their neighbouring governments.’<sup>202</sup> This attitude, the author attributes, to the OAU’s own principles of non-interference in the internal affairs of members and the upholding of the sovereignty and territorial integrity of members. These principles led to ‘the ruthless slaughter of thousands of people’<sup>203</sup> which, the OAU, mindful of its mandate, did not intervene. These, among other reasons, accounted

for the replacement of the OAU with the AU in 2002. This new Union sanctions the intervention in the internal affairs of members on grounds of ‘war crimes, genocide, and crimes against humanity.’

Among the numerous institutions of the AU, the author singles out the Peace and Security Council. Composed of fifteen members, the Council is ‘tasked with peacekeeping and peacebuilding missions utilizing the African Standby Force.’<sup>204</sup> This Standby Force has both military and civilian components, ready to be deployed given appropriate notice and based in each member country. The author further posits that the peace and security mandate of the African Union has been difficult to achieve due to obstacles not foreseen by the drafter of the protocol.

Among the problems plaguing the efforts at ensuring peace and security by the African Union are the many different languages and cultures on the African continent; the inadequate firepower and equipment diversity of African militaries; inadequate funding; limited intelligence and communications capabilities of African forces; as well as social and political reasons that make AU peacekeepers unacceptable in times of crises in member states. A very important obstacle is the fact that the African Union forces are stretched too thin, and to the author, several reasons account for this. He cites other organisations such as the UN and other sub-regional organisations like the ECOWAS, SADC and the IGAD ‘all drawing upon African forces for soldiers for their operations.’<sup>205</sup> Feldman concludes that in order for the African Union to effectively intervene in conflicts, these challenges must be resolved. He, however, acknowledges the difficulties involved in making these changes and yet sees it as the only way to achieve the AU’s quest for peace and security.

Feldman's article is very helpful in that it enumerates the challenges of the Africa Union in terms of peace and security. These challenges will be assessed in terms of how they have played out so far in the AU's interventions since its inception.

Jonathan D. Rechner writes that the struggle with violence in Africa began with "the independence from colonial powers and the formation of the OAU did little to reduce the number or severity of the conflicts."<sup>206</sup> The OAU, according to Rechner, did, however, intervene in some conflicts on the continent with a varying degree of success. Among the interventions of the OAU included the disputes that erupted between Morocco and Algeria in 1963 which was successfully mediated; the Nigerian civil war between 1967 and 1970 which 'demonstrated a wavering from the strict principle of non-interference in the internal affairs of states,'<sup>207</sup> the conflict in Chad in 1980 which led to the OAU's first attempt at peacekeeping and the Rwandan conflict in the early 1990s, among others.

Rechner divides the processes of dealing with conflicts into three categories, namely; 'conflict prevention, conflict management and conflict resolution.'<sup>208</sup> The writer posits that the OAU was most successful in the area of prevention but failed in the management and resolution of conflicts. The adoption therefore of the Mechanism for Conflict Prevention, Management, and Resolution in June 1993 was a response to the weaknesses of the OAU in the area of conflict maintenance. This Mechanism, however, 'was to prevent conflict rather than manage or resolve it.'<sup>209</sup>

The formation of the AU therefore was to address, among others, the inability of the OAU to effectively deal with conflicts on the continent. The author notes that 'the most drastic difference between the Constitutive Act and the OAU Charter are with regard to intervention.'<sup>210</sup> To the author, therefore, the management of conflicts 'by the AU is likely to be more effective given the broader

mandate of the AU to involve itself in the internal affairs of member states.’<sup>211</sup> Rechner cites the example of Darfur as a litmus test for the AU’s ability to effectively fulfil its mandate in the area of peace and security. He concludes by positing that it is only when the African Union begins to put theory to practice that it can become a truly effective organization. This is because African countries in the carrying out of this peace and security mandate can no longer depend on the world and the UN. He ends by quoting the AU Ambassador to Burundi to the effect that, ‘we are Africa, so we cannot let it go on like that...We know that the situation is very difficult, volatile. But we have to try.’<sup>212</sup>

This study is very important to our work since it gives us an insight into the various challenges the AU has faced in the management of peace in security in Africa. It also helps us to appreciate the extent to which these challenges can impact the Union’s operations by using Darfur as a case in point. Our work will take this further by assessing the totality of AU interventions since 2002.

Writing under the rubrics *Africa’s New Peace and Security Architecture: Promoting Norms, Institutionalising Solutions* the authors discuss the institutionalisation of the African Peace and Security Architecture (APSA). The theme that runs through the book is that there are still a lot of challenges to the actualisation and full implementation of the APSA.<sup>213</sup> Among the challenges they cite that are inter-related and that pose hindrances to the APSA include the interest of individual member states and RECs which may conflict with the norms agreed upon by the AU and thus leading to the undermining of the APSA’s development; the non-compliance and continued violation by some member states of the fundamental principles in respect to human rights,

democratic principles and good governance which poses a threat to the APSA; and the serious capacity deficits that have been revealed through the interventions the AU has so far undertaken.<sup>214</sup>

The various writers are unanimous in their conclusion, that “the difficulties experienced in the implementation of several of the pillars of the architecture and the need to obtain a green light from member states at every stage”<sup>215</sup> reveals a waning of the interest and momentum that characterised the transformation of the OAU into the AU at the turn of the millennium.

This study is very instructive as it identifies the roles of the key institutions under the APSA and how they feed into the policy making process of the PSC. The various authors highlight the factors which hamper the effective performance of these institutions. What is missing is how these challenges identified translate into intervention challenges for the APSA. Our work will discuss the APSA and how they various challenges it faces affects the functioning of the institutions during interventions.

This book is very important to this study as it provides insight into the workings of the APSA. There however, seem to be a generalisation of opinions by the authors on the development and progress of the Architecture. This work by assessing the totality of the AU’s interventions provides an informed view of the APSA and how it has fared since its inception.

## **1.6 Methodology**

This study employed the case study method. According to Busha and Haster a case study is a detailed and intensive analysis of a single group, incident, or community.<sup>216</sup> The case study

approach provides a systematic way of looking at events, collecting data and analysing information and reporting the results. The result of the systematic and detailed analysis and investigations is a sharpened understanding of why the instance happened as it did, and what might become important to look at more extensively in future research.

Conflicts are said to be endemic in Africa and therefore the reform of the OAU into the AU includes elaborate structures for peace, security and stability, which the Constitutive Act of the Union deems a prerequisite for the implementation of Africa's development agenda. It is hoped that an in-depth analysis of the AU's management of peace and security through the Peace and Security Council and its architecture for peace, will reveal the practical challenges of implementation of the Peace and Security Agenda leading to concrete recommendations that will help in the management of future conditions of insecurity.

### **1.6.1 Study Area**

The choice of the African Union was influenced by two considerations. The first consideration was that the African Union is the mother of all regional organisations in the quest for peace and security in Africa. The AU has developed elaborate structures for the maintenance and management of problems of insecurity that encompass the whole continent. The different elements of the AU's Peace and Security Architecture (APSA) provide a comprehensive set of tools for the management of the security concerns of the continent. The APSA employs a holistic approach to peace and security by employing three approaches to peace and security: prevention, mediation and peacekeeping. Further to this is the AU's new doctrine of non-indifference in the

internal affairs of members, which has empowered the Union to take an active role in the management of peace and security on the continent.

Since 2002, the AU has used both formal and ad hoc responses, in the bid to the operationalization of its peace and security norms by deploying both military and diplomatic missions and interventions in Burundi, Sudan, Somalia, Comoros, Zimbabwe, Kenya and Libya etcetera. The AU has played an active role in the settlement of insecurities also through a sanctioning and suspensions regime. For the purposes of this study, the four AU military interventions in Burundi, Somalia, Sudan and the Comoros, as well as three diplomatic interventions: in Kenya, Libya and Zimbabwe from 2003 to 2012, are critically analysed. These cases were selected based on the assumption that the AU's interventions have been both diplomatic and military and so the cases selected gives a fair representation of the Union's application of its norm of non-indifference from 2003 to 2012.

The study employed purposive sampling. Purposive sampling is when respondents are selected based on their perceived ability to fulfil a particular purpose and aim as perceived by the study. The purposive sampling was further strengthened by the use of the snowballing sampling method. Respondents, during interviews, further pointed out other informants with varying perspectives and knowledge on the subject of study. This fulfilled the role of representativeness necessary for capturing the diversity of respondents. Participants were thus selected because of their perceived knowledge of the subject at hand and their ability to contribute varying perspectives on the subject. The participants of the study, therefore reflect the diversity of the views on the issue of peace and security and AU interventions, or the lack of them from 2002 to

2012. The study involved extensive discussions with various experts and officials both at the AU Commission, the Peace and Security Council, some permanent representatives of African states to the African Union, some senior military officials, members of the diplomatic corps and members of Academia.

### **1.6.2 Data Collection**

This study uses both primary and secondary sources of data.

#### **Primary Sources of Data**

The primary sources of data for the study included official documents of the African Union: consultation notes, press statements, reports of the Chairperson of the AU Commission, mission reports, policy papers, resolutions and communiqués. It also includes reports, issued by international organizations such as the United Nations and the World Bank. Reports from other regional organizations such as the European Union were also used. These sources helped in bringing a keener understanding of the history of the OAU, its performance throughout the years and the factors that led to the change and transition to the AU in 2002. The documents further gave first-hand information on the peace processes and AU efforts at peace and security since its inception. While fieldwork at the headquarters of the AU gave access to records that could not be found elsewhere, it also afforded the opportunity for interviews. Three groups of respondents were interviewed. The first group involved technocrats working for the AU and some African Permanent Representatives to the AU as well as some military attachés. This was to elicit information on the AU's policy implementation in the area of peace and security but also for their general opinion on the AU's performance in the selected countries. The second group

involved some members of the diplomatic corps based in Addis Ababa, Ghana and the United States, while the final group was members of academia, mainly based in Ghana and the United States whose main academic specialization is the AU. The objective for this was to elicit practical views on the AU's ability and performance in the area of peace and security. These were selected randomly but snowballed into other interviews based on recommendations from the interviewees. These were in-depth and thus allowed the researcher to ask a variety of questions, usually open-ended, which helped in capturing the thoughts and experiences of the respondents on the subject matter.

A critical component of this study was the use of data from four authoritative baseline surveys conducted in 2007, 2010, and 2012. These are the International Institute for Strategic Studies, Strategic Survey of the AU (ISS –AU 2012), Survey of the African Union at Ten (FES –Berlin August 2012), African Peace and Security Assessment Survey (APSA 2010), commissioned by the African Union and the Audit of the African Union (AU 2007).

## **Secondary Sources of Data**

The establishment of the AU has generated extensive scholarly literature on the organisation and its institutions, especially, the peace and security architecture. Extensive desktop research was conducted on books, journal articles, newspaper publications and internet sources, among others. The secondary data corroborated aspects of the primary data. This was very helpful, particularly, because it enabled the candidate sort out the possible range of perspectives that arose from the interviews. Some aspects of the secondary data were quantitative in nature. These included available databases of international organisations like the UN, EU, and the AU.

## **Levels of Analysis**

Scholars of regionalism have argued that regionalism seems to require a multi-level form of analysis. It is thus assumed that security regionalism can be better understood at the multi-level context of domestic, regional and international levels. In this study, the three different levels are utilized to clarify the concept, function, and capacity of security regionalism in Africa. Nonetheless, as David Lake and Patrick Morgan note, “the regional level stands more clearly on its own as the locus of conflict and cooperation for states and as the level of analysis for scholars seeking to explore contemporary security affairs”<sup>217</sup>. Pugh moreover argues that the regional level of analysis is a site not only where domestic and extra-regional levels interplay, but also where regional ideas such as institutions, norms and identities will prevail.<sup>218</sup> In this context, this study regards the regional level as the focal point to explain Africa’s security regionalism.

## **1.7 Chapter Arrangements**

Chapter 1: Constitutes the Research Design;

Chapter 2: Provides a Historical Overview of the OAU and the AU;

Chapter 3: Discusses the Modern Day Norms Underpinning the Work of the AU.

Chapter 4: Assesses the APSA and Operational Modalities for intervention by the AU;

Chapter 5: Gives an overview of the AU’s Involvement in Peace and Security Operations in Africa from 2002 – 2012;

Chapter 6: Probes and analyses the African Union Interventions from 2002 to 2012;

Chapter 7: Constitutes the Summary of Findings, Conclusion and Recommendations

## Endnotes

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## CHAPTER TWO

### THE OAU AND THE AU: A HISTORICAL OVERVIEW

#### 2.0 Introduction

In order to understand the institutional role of the African Union (AU) in the management of conflicts in Africa, there is the need to first understand the historical evolution of the Organisation of African Unity (OAU) and how pan-Africanism influenced its goals and principles. Thus, an understanding of pan-Africanism will go a long way to explain the ideology, principles, goals, objectives and the permanent structures that were adopted by the OAU when it was established in May 1963. Most of these structures have now passed on to the AU, which replaced the OAU. This chapter gives an overview of pan-Africanism, the formation of the OAU and later, its transitioning into the AU. The organization's structure, goals and potential for conflict management are also discussed.

#### 2.1 Pan-Africanism

This was a movement that advocated the unity of Africans in the diaspora and mainland Africa. Vincent Thompson defines pan-Africanism as a political movement based on colour - consciousness among blacks in the diaspora. Its proponents were of the view that, the ancestral home of all black peoples throughout the world was/is the African Continent.<sup>1</sup> Pan- Africanism became the rallying cry for all Africans in the diaspora to unite and fight against discrimination in their host countries as well as a tool to link them with their fellow Africans on the mainland. George Padmore's definition of Pan-Africanism excluded people who lived in Africa, who were either of mixed race or non-black. To him, one must be black and hence, being an African by virtue of geography was not included.<sup>2</sup>

The pioneers of pan-Africanism saw the movement as a manifestation of fraternal solidarity among Africans and the peoples of Africa descent. At the turn of the 20th century, the movement asserted that Africans could no longer tolerate being dominated and manipulated politically.<sup>3</sup> They stood against the marginalization of the African by external powers and asserted that African interests should be paramount. Africans in the colonies were therefore urged by those in the diaspora to work hard to liberate themselves. The pan-Africanist leaders further forged close ties with African intellectuals, activists and students from the mainland who lived and studied in Europe and America.<sup>4</sup> Colin Legum, however, mentions that some of the founders of the movement, such as Du Bois, did not subscribe to the racial underpinnings given the movement by leaders like Padmore.<sup>5</sup> To Du Bois, the main aim of pan-Africanism was to help inspire and regenerate black people to believe in themselves and help build confidence in themselves as a people, without the hatred towards whites.<sup>6</sup>

## **2.2 The Pan-African Congresses**

The pan-Africanist movement went through different phases of development and institutionalization. The institutionalization of the movement began with the pan-African Congresses at which leaders like Henry Sylvester Williams, Marcus Garvey and W.E.B. Du Bois, espoused ideas that later formed the basis for policies that culminated in the founding of the OAU in May 1963. The first five pan-Africanist Congresses took place between 1900 and 1927. These Congresses called for Africans on the mainland to have a say in their own governments. “They stressed that democratic principles of governance should apply to both blacks and Europeans, whether they were in Europe or in Africa.”<sup>7</sup> The Congresses further

pressed for colonial rule to be dismantled in order for decolonization to take place and for self-government for Africans.

The landmark Congress that triggered the institutionalization of pan-Africanism was the sixth Congress that took place in 1945 in Manchester. The sixth Congress was referred to as the “landmark” because it differed from the previous ones in many respects.<sup>8</sup> Firstly, new would-be leaders from the continent who brought a degree of militancy to the issues tabled for discussion dominated the Manchester Congress. Their participation in the Congress was “regarded as crucial by the pan-Africanist leaders,”<sup>9</sup> since they were viewed as representing the masses from the mainland. These new leaders were later to play major roles in their countries in the decades that followed. Secondly, it was at the Manchester Congress that efforts were made at the transformation of the movement from an “elitist and intellectual movement” into a “masses and unprivileged” movement that identified itself with the African masses.<sup>10</sup>

Almost all the resolutions of the Manchester Congress related to colonialism. The focus was the situation the people in the colonies were facing. The ten-point Resolution that was passed at the end of the Congress directly questioned and attacked “the legitimacy of the colonial authorities over the African people.”<sup>11</sup> The Resolution called on the colonial governments to take a second look at issues of economics, land redistribution, racial laws, reforms in education, health, welfare and to grant the freedom of expression and of free elections, among others. The Congresses also endorsed the demand for self-government on the mainland. The Manchester Congress sent a clear message to the colonial powers that Africans would no longer tolerate colonialism on the

Continent. The need for decolonization and its onset through anti-colonial struggles and the move towards African Unity thus gained full support at this Congress.

### **2.3 African Nationalism**

The 1945 Congress in Manchester, as already noted, introduced would-be leaders to the helm of affairs of the pan-Africanist Movement who were from the mainland (West, East, Southern Africa and the West Indies). From West Africa emerged leaders like Kwame Nkrumah of Ghana, Nnamdi Azikiwe of Nigeria and Wallace Johnson of Sierra Leone; from East Africa, Jomo Kenyatta of Kenya; and Peter Abrahams and Marko Hlubi from Southern Africa. Those from the West Indies included George Padmore who later became a prominent figure in the pan-African Movement. By 1946, African intellectuals and leaders of trade unions had also bought into the ideology of African nationalism through their association with the movement. The main objectives of the African nationalist were the liberation of the continent from European domination and colonization and the eventual unity of the continent.<sup>12</sup>

The African nationalists on the mainland brought pressure to bear on the colonial powers to grant self-government to the colonies. The end of the Second World War brought greater impetus to the nationalist movement which increasingly pressurized the colonial powers to grant “African territories political, economic and cultural freedom and relieve them from Western domination.”<sup>13</sup> This led to the birth of a new brand of African nationalism. The new nationalists called on all Africans to accept and adopt African unity “as the best tool for getting rid of European colonization.”<sup>14</sup> Between 1945 and 1958, these new nationalist leaders formed political parties and liberation movements in the various colonies and countries. Countries like Ghana,

Zambia and Malawi brought political pressure to bear on the colonial administration and organized civil rights movements in their countries to press home their demand for freedom. In Kenya, the struggle took the form of outright guerrilla warfare between the Mau Mau and the colonial authorities. These struggles led to the granting of self-rule to the majority of colonial territories in Africa in the 1950s.<sup>15</sup> Ghana's independence on the 6<sup>th</sup> of March 1957 marked a turning point in both the pan-African movement and African nationalism. Mathews observes that under the leadership of Kwame Nkrumah, a closer cooperation was forged among the few African States that had gained independence at the time. K. Mathews further observes that this move from Nkrumah to forge a closer cooperation among independent African states gradually led to the marginalization of the role of the Africans in the Diaspora in the evolution of post-independence pan-Africanism.

In 1958, Kwame Nkrumah convened the first meeting of all the independent African states in Accra, Ghana. On the agenda for the conference was the liberation of the rest of the continent from colonization and a redefinition of the priorities of the pan-African Movement. African leaders at the Accra Conference pledged their support for the independence movements throughout Africa.<sup>16</sup> Delegates at the Accra Conference agreed among other things to:

- Observe the political and territorial integrity of each state
- Settle differences by conciliation and mediation within the African community and
- Called for a common foreign policy for all African states, whose adherants would be fully loyal to the United Nations Charter and its decisions; respect for fundamental human rights and the protection of mutual interests and cooperation.<sup>17</sup>

Sanjiv Saxena and John Yoh observe that the Accra Conference marked the transfer of leadership within the pan-African movement from the diaspora to mainland Africa and its new leaders.<sup>18</sup>

The All African Peoples Conference (AAPC), later followed in Accra in December of the same year. The objectives for this meeting were two fold:

- a) to encourage nationalist leaders in their efforts to organize political independence movements in their respective countries, and
- b) to put forward strategic plans for a non-violence-oriented revolution on the continent. Violence could, however, be resorted to in cases where a non-violent revolution was not effective.<sup>19</sup>

The December 1958 Conference was crucial since, for the first time, delegates came together to consider and deliberate on issues of common concern to Africa: colonialism, ethnicity, racism, frontiers and federations and indigenous institutions. Delegates further deliberated on the issue of African Unity and at the end of the Conference, endorsed pan-Africanism as the ideology of African nationalism. This is of particular importance for the purposes of this study since the desire for a pan-African organisation (OAU) was birthed at this conference.

## **2.4 The Birth of the Organisation of African Unity (OAU)**

Two schools of thought had emerged from the pan-Africanists in the 1950s and the 1960s that was fiercely debated by the African nationalists. Orobola Fasehun recounts that one group of nationalists preferred political integration at the continental level, while the second group, preferred unity in economic, social and cultural terms at the sub-regional level.<sup>20</sup> At the second

AAPC held in Tunis, these two schools crystalized into two blocs and two distinct approaches to the institutionalization of pan-Africanism emerged: the moderates, dominated by Nigeria, Ivory Coast, Ethiopia and the French speaking countries advocated for a gradualist approach to African Unity. The second group, led by Ghana and Guinea, called for a political union and the creation of a United States of Africa. These two blocs were later to dominate African politics from the 1960s till present.

What these ideological blocs did not dispute was that “African unity was the only viable solution to African problems.”<sup>21</sup> The sharp ideological differences were carried into the second conference for Independent African States, held in Addis Ababa in 1960. This later culminated in the meeting of twelve independent African states in Brazzaville, Congo in December 1961. These twelve states were Congo, Cameroon, Central African Republic, Chad, Gabon, Mauritania, Upper Volta (now Burkina Faso), Malagasy Republic (now Madagascar), Senegal, Ivory Coast, Niger and Dahomey (now Benin). The Union of African States and Malagasy was birthed at the Congo meeting with the objective of safeguarding the interests of its members at the regional and international level.<sup>22</sup>

The radical group countered this meeting by convening in Casablanca, Morocco. At the meeting were Ghana, Guinea, Mali, Libya, United Arab Republic, Algeria, and Morocco. This group, later referred to as the Casablanca Group, signed an agreement, which they referred to as the “African Charter.” The Charter contained nine points on the forging of continental unity. Included in the nine points were the creation of an African political, economic and cultural union and a joint African High Command under the Union of African States.<sup>23</sup>

The Brazzaville Group followed up their first meeting with a second, held in Monrovia, Liberia. At this meeting, the Brazzaville Group declared, “the unity that is aimed to be achieved at the moment is not political integration of sovereign states, but unity of aspirations and of action, considered from the point of view of African social solidarity and political identity.”<sup>24</sup> Kay Mathews posits that the leaders who met at Monrovia also “firmly rejected any interference in the domestic affairs”<sup>25</sup> of African states. Again, the borders inherited at independence from the colonial powers and the sovereignty of each state was upheld at this meeting to be respected by all. The Brazzaville Group, after the Monrovia meeting, was joined by seven other states outside the Casablanca Group and became known as the Monrovia Group. This Group had its second meeting in Lagos, Nigeria in January 1962. Chime Samuel notes that although the Casablanca Group was invited to this Lagos meeting, they turned it down. The Lagos meeting endorsed the principle of mutual cooperation but opposed any immediate political unity of African states.<sup>26</sup>

In order to achieve consensus to convene a conference that embraced all African States, the Ethiopian Emperor, Haile Selassie, embarked on a mission to reconcile the Casablanca and Monrovia Groups. Ethiopia, as a founding member of the Monrovia Group, had already secured the consent of the Group to hold their next meeting in Addis Ababa. Ethiopia had announced its hopes of reconciling the two Groups during the Lagos meeting. The Ethiopian Foreign Minister therefore, attended the second meeting of the Casablanca Group in Egypt in 1962, where he encouraged the Group to attend the Addis Ababa meeting,<sup>27</sup> and later followed up diplomatically with the individual members of the Casablanca Group in their various countries.<sup>28</sup> Ethiopia succeeded in convincing all the thirty-two independent African States to attend the Summit,

scheduled for May of 1963. Saxena opines that perhaps, one of the greatest achievements of the Ethiopian mediation tour was the agreement to commence the Summit with a Conference of Foreign Ministers. The Ministerial Conference was to work out various outstanding issues, including the drafting of a Charter for the envisaged pan-African organisation.<sup>29</sup>

The institutionalization of the pan-Africanist Movement was, therefore, concluded in May 1963 in Addis Ababa. The two ideological blocs continued their entrenched positions, with the radicals standing firm on their political integration agenda, while the moderates continued to champion cooperation and interdependence among African states. The draft Charter that emerged at the Summit therefore was a compromise of the views of the two blocs. This compromise further reflected in the organs adopted at the Summit. John Wornoff concludes that the compromise that was reached resulted in the establishment of the Organisation of African Unity (OAU), with the view to “address, monitor and coordinate issues relating to colonialism, the Cold War politics and Conflict Resolution issues on the continent.”<sup>30</sup> Pan-Africanism had therefore greatly impacted Africans in the diaspora and on the mainland, eventually culminating in the founding of the OAU in 1963.

## **2.5 Organisational Structure of the OAU**

As already noted in this chapter, the Charter of the OAU was a compromise between the radicals and the moderates. Gino Naldi, however, observes that though this was so, the Monrovia Group got the upper hand, in that, most of their ideology found its way into the Charter. He cites, for instance, the sovereignty and non-interference in the internal affairs of member states, which later became a hindrance to the OAU’s handling of conflicts as an idea espoused by the

Monrovia Group.<sup>31</sup> Again, the Monrovia Group ensured that the principles that found expression in the Charter did not constitute binding legal norms. This was in fulfilment of the Group's desire to ensure that a loose Organisation whose principles would not rob them of their newly found independence and sovereignty was formed.

### **2.5.1 Principles of the OAU**

Article three of the OAU Charter stated the principles of the Organisation to include but not limited to:

- The sovereign equality of Member States;
- Non-interference in the internal affairs of Member States;
- Respect for the territorial integrity of Member States and their inalienable right to independent existence;
- The peaceful settlement of disputes by way of negotiation, mediation, conciliation or arbitration; and
- The dedication to the emancipation of African territories still under colonialist control.

Other principles that found expression in the Charter include a common stance on non-alignment in the rivalry between the then super-powers (the Soviet Union and the United States) during the Cold War. Edem Kodjo observes that though this was the case in principle, the practice was different since “non-alignment was interpreted differently by OAU Member States.”<sup>32</sup> One principle that is of particular importance to this study is the non-interference in the internal affairs of Member States. The OAU was severely limited in its handling of conflicts on the continent as a result of this principle. The consent of parties to a conflict was required before the

Organisation could interfere. This greatly hampered the OAU in its management of conflicts on the continent.

### **2.5.2 Objectives of the OAU**

The objectives of the OAU, just like its principles, were a compromise between the radicals and the moderates. Naldi posits that the objectives, as expressed in the Charter, differed somewhat from those of the pan-African Movement. Article 2 of the Charter listed the objectives of the Organisation to include, among others, that the OAU:

- a) Shall promote the unity and solidarity of African States;
- b) Shall coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa;
- c) Shall defend the sovereignty of Member States, their territorial integrity and independence; and eradicate all forms of colonialism from Africa; and
- d) Shall promote international cooperation, with special regard to the Charter of the United Nations and the Universal Declaration of Human Rights.

The objectives, as they appeared in the Charter, were aimed at protecting states, although the protection of the peoples also found expression in the Charter. The objectives did not further stress cooperation in political and military terms but rather, in the economic and social spheres. Legala Ghebdinga opines that some work was later carried out by OAU member states leading to a modest cooperation through bi-lateral and multi-lateral security arrangements.<sup>33</sup>

### **2.5.3 Membership**

Article 4 of the OAU Charter opened up membership of the Organisation to all independent African States. States wishing to join the Organisation had to notify the Secretary General of its intention to adhere and accede to the OAU Charter. Membership to the Organisation was deemed a legitimate right of each independent and sovereign African State. To withdraw from the Organisation, a state had to give a year's notice to the Secretary General. Democracy was not a criterion for membership in the OAU. Neither did the Charter provide for clear means of expulsion of a member state from the Organisation. Naldi, however, observes that the implication of a member state's activities proving incompatible with the objectives and principles of the Charter of the Organisation could mean that state's membership could be revoked since it had contravened the criteria according to which the OAU had been established.<sup>34</sup>

### **2.5.4 Organs of the OAU**

Article 7 of the OAU Charter states the Organs of the Organisation to include:

- i. The Assembly of Heads of State and Government;
- ii. The Council of Ministers;
- iii. The Secretariat;
- iv. The Commission of Mediation, Conciliation and Arbitration;
- v. The Specialized Committees.

Although all the institutions mentioned above are relevant, of particular relevance to this study is the Commission of Mediation, Conciliation and Arbitration. The Protocol of the Commission,

which was signed in Egypt in July 1964, mandated each Member State to become party to the Protocol with no room for reservations. The Commission's functions included:

- The hearing and settlement of inter-state disputes by peaceful means;
- Though the Commission had jurisdiction over the parties to the dispute, it had to be mandated by the parties to the dispute and have the consent of the Council of Ministers and the Assembly before it could act.

The Commission was not mandated to handle intra-state conflicts due to the principle of non-interference in the internal affairs of Members. This greatly hampered the Commission in the performance and fulfilment of the objectives for which it was set up.<sup>35</sup> From the structure of the OAU and its Charter provisions, the assertion can be made that the Assembly wielded the most power in the Organisation. The Council of Ministers and the Secretariat were there to execute the decisions of the Assembly. It has been observed by various authors like Gino Naldi, Edem Kodjo and Samuel Chime that the vesting of all powers in the Assembly resulted in the difficulty of Member States being able to reach consensus on decisions pertaining to inter-state and intra-state conflicts. This, however, does not in any way implies that one can entirely dismiss the organisation in the management of conflicts in Africa. Although the OAU's records indicate that the policy of non-intervention was applied to the letter leading to a culture of impunity and indifference, which led to the commitment of atrocities by governments against their citizens, it employed preventative diplomacy and peace-making strategies and succeeded in bringing to an end apartheid in South Africa.

## 2.6 Rationalizing OAU's Transition to AU

The post-Cold War international system brought pressures of “unrestrained globalization on an increasingly poor African continent in need of a new development paradigm.”<sup>36</sup> The number of violent armed conflicts on the continent not only increased, but according to Ulf Engel and Jaoo Gomes Porto, they were unprecedented. They also observe that the perception in Africa during the post-Cold War period was that, the international community had gradually disengaged from Africa and had, therefore, not responded to the “worst forms of violence in the early part of the decade,”<sup>37</sup> cases in point being Somalia or Rwanda. Further to this, the OAU lost a lot of credibility in the 1990s’ due to accusations:

of indifference, of bureaucratic paralysis, of being an elite club of dictators far removed from the realities of daily life of the common African, too preoccupied with lofty political ideals and declarations, which bore little resemblance to the challenges posed by extreme poverty, conflict, governance or the respect for human rights in vast areas of Africa.<sup>38</sup>

Coupled with these was the OAU’s stance on non-interference in the internal affairs of its members, which made it difficult for the Organisation to increasingly justify its stance on issues of peace and security. Member states were deemed to have perpetrated gross violations of human rights, with problems of high intensity civil wars and genocide perpetrated by states who belonged to the Organisation.<sup>39</sup> These reasons, and the fact that the decolonization process, which was one of the main objectives of the OAU had been accomplished with the ending of apartheid in South Africa, formed part of the complex background within which the call for the reinvention and restructuring of the OAU occurred.

### **2.6.1 The Sirte Declaration and the Birth of the African Union (AU)**

As early as 1979, the OAU identified the need to amend its Charter “in order to streamline the Organisation to gear it more accurately for the challenges of the changing world.”<sup>40</sup> The OAU set up a Committee to review the Charter but despite the numerous meetings of the committee, it did not yield substantive amendments. Further to this, the OAU Member States deemed it necessary to integrate and merge the Abuja Treaty of 1991, which established the African Economic Community (AEC) with the political activities of the OAU and thereby produce one binding legal document for Members of the Organisation.<sup>41</sup>

At the Algiers Summit in July 1999, Colonel Muammar Gadhafi of Libya extended an invitation to the Heads of State and Government of the OAU to attend an Extraordinary Summit in Sirte, Libya. African leaders gathered in Sirte in September 1999 for their 4<sup>th</sup> Extraordinary Summit “to amend the OAU Charter to increase the efficiency and effectiveness of the OAU.”<sup>42</sup> The Summit ended with the adoption of the Sirte Declaration. The Declaration focused on how to: strengthen the continental Organisation to make it more effective so as to keep pace with the political, economic and social developments taking place within and outside the continent; forge unity, solidarity and cohesion as well as co-operation between African peoples and among African States; promote and consolidate African Unity; rekindle the aspirations of the people for stronger unity, solidarity and cohesion in a large community of peoples transcending cultural, ideological and national differences; to revitalize the continental Organisation to cope with the challenges and effectively address the new social, political and economic realities in African and in the World.<sup>43</sup>

In order to achieve these objectives, the Summit decided to:

1. Establish an African Union, in conformity with the ultimate objectives of the Charter of the Continental Organisation and the provisions of the Treaty establishing the AEC;
2. To accelerate the process of implementing the Treaty establishing the AEC, in particular, to:
  - Shorten the implementation period of the Abuja Treaty
  - Ensure the speedy establishment of all the institutions provided for in the Abuja Treaty
  - Strengthen and consolidate the Regional Economic Communities as the pillars for achieving the objectives of the AEC and realizing the envisaged Union.
3. Mandate the Council of Ministers to take the necessary measures to ensure the implementation of the above decision and, in particular, to prepare the Constitutive legal text of the Union, taking into account, the Charter of the OAU and the Abuja Treaty.<sup>44</sup>

The Council of Ministers was further tasked to submit its report to the 36<sup>th</sup> Ordinary Summit of the Assembly for the appropriate action to be taken. Member States were also encouraged to involve their parliamentarians in the process. Members were to ratify the Constitutive Act by December 2000 in order for it to be adopted in 2001 at the Extraordinary Summit to be convened in Sirte.<sup>45</sup> Three Summits were held between 1999 and 2002, which “<sup>46</sup>facilitated the implementation of the African Union.” The Lome Summit of 2000 adopted the Constitutive Act, which embodies the principles, objectives and Organs of the AU; followed by the Lusaka Summit in 2001 which drew the roadmap for the implementation of the African Union; and the Durban Summit of 2002 at which the African Union was officially launched.

Mathews believes that “the transformation of the OAU represents a qualitative improvement in the evolution of intra-African cooperation and integration,”<sup>47</sup> and not merely a case of just removing the “O” from the OAU, as some commentators have suggested. The African Union further seeks to promote a more integrated and cooperative continent. In Desmond Orjiako’s words:

It is a political, economic and social project aimed at creating a democratic space across Africa, promoting economic development, and for reflecting on a common African identity. It is a culmination of the aspirations of many Africans, past and present, which have been held in trust throughout the decades of independence.<sup>48</sup>

### **2.6.2 Objectives of the AU**

The fundamental objectives of the AU, though includes a few from the OAU Charter, are quite different and more comprehensive than those of the OAU. Article 3 of the Constitutive Act specifies the Union’s objectives as follows:

- a. Achieve greater unity and solidarity between the African countries and the people of Africa;
- b. Defend the sovereignty, territorial integrity and independence of its Member States;
- c. Accelerate the political and socio-economic integration of the continent;
- d. Promote and defend African common positions on issues of interest to the continent and its peoples;
- e. Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- f. Promote peace, security, and stability on the continent;
- g. Promote democratic principles and institutions, popular participation and good governance;

- h. Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- i. Establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- j. Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- k. Promote cooperation in all fields of human activity to raise the living standards of African peoples;
- l. Coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- m. Advance the development of the continent by promoting research in all fields, in particular, science and technology; and
- n. Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.<sup>49</sup>

The Preliminary Draft Treaty Establishing the AU,<sup>50</sup> when compared with the adopted Constitutive Act of the Union gives a rather sobering revelation. The objectives, as stated in Article 3, still include the promotion of peace, security and stability on the continent, but the obligation to “put to an end the scourge of conflicts and their devastating consequences”<sup>51</sup> was deleted. One might observe, that it is more important to look into the deletions from the original draft than into what survived scrutiny before the adoption of the Constitutive Act. The result will be less encouraging in terms of the degree of prevailing political will with regard to the assumption and execution of collective responsibility. The AU, in Article 3(g), confirms its

adherence to the principle of non-interference in the internal affairs of member states, as did the OAU. Article 3(h) on the other hand, concedes the right of the Union to intervene in respect of grave circumstances. The addition of this new clause is to ensure that the Union protects and preserves the rights of the peoples of the continent.

The question of human rights, as stated in Article 3(h) brings to mind a very important question: will the AU succeed in upholding human and peoples' rights in its member states when the OAU had failed in doing so? The African Charter on Human and People's Rights states in no uncertain terms, that, "every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law."<sup>52</sup> African countries have been known in the past to have continuously stifled the opposition and have suppressed the views of people who are at variance with the ruling party, and still continue to do so even today, therefore is very crucial and its enforcement must be ensured by the African Union.<sup>53</sup>

If the intention of African leaders was to move from the OAU to an effective Union, the issue of sovereignty as enshrined in Article 3(b) cannot be avoided. The question of sovereignty was at the core of the transformation of the OAU. A perusal of the working documents on the transformation of the OAU into the AU reveals a recommendation by the OAU Secretariat for the pooling of sovereignty of member states in some specific areas. In the words of the Secretariat, "it was our considered view in the General Secretariat that such areas as environment, the fight against pandemics, external trade and food security deserve to belong to the community domain. In these and other areas, our Member States, individually, cannot make a

difference.”<sup>54</sup> If the AU is to be qualitatively different from the OAU, then the issue of the pooling of sovereignty will have to be seriously considered.

The personal notes of Francis Mangeni, an AU consultant for the drafting of the Constitutive Act indicates that, two basic considerations informed the choice of objectives for the Union. The first was about the parameters within which the AU was to operate. The Charter of the OAU as well as the preamble to the Constitutive Act defined the parameters. “We have to remain within the framework of the OAU. But the OAU is to be strengthened on two fronts –involve the people and bring them together, and improve their living conditions. In bringing the people together, the Member States will be drawn together.”<sup>55</sup> The second object for the choice of objectives, according to Mangeni, was Peace and Security. “We wanted to ensure that the territorial integrity as well as the sovereign equality of the Member States was maintained. This promotes peace and harmony among the Member States.”<sup>56</sup> The framers of the Constitutive Act therefore visualized the AU as a framework through which Africa’s peace and security needs could be organized and executed.

### **2.6.3 Principles of the AU**

Article 4 of the Constitutive Act states the Principles of the AU to include:

- (a) Sovereign equality and interdependence among Member States of the Union;
- (b) Respect of borders existing on achievement of independence;
- (c) Participation of the African peoples in the activities of the Union;
- (d) Establishment of a common defence policy for the African Continent;

- (e) Peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly; and
- (f) Prohibition of the use of force or threat to use force among Member States of the Union;
- (g) Non-interference by any Member State in the internal affairs of another.<sup>57</sup>
- (h) The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;
- (i) Peaceful co-existence of Member States and their right to live in peace and security;
- (j) The right of Member States to request intervention from the Union in order to restore peace and security;
- (k) Promotion of self-reliance within the framework of the Union;
- (l) Promotion of gender equality;
- (n) Promotion of social justice to ensure balanced economic development;
- (m) Respect for democratic principles, human rights, the rule of law and good governance;
- (o) Respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) Condemnation and rejection of unconstitutional changes of governments.

Ulf and Engel observe that “the AU is politically guided by some of the principles which had characterized the OAU: Article 4(a, b, e, g).”<sup>58</sup> Yet, Member States also endorsed a set of new principles, which include, inter alia, Article 4 (m and o). Though the Constitutive Act reiterates

the principles of sovereignty, territorial integrity and the non-intervention in the internal affairs of Member States, it also grants the AU a new and very important right as well as a new responsibility. Article 4(h) grants the right of intervention to the Union based on a decision of the Assembly of Heads of State and Government in respect of “grave circumstances, namely: war crimes, genocide and crimes against humanity.”<sup>59</sup> This provision has further been amended to now include “serious threats to legitimate order.”<sup>60</sup> Article 4 (j) also grants Member States the right to request for intervention to restore peace and security. The active promotion of peace and security is therefore core to the African Union.

The preamble to the Constitutive Act clearly notes that “conscious of the fact that the scourge of conflicts in Africa constitute a major impediment to the socio-economic development of the continent”,<sup>61</sup> the African Heads of State and Government “recognized the need to promote peace, security and stability as a prerequisite for the implementation of our development agenda.”<sup>62</sup> Articles 4 (h, j) have resulted in two important legal documents: the Protocol Relating to the Establishment of the Peace and Security Council of the AU (AUPSCP) of 2002 and a Common African Defence and Security Policy (CADSP) of 2004. These legal documents form the basis of the continental peace and security architecture, which is discussed in Chapter 4 of this study.

## **2.7 The Institutional Structure of the AU**

The African Union inherited many of the institutions of the OAU but has since then, committed itself to creating a new and stronger institutional structure. In addition to the four organs of the OAU, the AU Constitutive Act created additional institutions, namely: the Pan-African Parliament, the Court of Justice, the Technical Committees, and the Financial Institutions. In

consonance with Article 5(2) of the Constitutive Act, African leaders have decided to incorporate the Peace and Security Council and the New Partnership for Africa's Development (NEPAD), as Organs of the Union. While the Constitutive Act lays out blueprints for each of these institutions, it also leaves many details for future deliberations.

### **2.7.1 The Assembly and the Commission**

The African Union cannot function effectively without these two organs. These are essentially the same organs that existed under the OAU. However, their governance and administrative responsibilities are now heavier, given the task of setting up and running the other institutions envisaged by the Constitutive Act. The Assembly is the Supreme Organ of the Union and is composed of Heads of State and Government of Member States or their accredited representatives. The Chairman, who is also a Head of State, heads the Assembly. The Assembly has among its duties, ensuring compliance of Member States to the decisions of the Union; determination of common policies of the Union; appointment and termination of appointment of Judges of the Court of Justice and of the Members of the Commission. The Commission, on the other hand, is the administrative arm of the Union. It is composed of the President, his or her deputy and the Commissioners. Article 9 of the Constitutive Act entrusts the appointment of the Chairman, his deputy and the Commissioners to the Assembly. Their structure, function and regulations are also to be determined by the Assembly. In addition to the function assigned it under the OAU Charter, the Commission also has the power to coordinate and take decisions on policy areas of common interest to the member states, and to monitor the implementation of the policies formulated by the Assembly.<sup>63</sup>

The strength of every Organisation, more or less, resides in its Secretariat, but this was not the case with the OAU. Although the statute of the Commission has made provisions, which will free it from undue interference from member states, there is also the need to clearly define the relationship between the Commission and other bodies created by the Act. Organs like the Economic and Social Council, the specialized Technical Committees and the Permanent Representative Committee, like member states, must not be deemed to be interfering in the duties assigned the Commission or working at cross purposes.

### **2.7.2 The Pan-African Parliament (PAP)**

Except for the mentioning of it in two clauses in Article 17, the Constitutive Act does not say much on the PAP. Article 17 states that:

- a. In order to ensure the full participation of the African people in the development and economic integration of the continent, a pan-African Parliament shall be established.
- b. The terms of reference, composition, powers and organization of the PAP shall be defined in the Protocol attached therein.

The Protocol relating to the establishment of the PAP was adopted at the 36<sup>th</sup> OAU Summit in Lome, Togo in July 2000. The PAP is key to the proper functioning of the African Union. Among the objectives of the PAP, according to its Protocol, are the facilitation of effective implementation of the policies and objectives of the Union; the promotion of the principles of human rights and democracy in Africa and the encouragement of good governance, transparency and accountability in member states.<sup>64</sup>

The inauguration of the Pan-African Parliament reflects a commitment by African leaders, towards the enhancement and deepening of democratic values and principles on the continent.<sup>65</sup> The Parliament, “forms part of the ambitious process of deepening the institutional framework for achieving Africa’s political and economic integration, a vision informed by the creation of the AEC, the ultimate aim being the Union Government of Africa.”<sup>66</sup> However, doubts remain about the ability of the PAP to realize this objective and vision. The record of the Parliament, so far, shows that it still faces many challenges and disadvantages. “One of its most critical challenges is that the Parliament does not have any enforcement capacity for its decisions; instead it has only consultative and advisory powers.”<sup>67</sup> This will have to change if the Parliament is to make any meaningful contribution to the implementation of policies of the Union.

Another challenge facing the Parliament is that its members are nominated and not directly elected. At the 2000 Legal Experts Meeting held in Tripoli, some participants noted that “the process of electing Members of the PAP, in the context of a continent-wide electoral process, would not only be too costly but would present a severe administrative and logistical challenge to Member States.”<sup>68</sup> Thus, there are doubts about the likelihood of the PAP being transformed into a full legislative body as envisioned by the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament.

### **2.7.3 The Economic, Social and Cultural Council (ECOSOCC)**

The Constitutive Act creates an Economic and Social Council (ECOSOCC), through which civil society, trade unions and non-governmental organizations will have a right to participate in the affairs of the Union. This will go a long way to ensure the monitoring of and civil society

participation in all the affairs and business of the AU, making it a people's institution instead of a political leaders' institution like the OAU was seen. Despite the fact that the very notion of civil society is still "anathema" to most of the AU's Heads of State, its inclusion in the Act demonstrated the willingness to ensure mass participation in the activities of the Union.

Further to this is the provision for an economic and monetary union in the Constitutive Act. Article 19, specifies that, the Union shall have the African Central Bank, the African Monetary Union and the African Investment Bank. The establishment of these institutions will contribute to a stronger continental authority and rid Africa from the constant dependence on the West for aid. The Union will further be able to fund its projects for peace and security especially from its own coffers.

#### **2.7.4 The African Court of Justice**

The Constitutive Act establishes an African Court of Justice whose composition and functions are to be defined by the Assembly. It is to concern itself with the interpretation of matters relating to the implementation of the Constitutive Act. It is to further assist in the settlement of disputes between member countries and help secure justice against severe human rights abuses anywhere in Africa. As already noted, Article 9 of the Act entrusts the appointment and termination of appointment of Judges of the Court to the Assembly. This leads to a question of the neutrality of the judges in the adjudication of cases.<sup>69</sup> The cases to be handled by the Court may involve the very states that appoint them. For the effective functioning of the Court, it will be necessary that its adjudicating and arbitrating institutions be assured non-interference from member states and further accorded binding powers.

### **2.7.5 The Peace and Security Council (PSC)**

The PSC replaced the OAU Central Organ for Conflict Prevention, Management and Resolution Mechanism. The Assembly of the AU adopted the Protocol relating to its establishment during its first meeting in Durban, South Africa in July 2002. A detailed analysis of the PSC is carried out in Chapter Four of this study since the PSC is pivotal to the discussion of the AU's management of peace and security in Africa.

## **2.8 Conclusion**

The transformation of the OAU into the AU in 2002 was to reform the old Organisation and make it more effective in managing and enhancing peace and security in Africa. The AU's Constitutive Act gives the Union the right of intervention in member states as well as over-riding the sovereignty of states where gross violations of human rights exist. These normative changes, which the OAU lacked, and which made it unable to effectively deal with the conflict situations on the continent, it is hoped, will galvanize the AU into the leading arbiter in the area of peace and security in Africa. Chapter Three examines the normative changes that have occurred from the OAU period to the AU and discusses how these normative changes have impacted the institutions and the management of peace and security in Africa.

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- <sup>34</sup>Kodjo. E. op. cit.
- <sup>35</sup>Naldi, Gino J. (1999). *The Organisation of African unity: An analysis of its role*.(2<sup>nd</sup> Edition) London and New York: Mansell Publishing Limited. pp.36-37.
- <sup>36</sup>Ghebdebga, Legala T., *African and OAU Diplomacy in the Decolonization Issue, 1945-1980: A Study of African Foreign Policy Coordination*. (PhD. Dissertation, University of Aberdeen, 1987), pp.51-56.
- <sup>37</sup>Naldi. op. cit.
- <sup>38</sup>ibid.
- <sup>39</sup>Ulf, Engel., Jaoo Gomes Porto. (2010) *Africa's New Peace and Security Architecture*. USA: Ashgate, p.1
- <sup>40</sup>ibid.
- <sup>41</sup>ibid.

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- <sup>42</sup>[www.essex.ac.uk/armedcon/story\\_id/000529.doc](http://www.essex.ac.uk/armedcon/story_id/000529.doc). Transition from the OAU to the AU. Accessed on 8/3/2013.
- <sup>43</sup>ibid.
- <sup>44</sup>ibid.
- <sup>45</sup>Sirte Declaration: [www.lag-agi.org/bdf/docs/sirtedeclaration.pdf](http://www.lag-agi.org/bdf/docs/sirtedeclaration.pdf). Accessed on 12/3/2013.
- <sup>46</sup>ibid.
- <sup>47</sup>Mathews, Kay. (2009). Renaissance of Pan-Africanism: The AU and the New Pan-Africanists. In John Akokpari, Angela Ndinga-Muvumba & Tim Murithi (Eds.) *The African union and its institutions*, Cape Town: Fanele Publications, p. 33.
- <sup>48</sup>Orjiako, Desmond. "The African Union: our Common Home" ,Keynote speech presented at North Eastern University, Boston,, Massachusetts, 24 March 2005, p. 8; quoted in Mathews, Kay.
- <sup>49</sup>Constitutive Act of the African Union, Article 3.
- <sup>50</sup>Preliminary Draft Treaty Establishing the African Union. Given Access to by Professor Kofi Kumado, University of Ghana.
- <sup>51</sup>ibid.
- <sup>52</sup>African Charter on Human and People's Rights, 1990, Article 1.
- <sup>53</sup>Mathews, Kay. op.cit.
- <sup>54</sup>Francis, Mangeni, (Personal notes), Consultancy on Drafting the Constitutive Legal Instruments for the Pan-African Parliament and the African Union, Obtained as a primary source in February 2000, p. 11.
- <sup>55</sup>ibid.
- <sup>56</sup>ibid.
- <sup>57</sup>Constitutive Act, Article 4 a, b, e and g.
- <sup>58</sup>Ulf and Engel. op. cit.
- <sup>59</sup>ibid.
- <sup>60</sup>*Protocol on the amendment of the constitutive act of the African union*. Accessed from [www.nti.org/treaties-and-regimes/african-union-au](http://www.nti.org/treaties-and-regimes/african-union-au). Accessed on 12/1/2013.
- <sup>61</sup>Ibid.
- <sup>62</sup>ibid.
- <sup>63</sup>The Council's functions are elaborated in detail in its rules of procedure adopted in Durban, South Africa, in July, 2002.
- <sup>64</sup>*Protocol Relating to the Establishment of the PAP*, July 2000. Accessed from www.
- <sup>65</sup>Mpanyane, Saki., Transformation of the Pan-African Parliament: A Path to a Legislative Body? , *Institute of Security Studies* (ISS Paper 181, 2011). Accessed from <http://hdl.handle.net/123456789/30839>. Date accessed 12/03/13.
- <sup>66</sup>ibid.
- <sup>67</sup>ibid.
- <sup>68</sup>Report of the Second Meeting of legal Experts and Parliamentarians, on the Establishment of the AU and the Pan-African Parliament, Tripoli, 2000, pp. 3-5. Accessed from [www.african-union.org](http://www.african-union.org). Accessed on 7/1/2013.
- <sup>69</sup>Shapiro, Marvin. (1969). The European Court of Justice. In Alberta Sbragia, *Euro-politics: institutions and policymaking in the non-European community*, Washington, D.C., Brookings, 1992, p.123.

## CHAPTER THREE

### MODERN DAY NORMS UNDERPINNING THE WORK OF THE AU

#### 3.0 Introduction

Scholars of International Relations theory have argued that the normative has been the main contribution of multilateral institutions to world order.<sup>1</sup> The normative framework that governs intervention in Africa has evolved over time. These norms have developed from the days of the OAU to the African Union but very little work exists that assesses their effect on Africa's security dynamics.

Solomon Dersso opines that the AU in 2002 'introduced huge normative changes whose reach and impact were not fully appreciated at the time.'<sup>2</sup> He further posits that 'these changes are most powerfully expressed in the areas of peace and security, human rights, democracy and interventions.'<sup>3</sup>

This chapter examines the norms that have influenced and informed the Africa Union's interventions in peace and security. It traces the origins of these norms from the OAU to their culmination in the security policy of the AU. The norms examined in this chapter include; the sovereign equality of member states (Article 4a); the peaceful settlement of disputes and the non-use of force (Article 4e, 4f and 4i); non-intervention by members in the internal affairs of others (Article 4g), condemnation of unconstitutional changes of governments (Article 4p); and the right of the Union to intervene in a member state in grave circumstances (Article 4h). These are the central norms constituting the pivot for the AU's security policies and are discussed

under three sub-headings: sovereignty, right of intervention and the rejection of unconstitutional governments.

### **3.1 The Development of Norms within the OAU**

Established in 1963, the OAU was set up primarily to liberate the African continent from the vestiges of colonialism and the end of the 1970s accomplished this with most of Africa liberated, with the exception of Namibia and Zimbabwe. Norms, as already discussed in the previous chapter, are ‘standards of right and wrong, which proscribe certain activities and legitimate behaviour for a given identity.’<sup>4</sup> The OAU’s establishment marked an important period in the institutionalization of norms on the continent of Africa. This process, however, began long before the formation of the OAU and can be traced to the beginnings of Pan-Africanism. The main philosophy behind Pan-Africanism is that ‘Africa is regarded as the spiritual home of a united African people.’<sup>5</sup> Pan-Africanism, according to Kathryn Sturman, further places emphasis on solidarity between and among all people with African origin. Sturman calls the origins of Pan-Africanism ‘disparate’ since it has African-American, West Indian and African-European origins.

Pan-Africanism had a great influence on African leaders. Kwame Nkrumah had his worldview greatly shaped by Pan-Africanist writers like Marcus Garvey and W. E. Du Bois. Marcus Garvey’s ideas of a United States of Africa inspired most of Nkrumah’s actions and writings on the subject of African Unity. In *Africa Must Unite*, Nkrumah writes of his hope of the merging of Pan-Africanism and African Nationalism. He was of the opinion that ‘the fundamental purpose (of both ideologies) was identical: national independence leading to African unity.’<sup>6</sup>

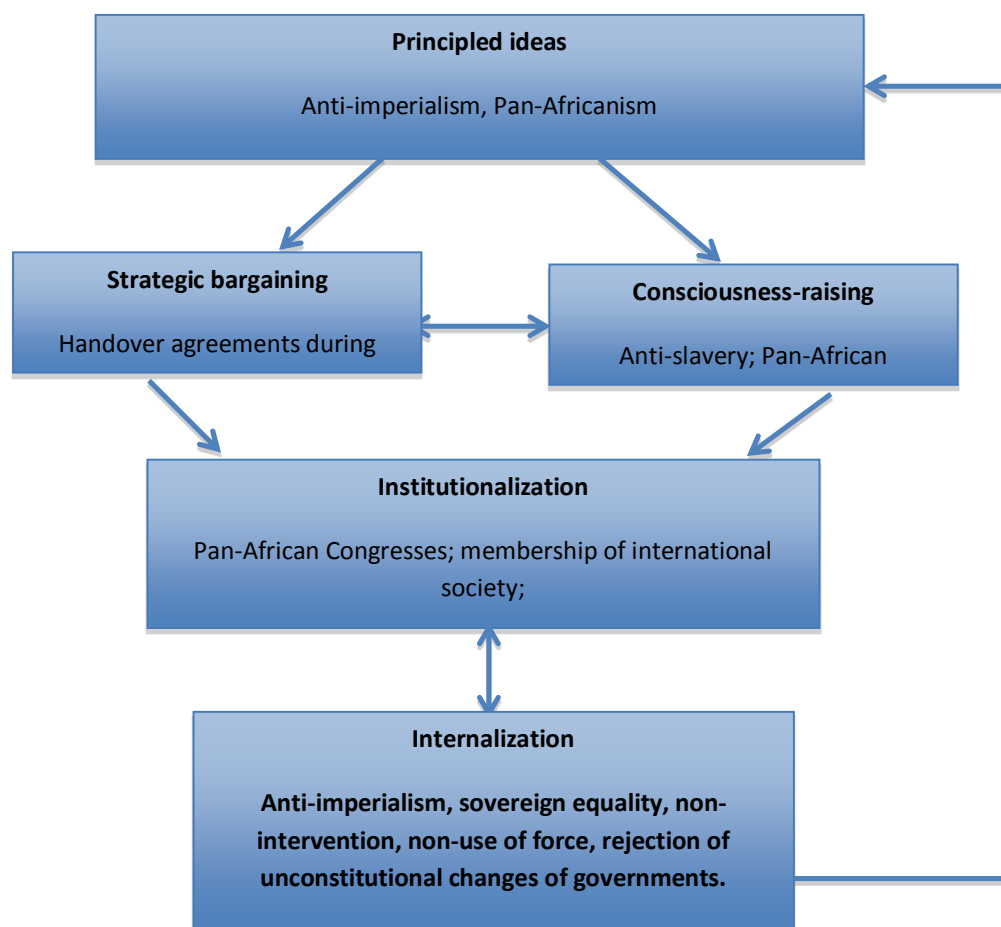
Rupert Emerson writes that African leaders were of the view that ‘having suffered together in the past, Africans must march together into a new and brighter future.’<sup>7</sup> The hope of Pan-Africanism through all its conferences was to ‘reconstruct history’ prior to colonization and then to bring an end to colonialism so that African states could live together in harmony. This harmony was, however, never to be achieved as Pan-Africanism ‘failed to disrupt the formation of a pluralist society of sovereign African states.’<sup>8</sup>

Establishing the OAU in 1963 was a critical moment for the institutionalization of norms on the African continent. African leaders saw the need for a ‘single institution to which we will all belong, based on principles to which we all subscribe.’<sup>9</sup> Africa’s colonial past, however, made this difficult to achieve with the divide on Anglophone, Francophone, Arab, and, to a lesser degree, Lusophone lines. Three major groups developed out of these often referred to as the Brazzaville, Casablanca and Monrovia blocks. Two of these groups, namely, the Monrovia and Casablanca groups brought their differences to bear on the negotiations leading to the establishment of the OAU. The birth of the OAU was therefore a compromise between the ‘gradualist’ who wanted a ‘United Nations of Africa’ and the ‘instants’ that wanted a ‘United States of Africa.’

The Charter of the OAU provided the foundation for the Organization’s security culture and norms. Article 3 of the Charter set forth the principles of the Organisation and amongst these were the condemnation of imperialism, which was seen as a big obstacle to African Unity. Again, the principle of sovereign equality ensured that all members of the Organisation saw themselves as equals despite their disparate land size. Further, the non-intervention in the

internal affairs of member states became institutionalized. These norms, among others, became the bedrock upon which the OAU built its security culture. Williams writes that two sociological factors helped in the process of norm internalization in the OAU. The first factor was the personal ties that existed amongst the early leaders as a result of their similar background in education despite the Anglophone and Francophone divide. He saw this tie as ‘evidence of a trans-territorial nationalist elite sub-culture’<sup>10</sup> that existed at independence and upon which relationships developed post-independence.

Figure 3.1: The evolution of norm socialization in African International Society.



Source: Paul. D. Williams. ‘From Non-Intervention to Non-Indifference: The Origins and Development of the African Union’s Security Culture’ in *African Affairs*, Vol. 106, No. 423, p. 259

This first factor was further enhanced by a second- summit diplomacy. OAU summits had most of the leaders or all of them staying in the same hotel with meetings held behind closed doors away from any press interference.<sup>11</sup> This led to a ‘culture of private and extremely personalized diplomacy developing within the club of African statesmen.’

Other factors may have also contributed to the internalization of norms among African governments and the OAU's own agenda during the first few years of its formation helped greatly in this process. A number of territorial disputes arose between OAU members, which the young Organisation had to deal with. There were also internal conflicts and well as subversive activities or claimed subversion against other members. A case in point in terms of the internal conflicts that confronted the Organisation included the crises in the Congo. The aftermath of the crises in the Congo left the Organisation very reluctant to involve itself in the internal affairs of member states. The crisis in the Sudan was another case in point. African leaders tried to bring the crises in the Sudan on the OAU agenda several times but got very little support from the OAU after the Sudanese government announced ‘it did not wish such discussion.’<sup>12</sup> All these point to an Organisation that set out initially to assist its members deal with their internal issues but the painful experience in past efforts made the Organisation reluctant. The norm of non-intervention in the internal affairs of members therefore became firmly established within the Union and formed the basis for the OAU's security culture.

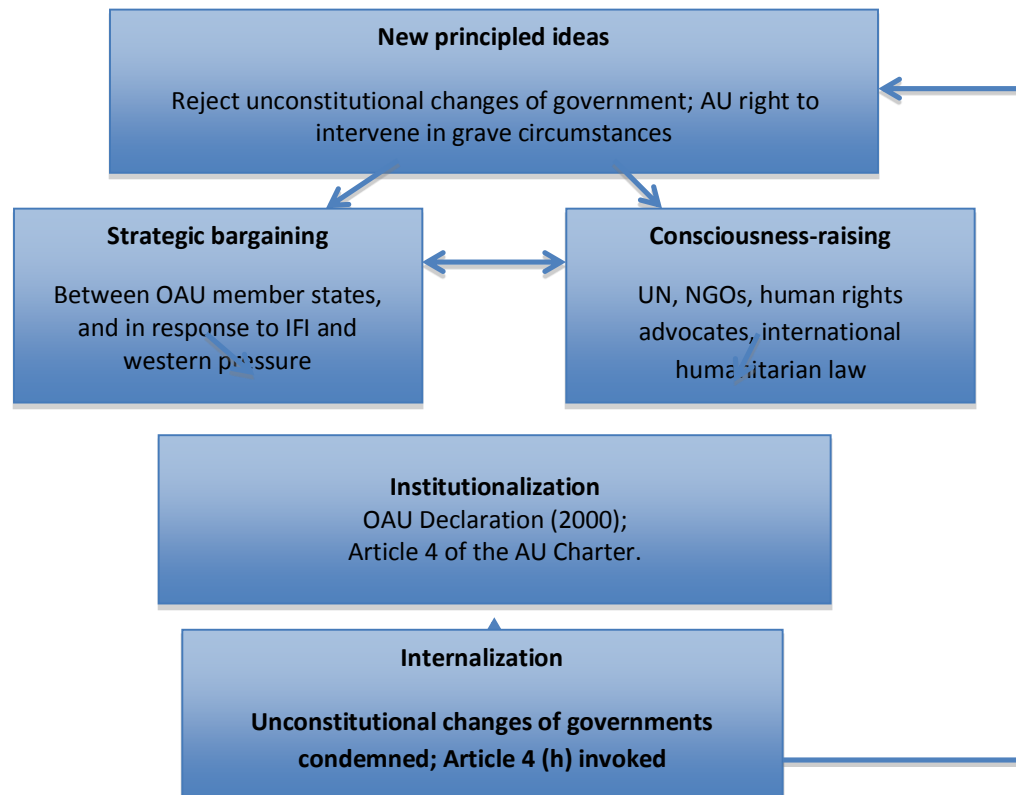
### **3.2 The African Union and the Changing Security Norms**

The OAU's security culture and norms developed as a result of factors both internal and external to the Organisation. These norms included the non-intervention in the internal affairs

of members, the sovereign equality of members, African autonomy and the denouncement of secessions. These have not remained unchanged over the years, however, but have produced new norms, which constitute the pivot for the AU's security culture. Some of these norms were inherited from the OAU, but the rest are of recent vintage. These norms can be found in Article 4 of the Constitutive Act and they include but are not limited to:

- a) Sovereign equality and interdependence (Article 4a)
- b) Respect of borders existing on achievement of independence (Article 4b)
- c) Prohibition of the use of force among members (Article 4f)
- d) Non-interference by a Member state in the internal affairs of another (Article 4g)
- e) Right of intervention in a member state in respect of grave circumstances (Article 4h)
- f) Condemnation and rejection of unconstitutional changes of government (Article 4p)<sup>13</sup>

The OAU had come out as aloof to the crises of peace and security in some member states and had further come under criticism and pressure in terms of the human rights record of most of its members. The winds of liberal democratization blowing through the post-Cold War period also necessitated some changes in some of the central tenets of the norms of the OAU's on peace and security. 'Of particular importance was the OAU's stance on secession, non-interference and African autonomy.<sup>14</sup> The rest of this chapter discusses these changes under the sub-headings of sovereignty, right to intervention and the rejection of unconstitutional governments.

**Figure 3.2: Norm socialization leading to the AU's security culture.**

Source: Paul. D. Williams. 'From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture' in *African Affairs*, Vol. 106, No. 423, p. 260.

### 3.3 The Norm of Sovereignty as Practiced in the OAU

The classical realists understand sovereignty from the tenets of the Treaty of Westphalia (1648), which brought the Thirty Year's War to an end. To them, sovereignty 'denotes the existence of a supreme authority over a certain territory.'<sup>15</sup> These states were deemed independent with no authority above them. Stephen Krasner defines the Westphalia sovereignty as 'an institutional arrangement for recognizing political entities that is based on two principles: territoriality and the exclusion of external actors from domestic authority structures.'<sup>16</sup> The United Nations Charter later universalized this. The UN Charter emphasizes the norms of the equality of states, territorial integrity and non-intervention in the post-Cold War era. Article 2

of the UN Charter recognizes the ‘principle of the sovereign equality of all its members’<sup>17</sup> At the United Nations Conference on International Organisations where the UN Charter was drafted, sovereignty was defined to include: ‘(1)that states are juridically equal; (2) that each state enjoys the rights inherent in full sovereignty; (3) that the personality of the state is respected, as well as its territorial integrity and political independence; (4) that the state should, under international order, comply faithfully with its duties and obligations.’<sup>18</sup> Later, these norms were institutionalized by regional organisations like the OAU and the AU.

Sovereignty, as it is practiced today in Africa, was borrowed at independence from the United Nations Charter but eventually became the cornerstone of Africa’s international relations.<sup>19</sup> Helena Gandois writes that ‘this Western European concept of sovereignty was adopted to the reality of African politics.’<sup>20</sup> At the formation of the OAU, its Charter clearly spelt out the principles that were to govern inter-state relations on the continent. The Charter promoted the tenets of external sovereignty through the principles of ‘non-interference’ and ‘uti possidetis juris’. These principles ensured the political survival of African states after independence. The securing of frontiers was very important to the newly independent states and African leaders felt it a priority to establish ‘a certain degree of control over their own territory.’<sup>21</sup> Jeffrey Herbst in his seminal work, *States and power in Africa: Comparative Lessons in Authority and Control*, write that sovereignty was transformed as a tool for small and weak states. He argues that:

the OAU established a decision-making rule that reserved African borders and prevented any kind of external competition while requiring only minimal levels of effective domestic sovereignty. To do so, the OAU said, in effect, that if an African government is in control of the capital city, then it has the legitimate right to the full protection offered by the modern understanding of sovereignty.<sup>22</sup>

Sovereignty in theory was upheld to the letter by the OAU member states. In practice, however, politicians in Africa were not so respectful of the very norms they promoted. At independence, most countries in Africa had weak economic, political and security fibre and this led to the sharing of sovereignty in certain fields. The Francophone countries, for instance, had a single currency the ‘franc’. These countries had very little control over their own currency in terms of its value, which was decided in France.<sup>23</sup> Most countries in Africa again depended on the world market for their commodities and the prices for these commodities were determined outside the continent. Most countries in African became debt ridden, leading to a ‘severe restriction of their economic sovereignty.’<sup>24</sup> In terms of security, Kevin Dun writes that ‘most African states are unable to claim a monopoly on the means of violence, legitimate or otherwise.’<sup>25</sup> Further to this, most African states lack the capacity to control the flow of unauthorized traffics in the form of illegal trade, drug trafficking, or the traffic of small arms. Armed groups further infiltrated across borders due to the porous nature of African borders. Internal sovereignty is very fragile in Africa as a result of these challenges.<sup>26</sup>

External sovereignty was also not respected as enshrined in the Charter of the OAU. The principle of non-interference was violated time and again. Countries noted for these violations include the Democratic Republic of Congo, Rwanda, Sudan, Uganda, Liberia, Sierra Leone and Nigeria.<sup>27</sup> The lack of both domestic and external sovereignty led to gross human rights violations in some African states. The building of national unity at independence was considered an imperative for African states due to the diverse ethnic groups that cut across national borders. To attain this national unity, however, ‘politically, one-party rule, authoritarianism, and military dictatorships became pervasive features of governance. Unity

was misconceived as requiring uniformity and homogenization rather than acceptance of diversity.<sup>28</sup> The African obsession with sovereignty at independence was thus a question of political survival. Later, it became a tool for plunder in some African states. Fouad Ajami concludes that ‘the cruel calculus of sovereignty versus misery has changed the way the international community now thinks about foreign interventions and the rights of states.’<sup>29</sup> The OAU’s commitment to the preservation of sovereignty blocked it from acting to alleviate intra state conflicts and gross human rights violations.

The OAU and the African Leadership forum, however, began to champion calls for the redefinition of the norm by the 1990s. Clear signs of the change and erosion of the norm of sovereignty in Africa began to manifest<sup>30</sup>; in the number of calls for change that occurred within the OAU. Salim Ahmed Salim of the OAU clearly stated that ‘we should talk about the need for accountability of governments and of their national and international responsibilities. In the process, we shall be redefining sovereignty.’<sup>31</sup> This call was later reiterated by the then President Olusegun Obasanjo of Nigeria who made a call for the redefinition of sovereignty in 1993 by stating that:

An urgent security need is a redefinition of the concept of security and sovereignty. For instance, we must ask why does sovereignty seem to confer absolute immunity on any government who commits genocide and monumental crimes of destruction and elimination of a particular section of its population for political, religious, cultural or social reasons? In an inter-dependent world, is there a minimum standard of decent behaviour to be expected and demanded from every government in the interest of common humanity?<sup>32</sup>

These calls for the redefinition of the concept of sovereignty later found expression in the Constitutive Act of the African Union.

### 3.3.1 The African Union and the re-definition of Sovereignty

The failure of the United Nations in particular and the International community in general in the provision of timely intervention during the 1994 genocide in Rwanda encouraged African countries to look inward for solutions to the problems on the continent and to take their destiny into their own hand. This called for ‘African solutions to African problems.’ The call for home made solutions manifested in the number of interventions, contrary to their founding protocols that were carried out by African regional organisations in the 1990s. The Economic Community of West African States (ECOWAS) was the first to intervene in the Liberian crises to restore order. Helena Gandois has said that ‘this intervention by an African regional organization reflects a change in African policy and approach to the principle of sovereignty.’<sup>33</sup> The call for African solutions further resulted in the adoption of the 1999 Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (referred to hereafter as the MECHANISM) by ECOWAS. This Protocol was the first formalization of the right of intervention on the African continent. Members of the OAU later in Lome, in July 2000, signed the Constitutive Act of the African Union that gave the Union the rights of intervention on humanitarian grounds. Article 4(h) establishes the ‘right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.’<sup>34</sup> Member States could also ‘request intervention from the Union in order to restore peace and security.’<sup>35</sup> The inclusion of these rights in the Union’s Constitution signalled the consolidating the new norm of sovereignty within the AU.

The International Commission on Intervention and State Sovereignty (ICISS) in its 2001 report on the ‘Responsibility to Protect,’ set out a new standard, which is a paradigm shift in the notion of state sovereignty. Sovereignty in this report was no longer deemed a right in the international community but a responsibility. This is clearly reflected in the Constitutive Act of the AU and Laila Farmer writes that ‘when a state fails to meet these responsibilities, its right to sovereignty is lost’<sup>36</sup> within the AU. The preamble to the Constitutive Act clearly spells out the determination of the AU to promote and protect human and peoples’ rights and this is the bedrock upon which the new norm of sovereignty is built. The conflict between human rights and sovereignty has led to the reinterpretation of sovereignty, which is no longer ‘a privilege that all states deserve, but rather a responsibility.’<sup>37</sup>

### **3.4 The OAU and the Non-Intervention Principle**

The OAU was built on the foundations of state sovereignty and the non-intervention in the internal affairs of members. African states, at the formation of the OAU, viewed intervention as equal to imperialism. The founding documents of the Organisation clearly stated the position of non-interference. This was further to guard the sovereignty of the newly independent African states. Events since the formation of the OAU, however, led to the revision of the norm of non-intervention. Grave violations of human rights and mass murders have occurred in countries like Rwanda, the Democratic Republic of the Congo, in Burundi and Somalia, to mention a few, which have necessitated an appropriate response from the Union and a departure from the norms of sovereignty and non-interference. Again, the failure of the international community in general and the United Nations in particular to provide timely and appropriate interventions for

these crises led to the call for 'African solutions to African problems' which resulted in the redrafting of the OAU's constitution.

The main challenge faced by the OAU, in terms of intervention resulted from its own Charter provision of non-interference in the internal affairs of Member States. African states have also, on various occasions, cited this same Charter provision as a basis to decline intervention in conflict situations on the continent. Two other Charter provisions, namely the sovereign equality, as well as the territorial integrity of member states further deterred the Organisation from interventions. A fourth principle later emerged within the OAU which was not Charter based but more out of practice. This principle was referred to as 'try the OAU first', based on the belief that any 'disputes between member states should be dealt with as a family quarrel that should not be taken to any outside body for solution.'<sup>38</sup> The OAU developed its own methodology of conflict management. The Organisation was seen as mainly 'preferring mediation shading into conciliation.'<sup>39</sup> The Organisation was, however, seen as 'eschewing involvement in what was considered to be internal conflicts, but professed competence in the management of inter-state conflicts.'<sup>40</sup>

The Post-Cold War era, however, saw the OAU reviewing its role in terms of conflict management. This review led to the adoption in 1990 of the Mechanism for Conflict Prevention, Management and Resolution (The Mechanism) in Africa. Peacekeeping and interventions in general were not considered a priority within the context of the Mechanism. The Organisation, however, did deploy small-scale operations like the Observer Group of 1992 in Rwanda. The Mechanism was activated to various degrees of successes in seven African

conflicts by 1999. These included internal and inter-states conflicts in the Burundi, Rwanda, Liberia, the Congo, Somalia, South Africa, Nigeria and Cameroon.<sup>41</sup> The OAU eventually got around to ‘stepping in’ to situations of internal conflicts, thereby violating its own Charter principle of non-interference in the internal affairs of member states. It has been argued elsewhere, however, that the strict interpretation of Article 3(2) of the Charter by the OAU, as forbidding the Organisation from intervening in internal matters was erroneous since ‘the Charter charges the Organisation with duties, to perform which it must be involved in the internal affairs of member states.’<sup>42</sup>

A number of criticisms were levelled against the OAU that forced the Organisation and its Members to rethink their position on non-interference. The OAU was accused of the failure to intervene and help resolve gross human rights violations in Rwanda that eventually led to the genocide in 1994. The Organisation was further blamed for not curbing the excesses of former leaders like Idi Amin of Uganda and Bokassa of the Central African Republic. During his maiden address to the OAU Session of Heads of State and Government in 1986, President Museveni of Uganda accused his colleague Presidents of failing the people of Uganda by turning a blind eye, under the guise of non-interference and leaving his people at the mercy and “wholesale massacre” of Idi Amin.<sup>43</sup> OAU member States were also accused of not cooperating with the mother Organisation since the consent of the parties to internal and inter-state conflict was considered a prerequisite for any involvement by the OAU. Ben Kioko<sup>44</sup> notes that this consent was not always forthcoming. The OAU was further accused as a ‘Club of Heads of State’ who only parted each other on the back at meetings but failed to criticize each other.

African leaders adopted a number of initiatives as a response to these accusations. These forward-looking initiatives were ‘towards greater democratization of their societies, respect for human rights, popular participation and transparency in the management of public affairs.’<sup>45</sup> The initiatives included the 1994 Cairo Agenda for Action on Re-Launching Africa’s Economic and Social Development, which emphasizes ‘the centrality of good governance, respect for human rights, popular participation, peace, security, stability and justice in Africa’s socio-economic development.’<sup>46</sup> The central tenets of the OAU’s security culture did not therefore remain static as has been discussed. It however developed in ‘response to a variety of internal and external factors, eventually producing two new norms related to unconstitutional governments and humanitarian interventions.’<sup>47</sup> African leaders, in setting up the African Union, endowed her with the powers needed for intervention in case of any gross human rights violations like that, which occurred in Rwanda.

### **3.4.1 Instruments for Intervention Within the Framework of the African Union**

Historically, African States and their organisations have been among the ‘most conservative subscribers to the international law principle of state sovereignty, non-intervention and territorial integrity.’<sup>48</sup> The African continent has, however, gradually moved away from these Charter provisions due to the consciousness by her leaders of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent. African leaders are further conscious of the need to promote peace, security and stability as a prerequisite for the implementation of the development and integration agenda in Africa. There is a new determination to promote and protect human and peoples’ rights, consolidate democratic institutions and culture, ensure good governance and the rule of law as

well as the need to take all necessary measures to strengthen the common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates<sup>49</sup> effectively, Africa has now adopted ‘norm-creating mechanisms that are eroding traditional prohibitions on the use of force’<sup>50</sup> Africa is now touted as the first continent to advance a comprehensive collective security regime. From the normative standpoint, this intervention regime is ‘more advanced and legally coherent than any other, including that of the North Atlantic Treaty Organisation (NATO).’<sup>51</sup>

The African Union’s Constitutive Act lays down the framework for intervention on the continent in Article 4 (h) and (j). Article 4 (h) gives the Union the right to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity, while Article 4 (j) gives Member States the right to request intervention from the Union in order to restore peace and security. Article 4 (h) further received a boost in 2003, with the adoption of Amendments to the Constitutive Act. Sub-paragraph (h) received further expansion to now include ‘serious threats to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council.’<sup>52</sup> The Amendments further mandated the union to forcibly reverse unconstitutional governments instead of merely instituting sanctions. Ben Kioko notes that, the additional clause to Article 4 (h) came about as a result of delegates to previous AU Summits complaint that the threshold set out for intervention in the Constitutive Act was too high and was likely to exclude other ‘situations that threatened regional or national peace and security and in which the Assembly would have otherwise decided on intervention.’<sup>53</sup> The addition was to give the AU the needed flexibility to decide on intervention.

Further to this, the AU's Peace and Security Protocol entered into force in December 2003. The main aim of the protocol is the promotion of peace and security as well as stability in Africa through various means. The African Union's Peace and Security Council Protocol (AUPSC) empowers the AU through the use of various activities, from policy oversight to full-fledged military intervention. Jeremy I. Levitt, posits that, 'what is interesting in all these provisions is the agreement by African States to contract away sovereignty and authority and to endow an organisation with the political and legal clout to intervene in the internal affairs to safeguard democracy and human rights,'<sup>54</sup> and for the restoration of peace and security on the continent.

Again, the norms that underpin the African Union's right of intervention do reflect the framework for protection set out in the Responsibility to Protect (R2P). The preamble to the Constitutive Act clearly states the determination to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world. This 'general commitment to place people at the centre of political discourse in Africa is backed up by a specific commitment to intervene when people and communities are put in grave danger by the actions or inactions of their own governments.'<sup>55</sup> Eboe Hutchful notes that the 'the fragility of Africa's governance and security also helps to explain why human security has emerged as perhaps the most prominent security concept from the debris of the Cold War on the continent.'<sup>56</sup> Human security is not only incorporated into the AU's Constitutive Act, but also into other policy documents on security.

The 1991 Conference on Security, Stability, Development and Cooperation of Africa (CSSDCA) document states that ‘the security of each country and of the continent must be taken to include the security of the (African) people to live in peace with access to the basic necessities of life while fully participating in the affairs of their society freely and exercising their fundamental human rights.’<sup>57</sup> Hutchful writes that this attempt by the CSSDCA to define security based on people rather than states was a ‘a partial decoupling of security and sovereignty.’ Further to this is the AUs Common African Defence and Security Policy (CADSP) document of 2004 that calls for a definition of security to encompass both the traditional and non-traditional aspects of security. The non-traditional aspects referred to in this document ‘relates to the protection of the people’s political, cultural, social and economic values and way of life.’<sup>58</sup>

### **3.5 The Rejection of Unconstitutional Government**

African regional organisations have become increasingly concerned with governance issues on the continent and have developed governance standards over the years to improve democratic institutions and good governance within African states. African regional organisations have been said to have tolerated undemocratic governments in the past by endorsing the sovereign equality, territorial integrity and the non-interference in the internal affairs of members, which allowed a lot of impunity in member states as well as undemocratic governments. In 1997, a new trend began to emerge in relation to unconstitutional changes in government, especially through coup d’état. Coups during this period were viewed not only as a threat to peace and security but also to economic development. The OAU Assembly in July 2000, ‘institutionalized its rejection of unconstitutional changes of government.’<sup>59</sup> This section traces the policies of the

OAU and the AU on unconstitutional changes in government but in the light of coups d'états. This study, however, acknowledges the fact that unconstitutional changes in government do not occur only through coups but also 'through fraudulent elections and the re-writing of constitutions... to subvert the official constitutional process.'<sup>60</sup> It shows a trend where the AU has progressed beyond the OAU standards in terms of sanctions and interventions but also the non-recognition of such governments.

### **3.5.1 The OAU and Coup d'états**

'Military coups were a normal occurrence in Africa in the period prior to 1990. In this period, most African rulers left office through a military coup, political assassination, or some other form of violent overthrow.'<sup>61</sup>

Established in 1963, the main aim of the Organisation of African Unity was the eradication of all vestiges of colonialism from the African continent. Among the principles that guided the OAU in managing the affairs of member states were the principles of non-interference in the internal affairs of States, the territorial integrity of Members and the inviolability of borders existing prior to decolonization. These principles implied that the OAU did not 'question the internal policies of its member states, even when they maltreated their populations.'<sup>62</sup> The principle of non-interference, which the OAU adhered to, further made it difficult and made the Organisation seem unwilling to intervene and condemn coups when they occurred. The OAU, however, condemned coups in principle in its Charter. Article 3(5) of the Charter made 'unreserved condemnation, in all its forms, of political assassination as well as subversive activities on the part of neighbouring States or any other State.'<sup>63</sup>

This was, however, not the practice. The OAU accepted and recognized governments that came to power through coups so long as those governments were deemed to be in effective control of their territory. These governments could represent their countries within the OAU. Examples can be cited of Ghana (1966), Uganda (1971), Liberia (1980), and Chad (1982).<sup>64</sup> Some member states of the Organisation tried to block the participation of these countries in the deliberations of the OAU but failed. This was in part due to the fact that the OAU, from '1963 to the end of 1989 had had sixty-one successful coups in Africa, and more than half of all African states had at some point been governed by military regimes that had displaced civilian governments.'<sup>65</sup> Had the OAU adhered strictly to its principles, it would have been bereft of state representation due to the number of countries that had experienced coups within the region.

The 1990s (1990 – 1997) saw even successful coups in Africa.<sup>66</sup> The countries that experienced military interventions include Mali, Algeria, Gambia, Burundi, Chad, Nigeria, Niger, Lesotho, Cote d'Ivoire and Sierra Leone (which experienced three interruptions within the specified period). By the end of the Cold War, the OAU was forced to embrace democratic institutions and good governance and this meant a change in the attitude and stance of the Organisation on coups. The OAU gradually began to condemn and reject governments that came to power through coups d'états. The overthrowing of the Tejan Kabbah government in Sierra Leone in 1997 marked this turning point. For the first time in its history, the OAU failed to recognize the government of Paul Koromah, when he seized power from Tejan Kabbah. The OAU further called on the international community not to recognize the Koromah regime. At its 1997 Summit in Zimbabwe, the Assembly encouraged the Economic Community of West African

States (ECOWAS) to intervene and to restore the legitimate government to power. ECOWAS, through its Economic Community of West African States Ceasefire Monitoring Group (ECOMOG) in 1998 reinstated Tejan Kabbah as President through intervention to remove the junta.<sup>67</sup>

The Organisation from 1997 began to call for the return of all unconstitutional governments to constitutional rule. At the Algiers Summit in 1999, the Assembly issued an ultimatum for all unconstitutional governments to restore legality by the next annual meeting in 2000.<sup>68</sup> These States included the ‘Comoros, Niger, Congo Brazzaville and Guinea Bissau.’<sup>69</sup> The Assembly, further in 2000 adopted the Declaration on the Framework for Response to Unconstitutional Changes of Government (referred to as the Lome Declaration). This Declaration set out new modalities for handling coups on the continent as well as what constituted an unconstitutional change of government. Four criteria were set and these are:

- a) A military coup d’état against a democratically elected government;
- b) Intervention by mercenaries to replace a democratically elected government;
- c) Replacement of a democratically elected government by armed dissident groups and rebel movements;
- d) The refusal by an incumbent to relinquish power to the winning party after free, fair and regular elections.<sup>70</sup>

Anytime the conditions mentioned above occurred on the continent, it was to be immediately followed by a condemnation from the Secretary-General of the OAU and the Member State in question immediately suspended from the Organisation. The coup makers would be given six

months within which time they were to restore their state to constitutional rule, or failure of which would lead to the imposition of limited but targeted sanction.<sup>71</sup> The responsibility for the implementation of the Declaration was placed on the OAU's Central Organ: the Mechanism. There was, however, no 'clear enforcement mechanism to guarantee member states' adherence to the principles'<sup>72</sup> except the statement in the Declaration that 'Our Organisation should therefore support all efforts aimed at promoting adherence to these principles.'<sup>73</sup>

### **3.5.2 The African Union and Unconstitutional Changes of Government**

The African Union's coming into being in 2002 did not immediately mark the end of the OAU. The Organisation continued to exist until the Constitutive Act was fully ratified by Member States in July 2003. During the period, 'the OAU Central Organ systematically condemned the successful coups that took place in the Central African Republic (2003), Guinea Bissau (2003) and Sao Tome and Principe (2003).'<sup>74</sup> African leaders have acknowledged the fact that unconstitutional changes in government lead to the establishment of 'dictatorship, subvert democratic governance, preclude the exercise of the rights of people to constitute or change their government, and lead to gross violations of human rights.'<sup>75</sup>

As discussed previously, the AU's predecessor, the OAU, promulgated policies to deal with unconstitutional changes in government, especially coups d'état on the continent. The Lome Declaration and the Addis Charter laid the foundational framework for the handling of coups and coups makers. The Constitutive Act of the AU is the third instrument that gives clear directives to the AU on the subject matter. Article 4(m) provides for democratic principles, human rights, and the rule of law and good governance; (o) respect for the sanctity of human

life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities; and (p) condemnation and rejection of unconstitutional changes of government.<sup>76</sup> These are the foundational principles of the African Union Constitutive Act on unconstitutional changes of government.

At the fourteenth Ordinary Session of the Assembly in Addis Ababa on February 2, 2010, the Assembly further reiterated the AU's 'total rejection of unconstitutional changes and affirmed its determination to put a definitive end to this scourge which undermines the progress achieved in the on-going democratization processes on the continent and constitute a threat to peace and security.'<sup>77</sup> This decision further notes the AU recognition that what is needed now is not the promulgation of new instruments but the effective implementation of these instruments 'by where necessary, refining, enriching and updating'<sup>78</sup> the ones already in place. Not only does this document firmly states the AU's 'zero tolerance for coups d'état but further condemns the 'violations of democratic standards, the persistence and reoccurrence of which could result in unconstitutional changes.'<sup>79</sup>

Aside the instruments already mentioned, and their implementation by the AU, the Assembly agreed to further strengthen their position by adding to the four criteria for identifying coups already discussed above. In addition to the suspension of the country concerned, the following measures were also to apply to that country:

- a) Non-participation of the perpetrators of the unconstitutional change in the elections held to restore constitutional order:
- b) Implementation of sanctions against any Member State that is proven to have instigated

or supported an unconstitutional change in another State;

- c) Implementation by the Assembly of other sanctions, including punitive economic sanctions.<sup>80</sup>

The AU Assembly further calls on all Member States and on all non-African International bodies, the UN included, to ‘refrain from granting accreditation to such authorities.’<sup>81</sup> This measure, if adhered to, will strengthen the suspension and alienation of the defaulting country and encourage their speedy return to constitutional rule. From the foregoing, it is obvious that the AU and its Member States are firmly committed to reject all forms of unconstitutional changes in government, especially coups. The AU, since its inception, has consistently condemned coups on the continent. Examples include Togo (2005), Mauritania (2005 and 2008), Guinea (2008), Madagascar (2009) and Niger (2010).

### **3.6 Conclusion**

The African Union, since its establishment, has ensured that the principles of non-interference and sovereignty no longer shield states from external scrutiny and even military intervention. The right to intervention, as enshrined in the founding documents of the AU, is not only an innovation but also a stark departure from the OAU’s stance on intervention. From the norms of sovereignty, to those of intervention and the unconstitutional changes in government, the AU has demonstrated its commitment to and departure from Africa’s original position on these normative issues and is charting a new course of non-indifference. The AU’s new position of non-indifference further suggests the building of operational modalities and institutional structures that will implement these norms and also take preventative action and interventions

on the AU's behalf. These institutions and their operational modalities are the subject of discussion in Chapter Four

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## CHAPTER FOUR

### THE AFRICA PEACE AND SSECURITY ARCHITECTURE AND OPERATIONAL MODALITIES FOR INTERVENTION BY THE AFRICAN UNION

#### 4.0 Introduction

One of the main aims of the African Union is the promotion of peace, security and stability on the African continent. The Constitutive Act provides for the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances: genocide and crimes against humanity – “one of the first organisations in the world to give itself such a clear mandate.”<sup>1</sup> The creation of the African Union is of particular importance in the development of peace and security institutions in Africa. The African Union has moved away from the position of indifference (the case for its predecessor – the OAU) and is now addressing issues of peace and security constructively. The AU Peace and Security Council was set up to be a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa. The African Union has further demonstrated its commitment to peace and security by ordering interventions since its inception in various conflicts on the continent. This clearly demonstrates Africa’s growing security capacity and its determination to provide for the security of its people.

To achieve the aim of promoting peace, security and stability on the continent, the African Union has built comprehensive organisational structures in the area of peace and security. The Peace and Security Council (PSC), which came into existence in 2004, is the organ at the centre of the structures and responsible for the management of peace and security on the continent.

This chapter looks at the organisational capacity of the AU to undertake peace and security activities. This organisational capacity does not only refer to the legal mandate but also the structural and operational capacity of its institutions. The chapter further assesses the challenges of the various institutions and the way forward.

#### **4.1 The African Peace and Security Architecture**

The African Union in 2002 adopted the Protocol that created the Peace and Security Council. This Protocol (hereafter referred to as the PSC Protocol) entered into force in December 2003. The PSC Protocol gives the responsibility for the management of peace and security on the continent to the Council (PSC). Article 2 of the Protocol names the PSC as ‘a standing decision-making organ for the prevention, management and resolution of conflicts.’<sup>2</sup> The African Peace and Security Architecture (APSA) emanated from the PSC Protocol. ‘The Architecture is premised on several norms which emanate both from the OAU Charter as well as the AU Constitutive Act.’<sup>3</sup> The protocol further embraces a broad spectrum of issue areas where peace and security is concerned. It encompasses ‘conflict prevention, early warning and preventative diplomacy, peace-making and peace building, the encouragement and promotion of democratic practices and intervention and humanitarian action and disaster management.’<sup>4</sup>

The establishment of the PSC in 2004, was a fulfilment of one of the mandates of the Assembly of the AU, to create additional institutions as mandated by the Constitutive Act in Article 5(2). Constitutional provisions have further been adopted for the management of peace and security in Africa. The PSC operates on the Constitutional provisions of the Constitutive Act. The Act clearly states the one of the objectives of the AU is “to promote peace, security and stability on

the continent.”<sup>5</sup> Again, the PSC Protocol provides clear guidelines “on how the Organisation should manoeuvre in the security field.”<sup>6</sup> Tavares notes that the AU reinforced its security profile in 2004 by adopting the comprehensive Solemn Declaration on a Common African Defence and Security Policy (CADSP). This Policy aimed at ensuring collective responses to both internal and external threats on the continent.<sup>7</sup> The three legal documents: the Constitutive Act, the Protocol and the Declaration are the pillars on which the AU’s peace and security architecture is built.

The APSA was established as the operational structure responsible for the execution of decisions on peace and security in Africa. The components of the Architecture include the PSC, supported by the AU Commission, the Panel of the Wise, the Continental Early Warning System (CEWS), the African Standby Force (ASF) and the Special Fund. These operational structures are discussed in detail in this section to see how they impact the AU’s decisions on intervention.

## **4.2 The Peace and Security Council (PSC)**

The PSC is the central organ of the APSA. It began its operations in March 2004 and is composed of 15 members who are elected by the Assembly on the basis of equitable regional representation and rotation.<sup>8</sup> Ten of the members serve a two-year term while five serve a three-year term. The PSC is empowered to:

- a) promote peace, security and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as well as the creation of conditions conducive to sustainable

- development;
- b) anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peacebuilding functions for the resolution of these conflicts;
  - c) promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the re-surgence of violence;
  - d) co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects;
  - e) develop a common defence policy for the Union, in accordance with article 4(d) of the Constitutive Act;
  - f) promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.<sup>9</sup>

The PSC Protocol further gives it wide powers of intervention to anticipate and prevent conflict, to provide mandates for missions, as well as the rules of engagement.<sup>10</sup> The PSC can recommend to the Assembly military intervention in a Member State in respect of grave circumstances; namely genocide, war crimes and crimes against humanity in accordance with Article 4(h) of the Constitutive Act. Each member of the PSC has one vote and decision-making is guided by the principle of consensus. In cases where the PSC fails to reach a consensus, a simple majority reaches decisions on procedural matters. On all other matters, a two-thirds majority is required. The PSC acts on behalf of member states in decisions on intervention and all decisions made by

the PSC are binding. The PSC is fully operational at the time of writing and has become the centre for collective security decisions by Africans.

**Figure 4.1: Organogram of the APSA**



Source: AUPSC 2010 Needs Assessment.

#### **4.2.1 Progress and Constraints of the PSC**

Since its inception in 2004, the PSC remains the most visible organ of the ASPA. AU member states through the PSC have demonstrated their commitment to handle conflicts on the continent. Operationally therefore, the PSC has not only met frequently but has also held some very important retreats on thematic and procedural issues. At the retreat in Ezulwini, Swaziland in September 2009 for instance, ‘the PSC adopted its working methods, the Livingston Formula

defining its relationship with civil society organisations and how to enhance the implementation of sanctions in situations involving unconstitutional change of government.’<sup>11</sup>

The PSC has further authorized interventions in the Comoros (AMISEC), Burundi (AMIB), Somalia (AMISOM) and the Sudan (AMIS) since 2004. These interventions, though not invoked under Article 4 (h) of the Constitutive Act, have gone a long way to expose and demonstrate the ‘PSC’s willingness to authorize such missions and the AU’s ability to implement them.’<sup>12</sup> These four interventions of the AU to date are the subject of this study. How the AU has dealt with these interventions to bring peace and security to the region is assessed. The main challenge faced by the AU in all these interventions has been the shortage of resource – human and material to effectively carry out its mandate. The PSC membership believes that the credibility earned by the PSC through the various interventions may eventually be eroded due to the resource-mandate gap. These are looked at in-depth in the next chapter.

The inception of the PSC since 2004 has encouraged the various member states to strengthen their staff compliments in the AU missions to meet the new duties and responsibilities entrusted on them through the PSC. The deployment of Defense Attaches to some embassies in Addis Ababa (Ghana and Uganda) for instance, is a practice that is linked to their appointment to the PSC. Prior to their appointment to the PSC, both Ghana and Uganda did not have this position filled and so did most of the Missions to the AU. According to a senior AU official, “the embassies have been poorly equipped with human resources and lack research capacity for PSC members to prepare themselves conveniently before discussions.”<sup>13</sup> For the PSC to function

properly, member states must be encouraged to complement their staff strength in the embassies to meet the new responsibilities thrust on them.

In the area of the enforcement of its principles, the one area the PSC has excelled in consistently (with some few exceptions) is the barring of 'members from participating in decision making in situations where they have a direct involvement.'<sup>14</sup> The PSC Protocol clearly stipulate that 'any Member of the Peace and Security Council which is party to a conflict or a situation under consideration by the Peace and Security Council shall not participate either in the discussion or in the decision making process relating to that conflict or situation. Such Member shall be invited to present its case to the Peace and Security Council as appropriate, and shall, thereafter, withdraw from the proceedings.'<sup>15</sup>

Among the challenges faced by the PSC in the performance of its duties, the most daunting has been its Secretariat, which can boast of four professional staff, one secretary and one administrative assistant. Despite the widening of the range of security issues handled by the PSC, it has not been complimented by an increase in the staff strength of its Secretariat. It has been proposed that the current staff strength be increased from four (4) to thirteen (13) but even when this is approved and implemented, it will still not be enough to cover the ever growing security issues and the volume of meetings the Secretariat handles on a day to day basis. Despite this challenge, however, the 'PSC Secretariat appears to have been quite efficient in carrying out its numerous tasks.'<sup>16</sup>

Another constraint on the PSC, is a disconnect between the AU and the regions in terms of the election of its members. Though the PSC has criteria for the election of its members, this is often not adhered to. 'The regions have adopted their own formula for nominating members to the PSC.'<sup>17</sup> This disconnect, creates a dilemma for the Council, in that, if a member is nominated contrary to the laid down rules and regulations, one wonders whether the PSC can refuse the membership of that candidate and what the response of that region whose candidate is rejected by the PSC will be. Further to this, there has been and continues to be a limited interface between the PSC and the Regional Economic Communities (RECs) to date as well as between the PSC and the other components of the APSA.

### **4.3 The Panel of the Wise (PW)**

The Constitutive Act makes provision for the establishment of a Panel of the Wise to assist the efforts of the PSC and the Chairperson of the Commission, particularly in the area of conflict prevention. The PW is composed of five highly respected African personalities from various segments of society who have made outstanding contribution to the cause of peace, security and development on the continent. The Panel is selected by the Chairperson of the Commission after consultation with the Member States concerned, on the basis of regional representation and appointed by the Assembly to serve for a period of three years.<sup>18</sup> Members may be re-elected for a second term. The modalities for their appointment specify that Members of the Panel cannot hold active political office in their various countries. This clause gives them the independence they require to carry out their mandate in a free and fair manner. Members of the Panel can also freely interact with whomever they so wish to in the discharge of their duties. Members can terminate their appointment by writing to the Chairperson of the Commission or by the

Assembly if the Chairperson so recommends.<sup>19</sup>

The PW advises the Peace and Security Council and the Chairperson of the Commission on all issues pertaining to the promotion, and maintenance of peace, security and stability in Africa. At the request of the Peace and Security Council or the Chairperson of the Commission, or at its own initiative, the Panel of the Wise may undertake such action deemed appropriate to support the efforts of the Peace and Security Council and those of the Chairperson of the Commission for the prevention of conflicts, and to pronounce itself on issues relating to the promotion and maintenance of peace, security and stability in Africa.<sup>20</sup> The Panel reports to the Peace and Security Council and, through the Peace and Security Council, to the Assembly.<sup>21</sup>

The modalities clearly specify the range of activities the Panel may undertake but these activities must facilitate appropriate action by the PSC.<sup>22</sup> Before undertaking any field mission, however, the Panel must inform the PSC and the Chairperson of the Commission.<sup>23</sup> This is to ensure both coordination and harmonization of the activities of the Panel with other organs of the AUPSC. The Panel is to give regular reports to the PSC and the PSC reports bi-annually on the activities of the Panel to the Assembly. The Panel further holds a joint meeting with the PSC annually and consults with other institutions within the Commission of the AU. The AU Assembly may invite the Chair of the Panel to address its gathering when need be and further discussions go on between the Panel and the Pan-African Parliament and the Commission on Human and Peoples Rights.<sup>24</sup>

The Panel functions in accordance with the modalities laid down by the Chairperson of the Commission and approved by the Peace and Security Council.<sup>25</sup> The Panel can meet as often as may be required in the performance of its mandate though the modalities specify three meetings in a year. Meetings of the Panel are normally held at the Headquarters of the Union and behind closed doors. An exception can, however, be made when there is the need for a resource person or an expert to assist with the Panel deliberations. Meetings usually last from one to three days but can also be longer when the need arises. The Panel has a chairman elected from its ranks who chairs meetings and his term of office last for a year. He may, however, be re-elected to serve a second term. In consultation with the Chairperson of the Commission, the Panel of the Wise may hold meetings at such places other than the Headquarters of the Union.

The PSC Protocol recommends the establishment of similar structures of the Panel of the Wise in the Regional Economic Communities (RECs). ECOWAS, COMESA, CEN-SAD and IGAD already have this structure in place and the ECOWAS Council has been very instrumental in the mediation of conflicts within the sub-region. Similar structures are underway within the EAC and ECCAS while SADC has ‘opted not to have a standing organ that is equivalent to the Panel of the Wise.’<sup>26</sup>

#### **4.3.1 Progress and Challenges of the PW**

This component of the African Peace and Security Architecture has so far registered some degree of progress. The Panel has been very vocal on the situation in Somalia, Sudan, Guinea, Mali and Guinea Bissau, to mention a few. And has set for itself three thematic areas to focus attention on. These areas are: Election Related Conflicts; Non-Impunity, Justice and National

Reconciliation and Women and Children in Armed Conflicts in Africa. It is hoped that by focusing on these thematic areas, the PW 'would contribute to providing clarity, and hopefully, some form of consensus'<sup>27</sup> for the Continent as a whole.

Despite this progress, one challenge the PW faces is mainly as a result of how members are appointed. 'The fact that the appointment of members of the Panel has to go through the political organs of the AU raises questions about its potential politicization.'<sup>28</sup>This is of particular importance, as Members of the Panel are to be apolitical in the discharge of their responsibilities. Another challenge of the Panel is the fact that it is not provided for financially by the AU since it does not appear in the AU structure. The PW is supported mainly through partners, and so has its Secretariat since its inception. This is not sustainable, since such an important organ of the APSA cannot continue to be funded by donors. Members of the Panel are also not available to the AU for deployment on regular basis since they have other commitments that often take them away from the AU. The PW also function with very skeletal staff which is inadequate for its 'ambitious mandate.'

#### **4.4 The Continental Early Warning System (CEWS)**

In order to prevent the PSC from becoming reactive in its peace-making initiatives, the PSC Protocol added an early-warning and preventive institution to the AU's policy tool box. The Early Warning System consists of an observation and monitoring Centre, often referred to as "The Situation Room." This is located at the Conflict Management Directorate of the AU, and is responsible for data collection and analysis on the basis of an appropriate early warning indicators module. The 'module is based on political, economic, social, military and

humanitarian indicators'<sup>29</sup> on the continent. Further, 'beyond the implied investment in software and data processing, the module would somehow have to quantify what standard deviation from the norm would trigger reports to the PSC.'<sup>30</sup>This Situation Room has components in all the sub-regions for the purposes of monitoring and observation. The sub-regional Early Warning Systems collect and process data at their respective levels and transmit the same to the continental Situation Room.<sup>31</sup>

The Commission further collaborates with other Organisations and Agencies like the United Nations and its agencies, other relevant international organizations, research centres, academic institutions and NGOs, to facilitate the effective functioning of the Early Warning System.<sup>32</sup>An Early Warning System module has been developed by the CEWS, based on clearly defined and accepted political, economic, social, military and humanitarian indicators, which is used to analyze developments within the continent and to recommend the best course of action. The Chairperson of the Commission uses the information gathered through the Early Warning System timeously to advise the Peace and Security Council on potential conflicts and threats to peace and security in Africa and recommend the best course of action. The information gathered further guides the African Standby Force in their deployments.<sup>33</sup>

#### **4.4.1 Progress and Challenges of the CEWS**

The Continental Early-Warning System is still work in progress. Progress has so far been achieved in the 'provision of up-to-date information on potential, actual and post-conflict situations.'<sup>34</sup> The infrastructure for the Situation Room has also been upgraded to include live monitoring software in the offices of the AUC Chairperson, his Deputy, the Commissioner for

Peace and the Director for Peace and Security. The AU's Situation Room also 'provides continent-wide coverage of conflict dynamics twenty-four/seven as well as produce a range of reporting mechanisms, including daily news summaries and more substantial updates.'<sup>35</sup>

The CEWS, however, faces some challenges. The primary challenge relates to the gathering of information from open sources. This is due to the fact that the AU does not have political representation within embassies of its Member States and therefore cannot gather real-time information and intelligence. 'Good governance and conflict prevention are two sides of the same coin.'<sup>36</sup> Most African governments, 'due to their abuse of power and the transgression of human rights, bad governance and the circumvention of democracy'<sup>37</sup>are unwilling to allow people considered to be outsiders (AU officials) within their embassies for information gathering. The AU in the future will have to employ more political liaison officers to work with the various embassies and member states in turn must be willing to welcome AU officials in their embassies. Access to real-time intelligence at the national and supranational levels is critical to the work of the CEWS and must be addressed with haste. Member States have often on the basis of the protection of sovereignty, prevented critical information from reaching the CEWS for upward transmission. Members have also on occasion actually requested the AU not to report on issues that affected them. These bottlenecks need to be addressed if the CEWS is to serve the purpose for which it has been established.

Another challenge that faces the CEWS is the inter-operability between the AUC – CEWS and the RECS. The RECs are currently at different levels of development and implementation and also use varying methodologies in the collating and dissemination of information. There is the

need to streamline the processes within the sub-regions and the AUC in order to improve the channels for information sharing. The AUC – CEWS and those of the RECs further need more analysts with better training to man the operations in the various Early Warning Centres. The PSC must finally allow the information transmitted through the various Early Warning Centres and that of the AUC to inform decisions made at the PSC. From the above discussions, it is obvious, however, that the greatest challenge to the realization of the early warning system in Africa is political, rather than technical or even financial.

#### **4.5 The African Standby Force**

In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention in the light of article 4 (h) and (j) of the Constitutive Act, an African Standby Force is to be established by the PSC Protocol. The Force is composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice. For that purpose, the Member States are to take steps to establish standby contingents for participation in peace support missions decided on by the Peace and Security Council or in interventions authorized by the Assembly.<sup>38</sup> The strength, type and degree of readiness of the contingents, as well as their general location is to be determined in accordance with established African Union Peace Support Standard Operating Procedures (SOPs).<sup>39</sup> The SOPs are subject to periodic reviews depending on the prevailing crisis and conflict situations on the continent.

The functions of the African Standby Force include, among others:

*‘Observation and monitoring missions; other types of peace support missions; intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to*

*restore peace and security, in accordance with Article 4(h) and of the Constitutive Act; preventive deployment in order to prevent: (a dispute or a conflict from escalating, an on-going violent conflict from spreading to neighbouring areas or States, and the resurgence of violence after parties to a conflict have reached an agreement); peace-building, including post-conflict disarmament and demobilization; humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address major natural disasters; and any other functions as may be mandated by the Peace and Security Council or the Assembly.*<sup>40</sup>

In the performance of these functions, the ASF will work in cooperation with the United Nations and its Agencies, relevant international and regional organizations, national authorities and Non-Governmental Organisations where appropriate. The PSC is to consider and approve the detailed tasks and modus operandi for each authorized mission of the ASF upon recommendation of the Commission. For each operation undertaken by the ASF, the Chairperson of the Commission shall appoint a Special Representative and a Force Commander, whose detailed roles and functions will be spelt out in accordance with the Peace Support Standing.

As already mentioned, the ASF is to function on three different levels: the continental, sub-regional and national levels. The continental levels refers to the AUC and its planning elements; the sub-regional refers to the five brigades that is to be readied and stationed in the various sub-regions for deployment and the national refers to troop contributing countries.

**Table 4.1: The ASF Regional Membership**

<i>Central (FOMAC)</i>	<i>Southern (SADCBRIG)</i>	<i>Eastern (EASBRIG)</i>	<i>Northern (NASBRIG)</i>	<i>Western (ESF)</i>
Angola		Sudan	Western Sahara	Mali
Democratic Republic of Congo		Ethiopia	Mauritania	Cape Verde
São Tome And Príncipe	Malawi	Eritrea	Algeria	Senegal
Equatorial Guinea	Zambia	Djibouti	Tunisia	Gambia
Cameroon	Zimbabwe	Somalia	Libya	Guinea-Bissau
Central African Republic	Namibia	Kenya	Egypt	Guinea
Gabon	Swaziland	Uganda		Sierra Leone
Chad	Lesotho	Rwanda		Liberia
Congo (Brazzaville)	Botswana	Burundi		Ivory Coast
	South Africa	Comoros		Ghana
	Mozambique			Togo
	Madagascar			Nigeria
	Mauritius			Benin
	Tanzania			Niger
				Burkina Faso

Source: AU, Progress Report on the Status of the Operationalization of the African Standby Force. 2010, <http://www.acoc-africa.org/docs/Dec2010ProgRepASF.pdf>. Assessed March 21, 2013.

#### 4.5.1 Scenarios and Timelines for Deployment

The following scenarios and timelines are to be followed by the ASF for its deployment. These deployments range from military observation missions, to full blown military interventions. The following table clearly spells out the scenarios and timelines.

**Table 4.2**

Scenario	Description	Deployment Requirement (from mandate solution)
1	AU/Regional observer advice to a political mission.	30 Days
2	AU/Regional observer mission co-deployed with UN Mission.	30 Days
3	Stand-alone AU/Regional observer mission.	30 Days
4	AU Peacekeeping force for Chapter VI and preventive Deployment Mission and Peace Building.	30 Days
5	AU Peacekeeping Force for complex multidimensional Peacekeeping Missions including those involving low level spoilers.	90 Days with the military component being able to deploy in 30 days.
6	AU Intervention. E.g. in genocide situations where the international community does not act promptly.	14 days with robust military force.

**Source:** AU, *Progress Report on the Status of the Operationalization of the African Standby Force, 2010*, <http://www.acoc-africa.org/docs/Dec2010ProgRepASF.pdf>. Assessed March 21, 2013.

#### 4.5.2 Military Staff Committee

The PSC Protocol also establishes a Military Staff Committee (MSC) to advise and assist the Peace and Security Council in all questions relating to military and security requirements for the promotion and maintenance of peace and security in Africa.<sup>41</sup> The MSC is composed of Senior Military Officers of the Members of the Peace and Security Council. Any Member State not represented on the Military Staff Committee may be invited by the Committee to participate in its deliberations when it is so required for the efficient discharge of the Committee's responsibilities. The Military Staff Committee is to meet as often as required to deliberate on matters referred to it by the Peace and Security Council.

The MSC 'may also meet at the level of the Chief of Defence Staff of the Members of the Peace and Security Council to discuss questions relating to the military and security requirements for

the promotion and maintenance of peace and security in Africa.<sup>42</sup> Recommendations are to be submitted to the Chairperson of the Commission by the Chiefs of Defence Staff on how to enhance Africa's peace support capacities.

### 4.5.3 Progress and Challenges of the ASF

The ASF has seen some progress towards its full operationalization. The framework documents for the AU and all the regional brigades have been completed but for the various components of the ASF, some regions have made more progress than others.

**Table 4.3 depicts the overall status of readiness of the ASF in the various regions:**

	Benchmarks	AU	ECOWAS	SADC	EASF	NARC	ECCAS
(a)	(b)						
1	Framework documents	☐	☐	☐	☐	☐	☐
2	MOU	☐	In Process	☐	☐	X	X
3	PLANELM	☐	☐	☐	☐	☐	☐
4	Bde HQ	PSOD	☐	X	☐	☐	X
5	Pledged Units	NA	☐	☐	☐	☐	☐
6	Log Depots	X	X	X	X	X	X
7	Centre of Excellence	X	☐	☐	☐	☐	☐
8	Bde Operational	NA	X	X	X	X	X
9	Civilian Components	In Process	In Process	In Process	In Process	In Process	In process
10	Police Components	☐	☐	☐	☐	☐	☐

**Source: African Union Peace and Security Council. ✓ means the said regional bloc has completed the Processes under benchmarks. × Means the process have not been put in place. NA means not applicable.**

From the table above, it is obvious that the various regions are at different stages of readiness. While the framework documents for the establishment of the ASF, Centres of Excellence, the Planning Elements (PLANELM) and the police components have all been completed by the regional blocs, the log depots, Brigade headquarters, the civilian component of the ASF and the MOU have not been completed by any of the regions, making it impossible to achieve the 2010 deadline for the full operationalization of the ASF. The new deadline set by the African Union is 2015. An interesting finding from the table is the civilian and police components, which are still not completed in all the five regions. These two components are essential if Africa will be able to effectively launched peacekeeping and peace-building operations.

The challenges facing the ASF are technical and political in nature. The ASF is a military venture and thus require high levels of cooperation among Africa countries, which is currently lacking. Cooperation is necessary for the rapid deployment of troops when the need arises. This is further compounded by a lack of resources, which is also squarely laid at the feet of Africa's political leaders. They have been unwilling to contribute extensive financial resources for the operations of the ASF.

The technical issues confronting the ASF result from the multidimensional nature of the Force. It is supposed to incorporate troops from 53 different African States with different languages, military doctrines, operational tactics and technical know-how. This creates problems of interoperability since these varying systems and doctrines must be rationalized in order for the ASF to work properly. Again, 'the ASF lacks operational-level command and control because there is no mechanism between the AUPSD and the ASF brigades.'<sup>43</sup> Further to this is the

question of logistics. The AU depends mainly on donors due to its lack of internally generated funds. This dependence on external funding renders the AU unable to appropriately equip the ASF to go into combat or for airlifting troops to the ‘remote theatres of operation.’

The Military Staffs Committee has so far been ineffective in the discharge of its responsibilities due to member states reluctance to send the required military officers as delegates to the Committee. Some countries have sent civilians in the place of officers, rendering the Committee ineffective. The Committee does not also meet as frequently as is required and if the PSC in future is to order interventions like they did in Sudan and Somalia, then it will have to ensure that clear working methods and regular meetings are held by the MSC.

## **4.6 The Peace Fund**

Article 21 of the PSC Protocol established a special fund called the ‘peace fund,’ to provide the necessary financial resources for peace support missions and other operational activities related to peace and security in Africa. The Peace Fund is made up of financial appropriations from the regular budget of the AU, as well as voluntary contributions from Member States and from other sources outside and within Africa, including partners, the private sector, civil society and individuals, as well as through appropriate fund raising activities.

### **4.6.1 Progress and Challenges of the Fund**

The African Union has promoted a series of initiatives to resolve constraints the Union faces in terms of funding but despite these efforts, the Organization has failed to secure a sustainable, predictable and flexible financing for its conflict management activities. African nations who

contribute troops to peacekeeping initiative fund the initial deployment of their troops for the first three months. The African Union is to reimburse these countries within six months of the deployment and take over the financial burden from the troop contributing countries. The AU has thus far failed to live up to its expectations. To correct this challenge, the AU at the Tripoli Summit in 2009 increased the percentage of the regular budget transferred to the Peace Fund from 6 to 12 percent. This increment is still not enough for the deployment and sustenance of peace operations on the continent.

#### **4.6.2 Role of Partners in the APSA**

The African Union works in conjunction with numerous partners in the quest for peace and security in Africa. In order to fully operationalize its programmes in peace and security, partners like the Regional Economic Communities (RECs), the international community like the European Union, the World Bank and the G8; the United Nations and other important groups like Civil Society must work hand in hand in other to build a robust peace and security architecture.

#### **4.6.3 The Regional Economic Communities (RECs)**

The African Union considers the RECs to be essential in the implementation and execution of the African Peace and Security Architecture and its programs. The AU, in cooperating with the RECs, hopes to profit from the “regions comparative advantage in military and security matters, but also from the experience with peace operations in the case of Western, Eastern and Southern Africa.”<sup>44</sup> The AU and the RECs in 2007, signed a Memorandum of Understanding, which defines the relations between them in the area of peace and security. Included in the objectives

of this agreement were the need for RECs to contribute to the full operationalization of the Africa peace and Security Architecture; the need to ensure regular information exchange on the activities of the parties to the agreement and to design ways in which peace and security-related activities can be implemented. The RECs were also to contribute and regularly review their contribution to the major components of the APSA.<sup>45</sup>

This memorandum ensures that “the primary responsibility for peace and security remains squarely with the RECs, while the AU serves as an authoritative clearinghouse and framework for all initiatives.”<sup>46</sup> Under the agreement also, each sub-regional organization is to set up APSA structures, which will then work hand in hand with the structures at the AU level. The cooperation of the RECs in the operationalization of the APSA is crucial since implementation of decisions on peace and security greatly depends on them. This calls for deep cooperation and collaboration between the AU and the RECs. There is, however, a feeling among the leadership of the AU that the RECs are not always committed to the programs of the AU.<sup>47</sup> The call for the harmonization of programs between the RECs and the AU is therefore an important one. Without the cooperation of the RECs, aspects of the APSA, such as the Continental Early Warning Systems will be weakened severely; the African Standby Forces will be non-existent and the Panel of the Wise will also be ineffective since they depend greatly on support from the RECs in their mediation efforts. It is, for instance, impossible to envision the AU deploying the first batch of ASF in 2014 as scheduled, without the cooperation of the RECs.

It is, however, worthy of note that significant progress has been made by some of the RECs in the bid to get the ASF and CEWS operational. Eastern, Western and Southern Africa, per the

roadmaps provided by the AU have only their log depots and their brigades to assemble to complete the first and second phases of the roadmaps. Their ASF has been declared by the AU to be at an initial operating capacity<sup>48</sup> although the African Union has now moved the date for the full operationalization of the ASF from 2010 to 2015. Kimathi observes that “whiles horizontal coordination is envisaged, especially among the regional organisations, there appears to be very little, if any, among the APSA structures.”<sup>49</sup> The AU, therefore, must provide strategic leadership to the regional organisations in order for them to attain the level of institutionalization required for the successful implementation of the APSA.

For the APSA to be successfully operationalized, the AU deemed it necessary to attempt at harmonizing the RECs and put them under five groupings based on their geographical location. The five groupings are West, East, Southern, Eastern and Central Africa. These five regions, Vines observe, do not “correspond directly with the existing eight RECs, ”<sup>50</sup> and has therefore created dual membership for some states in some regional organisations. For example:

East Africa has a Common Market for East and Southern Africa (COMESA) and the East African Community (EAC); neither organisation has a security element or a corresponding regional membership. Responsibility for coordinating the East Africa Brigade (EASBRIG), drawn from Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Rwanda, Sudan, Seychelles and Uganda, was given to the intergovernmental Authority on Development (IGAD); but Seychelles, Madagascar and Rwanda are not members of IGAD, so a new EASBRIG mechanism has had to be established.<sup>51</sup>

Although this does not completely hinder the APSA in the regions, it makes it harder for the establishment of the peace and security mechanisms in the regions that do not already have such mechanisms in place.

#### **4.6.4 The European Union and the G8**

Although external multilateral and bilateral funding comes from many sources like India and China, this study singles out only two of the sources: the European Union (EU) and the G8,

since they provide the most significant support for the APSA. The EU, through its frameworks, the Africa Peace Facility (APF) established in 2004 and the African Strategy of 2005, committed to support the development of the APSA by recognizing the central role of peace and security in the achievement of development goals.<sup>52</sup> The APF was established in 2004 as a response to the request by African leaders at the Maputo Summit of 2003 for such an initiative.

The fund initially disbursed a grant of Euro 250 million for the support of peace, security and development.<sup>53</sup> This amount was intended for a period of three years, and as a short-term measure, was to end in 2007. The EU, however, renewed the grant till 2010 and disbursed a further Euro 300 million. The end of this second phase was followed by extensive consultations with all key stakeholders, leading to the replenishing of the APF by an additional envelope of EUR 300 million in August 2011 and a detailed action plan for 2011-2013 adopted.<sup>54</sup> EU support for the APSA has greatly aided the operational aspects by providing funding for the AU in its quest for peace and security.

The G8 on the other hand adopted an African Action Plan in 2002 and committed to “provide technical and financial assistance to Africa so that, by 2010, African countries and regional and sub-regional organisations are able to engage more effectively to prevent and resolve violent conflict on the continent, and undertake peace support operations in accordance with the United Nations Charter.”<sup>55</sup> Several Action Plans followed the 2002 Plan culminating in the pledge to train and equip, where appropriate, a total of 75,000 troops for peace support operations worldwide but focusing on Africa. Collectively, the G8 countries have trained approximately 130,000 peacekeepers worldwide, twice the number pledged at the Sea Island Summit in

2002.<sup>56</sup>The G8 further agreed in 2007, at the Heiligendamm Summit, to help strengthen the civilian components of the African Standby Force, especially its police capacities.<sup>57</sup> Training of African personnel in peacekeeping has also taken place in all the Peacekeeping Training Centres in Africa, including the Kofi Annan International Peacekeeping and Training Centre in Ghana, under the funding of the G8.<sup>58</sup> Individual members of the G8 have also helped variously to build different aspects of the APSA, especially the ASF component.

#### **4.6.5 The United Nations Support to the APSA**

The United Nations has the primary responsibility to maintain peace and security in the world and has therefore supported African Peace and Security endeavours variously. It became clear to the UN, as the Cold War drew to a close, that Africa would become the focus of significant new peacekeeping requirements.<sup>59</sup> The “UN took the lead and major peacekeeping operations were established in Angola and Mozambique and then subsequently in Somalia and Rwanda.”<sup>60</sup> The UN’s commitment to these conflicts in Africa was, however, deemed “patchy” by many in Africa and the OAU leadership. The Kofi Annan High-Level Panel on Threats, Challenges and Change in December 2004, after meeting with the AU leaders in Addis Ababa, recommended the commitment of donor countries “to a ten-year process of sustained capacity-building support, within the AU strategic framework.”<sup>61</sup> The Secretary-General further stressed the strategic importance, for UN’s own peace and security efforts, of establishing an interlocking system of peacekeeping capacities in Africa in his report “In Larger Freedom.” World leaders endorsed the Ten-Year Plan at the World Summit in 2005.

This led to the signing of a joint Declaration (A/61/630) in 2006, between the AU and the UN on the “enhancement of the UN-AU cooperation, known as the Ten-Year Capacity Building Programme for the AU.”<sup>62</sup>The areas to be covered under this joint strategic framework between the UN, AU and other Regional Economic Communities were: “institution-building; human resources development and financial management; human rights; political, legal and electoral matters; social, economic, cultural and human development; food security; environmental protection; and not least, peace and security.”<sup>63</sup> The implementation of the Ten-Year Plan led to the establishment of the AU Peacekeeping Support Team, within the Department of Peacekeeping Operations at the AU Commission, which began operations in January 2007. The Team, among its duties, was to provide expertise and transfer of technical knowledge to the AU Peace Support Operations Division.<sup>64</sup>

The United Nations, since the inception of the APSA, has contributed variously, in terms of personnel, financial and equipment support, to many peacekeeping efforts in Africa. Mention can be made of Liberia 2003; Côte d’Ivoire 2004; Burundi 2004; and Darfur 2004-2007. The UN has also ordered an African-led intervention in the crises in Mali, backing an initial intervention by France to push back Islamist forces from advancing on the South, and possibly Bamako, which is deemed a threat to the entire sub-region. The UN has thus partnered the AU in her quest for peace and security, as it did the OAU, but has not always been appreciated as a result of its failure to act effectively in some of the most challenging security situations on the continent.

## **4.7 Conclusion**

The African Union, through its APSA, has developed a holistic institutional setup for the management of peace and security in Africa. Structures like the Continental Early Warning System, the Panel of the Wise, the African Standby Force and the Peace Fund provide a useful framework by which the AU can launch interventions either through prevention, mediation and peacekeeping. How these structures have been employed in the management of conflicts in Africa from 2002 to 2012 and the challenges facing the APSA are analysed in the chapter that follows.

## Endnotes

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- <sup>1</sup>Tavares, Rodrigo.(2009). *Regional security: the capacity of international organization*, London: Routledge, p. 22.
- <sup>2</sup> Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Durban, South Africa, 9 July 2002.
- <sup>3</sup> Kimathi, Leah. (2011). Interrogating Regional Security Arrangements in Africa: The Case of the African Peace and Security Architecture (APSA), *CODESRIA* , Rabat, Morocco, p. 3.
- <sup>4</sup> Moving African forward: African Peace and Security Architecture (APSA). 2010 Assessment Study. Accessed from [au.org/root/au](http://au.org/root/au)
- <sup>5</sup> African Union Constitutive Act of 2000, Article 3 (f).
- <sup>6</sup> Tavares, Rodrigo. (2009). op. cit., p. 22.
- <sup>7</sup> *ibid.*
- <sup>8</sup> PSC Protocol. op. cit., Article 3.
- <sup>9</sup> *ibid* Article 3.
- <sup>10</sup> *ibid* Article 7 (1) (a), (c), and (d).
- <sup>11</sup> Moving Africa forward, op. cit., p. 26.
- <sup>12</sup> *ibid.*
- <sup>13</sup> Interview, official at the PSC of the African Union (12 June 2011). Anonymity required.
- <sup>14</sup> *ibid.*, p. 27.
- <sup>15</sup> PSC Protocol, Article 8(9).
- <sup>16</sup> Moving Africa forward., op. cit., p. 29.
- <sup>17</sup> *ibid.*, p. 26.
- <sup>18</sup> PSC Protocol, Article 11. op. cit.,
- <sup>19</sup> African Union, Modalities for the Functioning of the Panel of the Wise, Section X (1) and (2).
- <sup>20</sup> *ibid*, Section II (1).
- <sup>21</sup> PSC Protocol. op. cit.,
- <sup>22</sup> AU Modalities for the Functioning of the Panel of the Wise, Section II (2) op. cit.,
- <sup>23</sup> *ibid*, Section VII (1).
- <sup>24</sup> *ibid*, Section V (1).
- <sup>25</sup> *ibid.*
- <sup>26</sup> *ibid.*, p. 55.
- <sup>27</sup> *ibid.*, p. 56
- <sup>28</sup> *ibid.*
- <sup>29</sup> Cilliers, J. & Sturman, K. (2002). The right intervention: enforcement challenges for the African union, *African Security Review*, Vo. 11, No. 3, p. 101.
- <sup>30</sup> *ibid.*
- <sup>31</sup> *ibid.*
- <sup>32</sup> PSC Protocol, Article 8 (9)
- <sup>33</sup> *ibid.*
- <sup>34</sup> *ibid.*, p. 32.
- <sup>35</sup> Williams, Paul D. (2011) *The African Union's Conflict Management Capabilities*. Washington, DC: Council on Foreign Relations, p. 12.
- <sup>36</sup> Cilliers, J. & Struman, K. op. cit. p. 101
- <sup>37</sup> *ibid.*
- <sup>38</sup> *ibid* Article 13 (1) and (2).
- <sup>39</sup> *ibid.*
- <sup>40</sup> *ibid.* (3)
- <sup>41</sup> *ibid.* (8-12).
- <sup>42</sup> *ibid.*
- <sup>43</sup> *Declaration of the ministerial meeting of the peace and security council on the state of peace and Security in Africa*, AU Document, PSC/MIN/BR.1 (CCLXXV), April 26 2011, paragraph 8.
- <sup>44</sup> Kimathi, Leah. (2011). interrogating regional security arrangements: the case of the African peace and security Architecture (APSA). Morocco: *CODESRIA*, p. 8.
- <sup>45</sup> African Union (2007) *Memorandum of Understanding on the Cooperation in the Area of Peace and Security*

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*between the African Union, the Regional Economic Communities and the Coordinating Mechanism of the Regional Standby Brigades of Eastern Africa and Northern Africa.* Addis Ababa.

<sup>46</sup> Kimathi, Leah (2011). op. cit.

<sup>47</sup> Interviews with AU officials, Addis Ababa, February 2011.

<sup>48</sup> *ibid.*

<sup>49</sup> Kimathi, Leah (2011), op. cit., p. 9.

<sup>50</sup> Vines, Alex. (2013). A decade of African peace and security architecture. *International Affairs*, Vol 89 No. 1, p. 101.

<sup>51</sup> *ibid.*

<sup>52</sup> Middleton, R., (2008) The EU and the African Peace and Security Architecture. [www.chathamhouse.org.uk/publications/papers/views/-/id/625/](http://www.chathamhouse.org.uk/publications/papers/views/-/id/625/) Accessed December 28 2012.

<sup>53</sup> Kimathi, Leah (2011). op. cit., p. 9.

<sup>54</sup> Annual Report 2011: African Peace Fund. [http://ec.europa.eu/europeaid/where/acp/regionalcooperation/peace/documents/2011\\_annual\\_report\\_on\\_the\\_african\\_peace\\_facility\\_en.pdf](http://ec.europa.eu/europeaid/where/acp/regionalcooperation/peace/documents/2011_annual_report_on_the_african_peace_facility_en.pdf). Accessed March 27 2012.

<sup>55</sup> OECD (2008) *Focus Issue 11: Peace and Security*. [www.oecd.org/dataoecd/27/13/42338420.pdf](http://www.oecd.org/dataoecd/27/13/42338420.pdf) . Accessed 27 March 2013.

<sup>56</sup> [http://canadainternational.gc.ca/g8/assets/pdfs/mar\\_annex58.pdf](http://canadainternational.gc.ca/g8/assets/pdfs/mar_annex58.pdf) Accessed 27 March 2013.

<sup>57</sup> Hubbard, B., (2008) The 2008 G8 Summit: Outcomes for Africa. [www.g8summit.go.jp/eng/doc/index.html](http://www.g8summit.go.jp/eng/doc/index.html) Accessed 12 February 2013.

<sup>58</sup> *ibid.*

<sup>59</sup> “Working Together for Peace and Security in Africa: The Security Council and the AU Peace and Security Council.” (Special Research Report No. 2). <http://www.securitycouncilreport.org/special-research-report/lookup-c-g1KWLeMTIsG-b-6769467.php?print=true> Accessed 27 March 2013.

<sup>60</sup> *ibid.*

<sup>61</sup> *ibid.*

<sup>62</sup> *ibid.*

<sup>63</sup> *ibid.*

<sup>64</sup> *ibid.*

## CHAPTER FIVE

### OVERVIEW OF THE AU'S INVOLVEMENT IN PEACE OPERATIONS IN AFRICA: 2002 – 2012

#### 5.0 Introduction

The Organisation of African Unity, dabbled in the management of conflicts by supporting some peacekeeping forces in Chad in the 1980s as well as conducting a number of small observer missions but was not “well suited for conducting peace operations”<sup>1</sup> in Africa. This was due to the fact that the OAU had in its founding documents, a clause of non-interference in the internal affairs of member states. The Organisation was, therefore, constrained in the extent to which to could interfere in conflicts. The creation of the AU in 2002 has significantly changed the outlook on peace and security in Africa. The establishment of the AU Peace and Security Council in 2003 is deemed the single most important development in relation to peace and security. Since 2004, the PSC has “acted as the fulcrum for the continent’s conflict management activities.”<sup>2</sup> The AU has further targeted the year 2015 for the development of an African Standby Force, whose mandate will include a wide range of military tasks, from observation to interventions.

Despite the fact that the AU Peace and Security Architecture (APSA), is not fully operational, the Union has succeeded in deploying six peace operations between 2003 and 2012: (Comoros (3), Sudan, Burundi and Somalia). The Organisation has also sent out Observer Missions to these same countries, has conducted shuttle diplomacy and mediation in Libya, Kenya, and Zimbabwe and condemned unconstitutional changes of government by applying sanctions where necessary. Despite this wide range of activities in the quest for peace and security, the

AU has been criticized for its failure to intervene decisively in the cases of Cote D'Ivoire and Libya. This chapter provides an overview of the AU's peace and security operations in Burundi, Comoros, Somalia, Sudan, Cote D'Ivoire, Togo, Mauritania, Guinea, Madagascar, Niger, Kenya and Libya from 2002 to 2012. This overview, which takes into consideration the historical and political dynamics of the selected countries, will assist tremendously in appreciating the realities of the AU's varied interventions in Africa.

## **5.1 Burundi (2002-2004)**

### **5.1.1 Historical Context**

Burundi is a country of 27, 834 square kilometres and has a population of about 10, 557 million.<sup>3</sup> Women account for 52 per cent of the population while the youth account for 33 per cent. In terms of ethnicity, 83 per cent are Hutus, 16 per cent Tutsis, and 1 per cent Twas. The official languages of Burundi are Kirundi and French.<sup>4</sup> The people of Burundi are believed to have migrated from the Nigerian-Cameroon border between the first and the fourth centuries of the modern era. The Hutus were cultivators; the Tutsis cattle raisers and the Twa were gatherers and hunters.<sup>5</sup> The colonial rule of Germany and Belgium built on the feudal systems that had emerged among the people prior to their rule became "coherent governance mechanisms and used them to govern Burundi."<sup>6</sup> The colonial structure, however, favoured the Tutsis who were the minority and who were perceived to possess superior bodily traits to the rest of the population. The Tutsis later controlled political power as a result of the established colonial hierarchical social structure. The Tutsis also had access to European-style schools and gained access to economic opportunities.<sup>7</sup>

### **5.1.2 Burundi after Independence**

Burundi gained independence in 1962 under monarchical rule but became a Republic in 1966 when Captain Micombero overthrew the monarchy in a coup and declared the country a republic. Lt. Colonel Jean-Baptiste Bagaza overthrew him in 1976 and Pierre Buyoya in turn overthrew Jean-Baptiste in 1987.<sup>8</sup> Buyoya by 1993 had liberalized the political system in Burundi and called for elections, which saw Melchoir Ndadaye elected as president. Ndadaye invited the opposition to join his government as well as appointing a Tutsi, Sylvie Kinigi as Prime Minister.<sup>9</sup> The government of Ndadaye was overthrown in October 1993 by a group of Tutsi officers who “feared that Hutu majority power would undermine their dominant position in society.”<sup>10</sup> The coup makers completely eliminated those who could succeed Ndadaye, leaving a political vacuum that led to the outbreak of chaos and civil war in Burundi.

Between 1993 and 2000, the OAU mediated in the crisis that ensued both formally and informally but encountered many challenges, chief among which was access to information and intelligence, that led to the Organisation’s inability to eventually end the violence and restore constitutional rule in Burundi. The OAU, however, succeeded in getting the various parties to the conflict to sign the Arusha Agreement for Peace and Reconciliation for Burundi.<sup>11</sup> Protocol V of the Agreement encouraged all parties to the peace process to ask for an international peacekeeping force. The United Nations Security Council, in the absence of a comprehensive ceasefire agreement, however, refused the authorization of a peacekeeping force in Burundi in 2001. As an interim measure, President Mandela of South Africa, who led the facilitation team that brokered the Arusha Agreement, deployed a peacekeeping force of 305 persons with the collaboration of the OAU. The South African Protection Detachment (SAPSD), as the force was

known, was mandated to “protect the political leaders, mainly Hutus, returning from exile to participate in the peace process.”<sup>12</sup> This was the last role played by the OAU in the conflict in Burundi as the AU replaced it in May of 2002.

### **5.1.3 The African Union Mission to Burundi (2002 – 2004)**

The aim of the Arusha Agreement was to help the main actors in the Burundi crisis share power. The Agreement thus encouraged the alternation of power between the two contesting parties, the Party of National Union and Progress (UPRONA) and the Democratic Front of Burundi (FRODEBU).<sup>13</sup> The Agreement instituted a transitional period of three years, which was later extended to four years, during which period the National Assembly was to be split on a 60 per cent Hutu and 40 per cent Tutsi basis. The Senate was, however, to be split on a fifty-fifty basis between the two parties. The creation of the AU in 2001, rekindled the desire of the facilitation team, now led by Jacob Zuma of South Africa, to encourage and negotiate a ceasefire agreement between the rebel forces and the Transitional National Government of Burundi (TGoB).

The major rebel group, the Forces for the Defence of Democracy (FDD), which was a breakaway faction from the Conseil National Pour La Defence de la Democracy (CNDD), refused to join the peace process. In the bid to convince the CNDD-FDD to join the peace process, the facilitation team compelled the smaller rebel groups to sign the ceasefire agreement and thereby participate in the political process. This, the facilitation team had hoped would pressurize the CNDD-FDD, led by Jean- Pierre Nkurunziza, to come to the negotiating table for fear of being left out of the political process.<sup>14</sup> The smaller rebel groups signed the ceasefire

agreement in October 2002 and in December of the same year; Nkurunziza's rebel group signed the ceasefire agreement with the Transitional National Government of Burundi.

The ceasefire agreement made provision for an African Mission to ensure "verification and control of the ceasefire agreement".<sup>15</sup> In January 2003, a Memorandum of Understanding was signed between the TGoB and the rebel factions which was witnessed by the AU, with the special mandate to ensure the implementation of the ceasefire agreement. "The special responsibility granted the AU, and the UNSC's unwillingness to mandate a peacekeeping force, spurred the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution to mandate the deployment of an African peacekeeping force."<sup>16</sup> The AU deployed its forces in Burundi in April 2003 for a year, pending the deployment of UN forces.

#### **5.1.4 Mandate of the AU Force in Burundi**

The African Union Mission to Burundi (AMIB), was authorized to comprise about 3500 troops from Burundi, Mozambique and South Africa with the mandate to oversee "the implementation of the ceasefire agreements, supporting disarmament and demobilization initiatives, advising on the re-integration of ex-combatants, creating the conditions for the establishment of a UN peacekeeping operation, and contributing to the political and economic stability of Burundi."<sup>17</sup> South Africa deployed an initial force of 900 due to delays in deploying the AU forces as a result of logistical and political difficulties. The South African troops were later integrated into the AMIB with South African taking the lead role by contributing a total of 1700 troops with military and civilian elements. AMIB's military strength, as of May 2004, stood at 2,989,

comprising of the 1700 troops from South Africa, 942 troops from Ethiopia and 228 from Mozambique.<sup>18</sup>

The AMIB faced a number of challenges, which are political, military and financial in nature. The AU's handling of the crisis in Burundi and the challenges faced are analysed in the next chapter.

## **5.2 The Comoros**

### **5.2.1 Historical Context**

Comoros is a federation of island states, comprising Anjouan, Moheli and the Grande Comore.

The Grande Comore hosts the seat of the central government and the Union of the Comoros has a population of 737, 284 as at July 2012.<sup>19</sup> The Union is multi-ethnic and composed of the Antalote, Cafre, Makoa, Oimatsahi and the Sakalava ethnic groups. The people of the Comoros are believed to be of African, Indian, Middle Eastern and Asian origins and are predominately Muslim (98%).<sup>20</sup> The British Broadcasting Cooperation (BBC) had reported that since it gained independence from France in 1975, the Island country has experienced over twenty (20) military coups and mercenary interventions.<sup>21</sup>

The three Islands that form the Union voted for independence from France in a referendum in 1975, after which Ahmed Abdallah became the first president of the country. A senior AU official notes that a fourth island, Mayotte, voted to remain under French rule but the Union of Comoros has claimed sovereignty over Mayotte on several occasions.<sup>22</sup> The Centre for Humanitarian Dialogue has made the observation that “at independence, the Comoros was born handicapped because of the issue of the Mayotte and the French influence.”<sup>23</sup>

### 5.2.2 Post-Independence Phase

The post-independence phase of the history of the Comoros is defined by “a multiplicity of military coups, counter coups, mercenary interventions and outbreaks of secessionist rebellion.”<sup>24</sup> The period between 1975 and 1990 saw four presidents either overthrown or assassinated as a result of the alleged mismanagement of the economy, poor governance and institutions as well as French and mercenary involvement in the internal affairs of the Comoros.<sup>25</sup> The first democratic government in the Comoros was elected in 1990 but this government, headed by President Djohars, was short-lived as it was overthrown in a coup in 1995. Mohamed Taki Karim succeeded Djohars in 1996 and sought to “strengthen control over the Islands as well as reform corrupt state institutions.”<sup>26</sup> His efforts at reformation of the governance institutions spurred further tensions leading to the Island of Anjouan and Moheli claiming secession in 1997. The tensions created as a result of the claims of secession provided fertile grounds for the staging of another coup in April 1999.<sup>27</sup>

Despite the turbulent history of the Union of the Comoros since independence, the OAU, it is observed, became involved only in the 1990s. The OAU’s involvement was prompted by the declaration of secession by the Island of Anjouan in 1997. The Organisation’s involvement came in the form of observer missions, which came to be known as the OAU Mission to the Comoros (OMIC 1-3), occurring between 1992 and 2002.<sup>28</sup> Williams has observed that the OAU attempted through these observer missions, not only to facilitate negotiations between the parties but also simultaneously called for the preservation of the country’s unity.<sup>29</sup> The peace process initiated by the OAU in 1997 led to the signing of the Fomboni Accord in 2001. The Accord resulted in the holding of a referendum that led to a new constitution. Provision was

also made for the Presidency to rotate every four years between the three Island states of the Union and each Island was further granted a greater level of autonomy by the new constitution.<sup>30</sup>

### **5.2.3 The AU Mission for Support of Elections in the Comoros 2006 – 2008**

The Fomboni Accord of 2001 forged a political compromise between the three Island states that formed the Union of the Comoros. The referendum of 2001 led to the formation of a transitional government of national unity that was mandated to create new institutions, hold elections and transfer power to the newly elected government by December 31, 2001.<sup>31</sup> The elections that followed saw Colonel Azali come to power in April 2002 as President of the Union of the Comoros. In Anjouan, Colonel Bacar won the elections as the Executive Legislator (President) but sought to disrupt the implementation of the Fomboni Agreement. He further called for a revision of the Agreement to enable each Island manage their own finance and security matters, which according to the Agreement, was to remain in the domain of the National Assembly. “Encouraged by Bacar, each Island began deciding its own competences rather than allowing the elected National Assembly to do so.”<sup>32</sup>

As the elections drew closer in 2006, there were fears that it would not run smoothly and in the light of this, President Azali requested the assistance of the AU, leading the authorization by the PSC of the AU Mission for Support of the Elections in the Comoros (AMISEC). The AU Mission in the Comoros had the dual objective of supporting the electoral process in 2006 and later ousting from the Island of Anjouan its unconstitutional authorities. AMISEC’s presence ensured a successful election and Ahmed Sambi was elected as President of the Union.<sup>33</sup> In June

2007, the Comoros was once again plunged into violence when the Executive legislator of the Island of Anjouan, Colonel Bacar, tried to hold on to power by organizing illegal election and declaring himself the duly elected leader of Anjouan.<sup>34</sup> The AU responded by imposing sanctions against the regime of President Bacar. The sanctions targeted “the freezing of funds, other financial assets and economic resources owned or controlled by the illegal authorities in Anjouan and all other persons and entities that impede the process of reconciliation and constitute a threat to peace and security in the Comoros.”<sup>35</sup> In response to the AU sanctions against his regime, President Bacar proceeded to impose his own sanctions on the Central Government of Comoros by blocking the government’s access to the ports in Anjouan and thereby preventing goods from reaching the Grande Comore.<sup>36</sup>

In his bid to re-establish the Central Governments’ authority over Anjouan, President Sambi requested the AU’s intervention during the 10<sup>th</sup> AU Summit in Addis Ababa in February 2008. President Samba’s request threw the AU Assembly into three camps: the first camp did not approve of the sanctions imposed by the AU on Anjouan; the second camp supported the sanctions but opposed any form of military intervention in Anjouan; and the third camp supported both the sanctions and the call for intervention.<sup>37</sup> The end of the Summit, however, saw the Assembly voting unanimously in favour of military intervention in Anjouan in the bid to restore democracy to the Islands.<sup>38</sup> The AU invaded Anjouan in March 2008 with a force of 1500 troops. France and the European Union provided for financial and logistical assistance for the AU’s intervention in Anjouan, leading to the successful removal of the regime of Bacar and restoring Anjouan to the administration of the Central Government under President Sambi.

## **5.3 Somalia**

### **5.3.1 Historical Context**

Located on the Horn of Africa, Somalia is a country with a land size of 637, 657 square kilometres.<sup>39</sup> The population of Somalia is estimated to be 7,253,137 as at 2008 but these figures seem to be inaccurate due to the large number of nomads and decades of famine and war.<sup>40</sup> The people of Somalia speak the same language, adhere to the same religion and are from the same ethnic group but divided into five major clans. Britain, Italy and France colonized Somalia. There was British, French, and Italian Somaliland, while Ethiopia controlled the Ogaden region. Somalia gained its independence in 1960. Most scholars cite three reasons for the conflict in Somalia: the colonial legacy, the clan system and economic factors.

### **5.3.2 Somalia after Independence**

In 1969, Mohammed Siad Barre overthrew the government of Muhammad Egal and became President of Somalia. He imposed a military dictatorship opposing “local clan loyalties” which are rather a strong feature of Somali culture.<sup>41</sup> He also tried to reclaim the Ogaden region from Ethiopia in 1977 but Ethiopia, backed by the Soviet Union, recaptured the Ogaden. This resulted in a massive influx of refugees from the Ogaden region into Somalia. The clans, also tired of Siad’s repressive rule, formed guerrilla groups with the aim of toppling his government. Civil war ensued in 1988 and raged on until 1991 when he was overthrown. The faction, controlling the British Somaliland, declared independence as the Republic of Somaliland, leading to further confusion and chaos.<sup>42</sup> The American and European units in the UN force, however, withdrew in March 1994 due to the high level of casualties, leaving behind troops from African countries to manage the volatile situation.<sup>43</sup>

The protracted civil war in Somalia, coupled with severe drought, destroyed agriculture and brought famine to the country in 1992. This led to further insecurity due to the looting of food supplies brought in by international agencies by the militias. The UN, in its bid to arrest the deteriorating conditions in Somalia, ordered an intervention and in 1992, the UN launched Operation Restore Hope in Somalia.<sup>44</sup> The OAU worked in close collaboration with the UN and countries of the region in the search for a peaceful resolution of the crises in Somalia.”<sup>45</sup>

### **5.3.3 The AU Mission in Somalia (2007-Present)**

The AU Mission to Somalia, most writers agree, has been the most perilous of all its peacekeeping efforts since its inception in 2002. The hasty retreat of the American and allied forces from Somalia in 1994 left the international community quite wary of interventions in Africa. “It was not until 2005 when this attitude began to change.”<sup>46</sup> The election of Abdulahi Yusuf as President of Somalia in 2004 led to the formation of a Transitional Federal Government (TFG).<sup>47</sup> In late 2004, Colonel Yusuf visited the AU offices in Addis Ababa and requested the deployment of 20,000 troops in his country to help him consolidate his government.<sup>48</sup> The AU failed to honour this request. Nonetheless the Intergovernmental Authority on Development (IGAD) proposed the deployment of 10, 500 Peace Support Mission to Somalia (IGASOM) in 2005.<sup>49</sup> “The obvious problem of generating such a large number of peacekeepers from among the IGAD states was complicated further by the fact that most of them had their own vested interests in Somalia’s conflict and hence were not regarded as neutral by most Somalis.”<sup>50</sup> The AU through the PSC endorsed the Mission in May 2005 and requested the UNSC to grant an exemption to the arms embargo imposed upon Somalia to facilitate the deployment of the Mission. The PSC further encouraged AU Member states and the UN to

provide IGASOM with the political, financial and logistical support.<sup>51</sup> The AU also declared its intention to later replace IGASOM with its own peace operation. The IGASOM did not, however, materialize due to the lack of interest by member states in providing the needed troops for the Mission.

The UNSC in 2006 adopted Resolution 1725, authorizing the AU and the IGAD to “establish a protection and training mission in Somalia”, with the mandate to “monitor the progress of, and ensure the safe passage of those involved in the political dialogue in Somalia, maintain security in Baidoa; protect members of the TFG and key infrastructure; and train the TFG’s security forces and help re-establish the national security forces of Somalia”.<sup>52</sup> Events, however, took a drastic turn when Ethiopian forces stationed in Baidoa to protect the TFG moved into Mogadishu to oust the de facto government of the Union of Islamic Court (UIC) who had been in control of Mogadishu since 2003 and installed the TFG in Mogadishu.<sup>53</sup>

The installation of the TFG in Mogadishu revived the idea of a peacekeeping force in Somalia within the African Union. The PSC sanctioned such a force in January 2007 “but called on the UN to provide financial and other support for what was now called the African Union Mission in Somalia (AMISOM).<sup>54</sup> The UNSC endorsed the decision of the PSC by passing Resolution 1744. AMISOM was to be comprised of about 8000 troops “supported by maritime coastal and air components, as well as an appropriate civilian component, including a police training team.”<sup>55</sup> The AU hoped that AMISOM would succeed in creating the enabling environment for the UN to deploy its own troops in Somalia.

## **5.4 Sudan**

### **5.4.1 Historical Setting**

Sudan's location within Africa is very important since it shares borders with several countries and so conflict in Sudan affects the entire sub-region. Sudan shares borders with Libya, Kenya, Uganda, Ethiopia, Egypt, Chad, the Central African Republic and the Democratic Republic of Congo. It is also the largest African country and has a population of 33.5 million, the majority being black Africans (52%) and Arabs (39%).<sup>56</sup> The Meriotic people are the first known inhabitants of the region currently known as the Sudan. Ethiopia in 350 BC conquered and ransacked the region and three Christian cities gradually sprang up at around this time but in 641 BC, the Arabs who introduced the Islamic faith once again conquered the region.<sup>57</sup> Egypt in turn invaded the Sudan in the 1800 and ruled for sixty years until the arrival of Muhammed Ahmed, also known as the Mahdi in 1881, who took over from the Egyptians. The British fought several battles to gain control of the Sudan but failed. After the death of the Mahdi, the British teamed up with Egypt and invaded the Sudan at the battle of Omdurman in 1898. The British controlled the Sudan until 1956 when Sudan gained its independence.

### **5.4.2 Post-Independence Sudan**

Bad governance after independence, coupled with severe drought that damaged the agriculture of the country, as well as, discontent in the South for their under representation in government (only 8 Southerners held positions of the 800 vacancies), led to the formation of rebel groups who waged guerrilla warfare on the central government after independence.<sup>58</sup> In 1958, General Ibrahim Abboud came to power in a coup d'état and banned the activities of all political parties and trade unions, while instituting a military dictatorship.<sup>59</sup> His regime was so repressive that he was forced to resign in 1964 and his regime was replaced with a parliamentary system. The

discontent in the South had, however, degenerated into civil war and greatly affected the proper functioning of the new government.

In May 1969, the military took control of the country once more under the leadership of Jaafer Nimeiri. Nimeiri granted independence to the South in 1972 but later revoked it in 1985. A series of coups followed until 1989, when the Revolutionary Command Council (RCC) led by General Omar Hassan Ahmed al-Bashir, came to power in the Sudan. President Bashir immediately declared a state of emergency in the Sudan and did “away with the National Assembly, banned political parties, trade unions and newspapers and forbade strikes, demonstrations and all other public gatherings.”<sup>60</sup> The internal conflict between the North and the South led to the loss of thousands of human life as well as heightened refugee inflows into neighboring countries.<sup>61</sup> The OAU was accused of a lack of involvement in the Sudanese crisis. It was said to have had “no conception of how to deal with such a complex conflict.”<sup>62</sup> The OAU was generally seen as “unable to mitigate Africa’s crisis and for that matter, that in the Sudan.”<sup>63</sup>

### **5.4.3 The African Union Mission in Sudan (2004-2007)**

The largest peace operation embarked upon by the AU since its inception has been in the Darfur region of Sudan. In 2003, two rebel groups: the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) launched an attack against the government’s installations in Darfur. The government responded by “conducting a counter insurgency campaign against the rebels and their supporters. The troops of the government were supported by a variety of militia forces popularly referred to as the Janjaweed.”<sup>64</sup> The

government is reported to have killed and terrorized large segments of the population of Darfur.<sup>65</sup> The Janjaweed were estimated to have caused over 30,000 deaths and displaced close to 1.2 million people by August 2004.<sup>66</sup> The United Nations estimated that by October 2005, 180,000 people in Darfur, as a result directly or indirectly of the conflict between the rebels and the government, had been displaced.<sup>67</sup> The Sudanese government refused a UN peace operation in its country and the AU was therefore left with the lead role in the management of the crisis.

On April 8 2004, a Humanitarian Cease-fire Agreement was brokered between the Sudanese government, the SLM/A and the FEM. This was later followed in May 2004 by the Addis Ababa Agreement, which enabled the formation of a Cease-fire monitoring Commission. The AU deployed military observers to monitor the cease-fire agreement, which led to the formation of the African Union Mission in Sudan (AMIS). The cease-fire agreement did not hold and the military observers of the AU “were left to monitor events in an on-going war zone.”<sup>68</sup> Persistent calls from the international community to alleviate the suffering of civilians in Darfur led to the expansion of AMIS in a number of phases. Between October 2004 and April 2005, AMIS strength increased from 3,320 to 7560 to accommodate the increasing mandate of the Mission.<sup>69</sup> Although the AU had envisaged an increase in troops to about 12,000 by the end of 2006, the troop deployment peaked at 8000 uniformed personnel.

## **5.5 Cote D’Ivoire**

### **5.5.1 Historical Context**

Located in West Africa, Cote d’Ivoire covers a land area of 124,502 square miles with a population of 21,925, 093.<sup>70</sup> The Ivory Coast as it was called in the colonial days (Ivory Coast and Cote d’Ivoire are used interchangeably in this section) borders five countries in West

Africa: Ghana, Guinea, Mali, Burkina Faso and Liberia. Prior to the colonization of the country, the region was home to a number of states but later became a protectorate of France and later became a French colony during the scramble for Africa.<sup>71</sup> Gaining independence from the French in 1960, the Ivory Coast maintained close ties with France. Representing over sixty tribes, the Ivory Coast is home to the Baoule, Bete, Senoufou, Malinke, Dan and the Lobi tribe to mention a few. The country's economy was also believed to be one of the most developed in the region being the world's largest exporter of cocoa and coffee.<sup>72</sup>

### **5.5.2 Post- Independence Period**

After independence in 1960, Felix Houphouet-Boigny became President and ruled the country till 1993. The country is said to have experienced tremendous growth and prosperity during his first twenty years of his rule. Houphouet-Boigny is said to “have combined economic policies with shrewd politics that emphasized dialogue and compromise among Ivory Coast's various ethnic groups.”<sup>73</sup> He introduced a “system of ethnic quarters within government institutions in order to alleviate fears of political domination by one ethnic group.”<sup>74</sup> This ensured a stable political environment for economic growth. The Ivory Coast further depended greatly on migrant workers for her cocoa and coffee plantations and after independence, Houphouet-Boigny “extended their right to live and work in the country.”<sup>75</sup> To ensure a constant flow of cheap labour into the country, he encouraged immigration from neighbouring countries and this resulted in the settlement of large immigrant populations in the Ivory Coast.

Despite the initiatives to bridge the gap between the North and the South, inequalities still persisted due to the location of the country's cocoa and coffee plantation in the South. The

government was unable to completely bridge the gap and could therefore not completely “eradicate regional inequalities.” The plunge in commodity prices, especially cocoa and coffee in the 1980s had serious implications for the Ivorian economy. The falling standards of living coupled with increments in petroleum prices led to civil unrest and student riots in the country. Immigrant farmers, due to the liberal policies of Houphouet-Boigny, had also occupied the best lands in the country at this time, sparking anti-migrant sentiments.<sup>76</sup> Langer observes that this resulted in differences between the immigrant communities and the indigenous Ivoirians, as well as between the Northerners and Southerners.<sup>77</sup>

The first multi-party elections in the Ivory Coast occurred in 1990 and it was a contest between the party of the incumbent President Houphouet-Boigny’s Democratic Party of Cote d’Ivoire and the Ivoirian Popular Front of Laurant Gbagbo. Ethnicity was a major issue in this election as the opposition accused the incumbent government of favouring the Baoule, which is the largest ethnic group and that of the incumbent. Houphouet-Boigny won the elections but died three years later in 1993 and was succeeded by Henri Konan Bedie.

The 1995 elections saw the introduction of a new political party – The Rally for Republicans (RR) – onto the political scene in the Ivory Coast. The party’s support base was mainly Northern and Moslem and this further reinforced not only ethnicity, but also religion in the run up to the elections. Led by Alassane Quattara, the RR became a major threat to the incumbent since it threatened the support base of the incumbent in the North. President Bedie therefore “initiated steps to block Quattara from contesting in the 1995<sup>78</sup> elections.”<sup>79</sup> A law was passed by Parliament, “barring anyone whose parents were not born in the Ivory Coast from running

for the Presidency.”<sup>80</sup> One of Quattara’s parents is believed to be a Burkinabe and therefore this new law clearly aimed at him. A policy of Ivorianess or “Ivoirite” was also adopted which instituted that anyone with a non-Ivorian parent could not contest for high political office.<sup>81</sup> This policy was introduced solely to block the candidature of Quattara from the 1995 elections, though Bedie claimed it was aimed at “creating a sense of cultural identity among the people of the Ivory Coast.”<sup>82</sup> Quattara and Gbagbo, who formed the opposition, boycotted the elections and Bedie was re-elected, although the election was perceived to be unfair. Upon winning the elections, Bedie proceeded to dismiss many Northerners from their positions in government.<sup>83</sup>

General Robert Guei removed Bedie from office in 1999 in a coup d’état. Guei initially denounced the “Ivoirite” concept but later used it to consolidate his position in his bid to run for power. He also barred Quattara from contesting in the elections while Gbagbo was allowed to register his candidature for the Presidency.<sup>84</sup> Guei lost the elections to Gbagbo but disbanded the Electoral Commission and declared himself the winner. This ignited a revolt that led to him being killed. Gbagbo became President but also continued to exclude Northerners from his government, prompting an attempted coup in 2001 by disgruntled elements in the army who were of Northern stock.<sup>85</sup> Gbagbo attempted to demobilize two contingents of the army and replace them with recruits loyal to him and this led to a mutiny in the army. “The rebellious soldiers, mostly of northern origin, retreated to the Northern towns of Bouake and Karhogo.”<sup>86</sup> Disgruntled politicians who had been dismissed from Gbagbo’s government later joined them. The Ivory Coast was plunged into civil war by September 2002 with the North controlled by the rebels. They marched on Abidjan but with the help of France, the rebels were routed and forced to retreat from the towns they had captured in the South.<sup>87</sup>

In the run-off to the 2010 elections, President Gbagbo accused the Electoral Commission of inflating the voters register with the names of non-Ivorians. Attempts were made to clean up the voters register but no significant changes were made to it. The 2010 elections went into a second round with the EC declaring Quattara as the winner at the end of voting. Gbagbo did not accept the results and this led to a stalemate. Violence ensued and thousands of Ivoirians were displaced.<sup>88</sup>

### **5.5.3 AU Involvement in the Ivoirian Crisis**

The AU's involvement in the Ivoirian crisis was mainly one of mediation. The AU sent Kenya's Prime Minister to Ivory Coast in January 2011 to urge him to step down, but the visit was not conclusive. The AU again sent the former President of Nigeria, Olusegun Obasanjo, to mediate in the crisis but he was also unsuccessful. The Economic Community of West African States (ECOWAS) did the bulk of the mediation. The reasons for the AU's lack of intervention in the Ivoirian crisis are assessed in the next chapter.

## **5.6 Togo (2005)**

President Gnassingbe Eyadema of Togo died in February 2005 after coming to power in 1967 through a coup d'état. He had introduced a multi-party system in Togo in 1992 that saw him elected on three consecutive times: 1993, 1998 and 2003 as President despite these elections being criticized as unfair.<sup>89</sup> The amended Constitution of Togo (2002) stipulated, that, in the event of the death of the President, he should be succeeded by the President of the National Assembly, in the interim, while elections were organized within sixty days of his assuming office.<sup>90</sup> The Togolese Armed Forces, however, installed Faure Gnassingbe, the son of the

deceased President, as the new Head of State on the grounds that the President of the National Assembly, Fambare Quattara, was not in the country. He had been prevented from entering the country due to the closure of the Togolese borders by the Armed Forces in the coup.<sup>91</sup>

The National Assembly then attempted to legitimize Faure's position as President of Togo since his party, the Rally of the Togolese People, dominated the Assembly. The National Assembly went further to remove Quattara as President of the Assembly and replaced him with Faure Gnassingbe. The Constitution was also amended to enable Faure continue the term of his father until 2008 when fresh elections were to be held.<sup>92</sup>

### **5.7 Mauritania (2005 and 2008)**

Maaouta Ouil Sid'Ahmed Taya came to power in 1984 in Mauritania in a military take over and remained Head of State until 2005 when he was removed from power in a bloodless coup. Under his headship, Mauritania adopted a new constitution and introduced a multiparty democracy "with Presidential elections to be held every six years."<sup>93</sup> In the subsequent elections that followed, Taya was re-elected both in 1992, 1997 and 2003.<sup>94</sup> The opposition questioned the credibility of the elections but in all the three instances Taya's government ignored their concerns. "Though supposedly a democratic state, the ruling party through arbitrary arrests, prolonged detentions, and torture of opposition candidates, and the banning of several opposition parties, circumscribed the citizens' capacity to change the government."<sup>95</sup>

Taya was overthrown in 2005 in a bloodless coup led by two Colonels, Aziz and Vall.<sup>96</sup> The new military Junta quickly promised "to hand over power within two years, within which time

they intended to prepare and put in place genuine democratic institutions.”<sup>97</sup> This coup had the popular support of the people of Mauritania and gained international support as well due to the corruptness of the Taya government. The AU quickly condemned this coup and demanded a return to democratic rule and Mauritania was suspended from the activities of the AU. The military responded by organizing a referendum in 2006 and a “genuine democratic elections, which Cheikh Abdallahi won”<sup>98</sup> in 2007. The AU subsequently removed the sanctions imposed on Mauritania. The military, this time led by Colonel Aziz, once more seized power in August 2008,<sup>99</sup> hours after the Government had made a decree “to remove the top four military officers, including Aziz, from their positions.”<sup>100</sup> President Sidi was arrested and power was transferred to Colonel Aziz. Majority of Members of Mauritania’s parliament issued a statement on the same day in support of the new military junta.<sup>101</sup>

## **5.8 Guinea (2008)**

President Lansana Conte, ruled Guinea for twenty-four years after seizing power in a coup in 1984. He transitioned from a military government into a civilian one when Guinea adopted its 1990 constitution. Conte subsequently won the elections on 1993, 1998, and 2003.<sup>102</sup> By Constitutional provision, upon Conte’s death in 2008, power should have passed on to the president of the National Assembly for a period not exceeding ninety days. This was, however, not to be as Captain Moussa Camara staged a military coup, hours after the President’s death and suspended the constitution. Camara promised elections by the end of 2010 and “announced a provisional timetable for a return to constitutional order,”<sup>103</sup> but he showed little commitment to this timetable. His soldiers fired on citizens who were protesting against his candidacy and killed over 160 civilians and wounded more than a thousand of them.<sup>104</sup>

In December 2009, a former aide-de-camp of Camara attempted to assassinate him but failed. Camara was, however, wounded in the process and he was flown to Morocco to receive treatment. In his absence, his vice president, also a military officer, General Sekouba Konate, relieved him of his post, sending Camara into voluntary exile. Konate negotiated with the various opposition groups that culminated in the signing of the Joint Declaration of Ouagadougou in January 2010. The Declaration barred, among others, “members of the military junta, members of the transitional government, and members of the Defense and Security Forces in active service from participating in the presidential elections.”<sup>105</sup> The subsequent elections in June 2010 were accepted to be generally free and fair.<sup>106</sup>

## **5.9 Madagascar (2009)**

President Ravalomanana of Madagascar resigned in March 2009, when he came under pressure from the opposition and the military directorate to do so and he handed over power to the military directorate. Under the Malagasy Constitution, the presidential powers should have resided in the leader of the Senate, while elections were held for a new President.<sup>107</sup> The military directorate instead transferred power to the leader of the opposition and the mayor of Antananarivo, Andry Rajoelina, who did not qualify for the position as the Constitution stipulated “one must be forty years old in order to run for President.”<sup>108</sup> He, however, had the support of the Constitutional Court and upon his inauguration, promised to call for elections within two years.

The African Union, however, condemned the transfer of power to the military as unconstitutional and the subsequent conferring of Rajoelina as President as “amounting to an

unconstitutional change in government.”<sup>109</sup> The AU and the International Joint Mediation Team held mediation talks between Rajoelina, Ravalomanana and two former Presidents, leading to the signing of the Maputo Agreement of August 2009 and the Addis Ababa Additional Act of November 2009.<sup>110</sup> These agreements barred members of the Transitional Government from participating in the elections and brokered power sharing during a transition leading up to the elections. Rajoelina, however, withdrew from the talks in an impasse with the other political parties and announced his intention to unilaterally hold elections in March 2010.

### **5.10 Niger (2010)**

The 1999 Constitution of Niger stipulates a two five-year term limits for its Presidents. President Mamadou Tandja was elected to the Presidency in 1999 and won a second term of office in 2004. In August 2009, Tandja sought to change the Presidential term limit by holding a referendum in August 2009 that removed the Presidential term limit from the constitution.<sup>111</sup> In addition to the referendum, Tandja dissolved the Constitutional Court that declared his actions illegal and went further to dissolve parliament a few days later. He then “assumed emergency powers under Article 53 of the Constitution”.<sup>112</sup> These actions “led to a constitutional crisis in the country and sparked national and international protests.”<sup>113</sup>

On 18 February 2010, however, the military attacked the presidential palace in a coup and announced the suspension of the Constitution. Led by Chief of Squadron Salou Djibo, the military officers claimed they wanted to restore Niger as “an example of democracy and of good governance.”<sup>114</sup> In 2011, Presidential elections were held upon the completion of the one-year transition plan designed by the independent National Consultative Council.<sup>115</sup> The opposition

National Party for Democracy and Socialism (PNDS), led by Mahamadou Issoufou, won the elections and assumed power.

### **5.11 Kenya (2007 – 2008)**

Kenya as a country consists of five main tribes: the Kikuyu (22%), Luhya (14%), Luo (13%), Kalenjin (12%) and the Kamesa (11%). The Kalenjin is a composition of nine smaller tribes but what unites them is their common language.<sup>116</sup> The Kikuyu tribe had been forced during the days of colonization to relocate from the Central Province where they lived to resettle in the Rift Valley.<sup>117</sup> An exclusive white settlement then sprang up where the Kikuyu's had originally lived. Kenya gained her independence from the British in 1963 and at independence, President Kenyatta, who was a Kikuyu, encouraged the settlement of more of his tribesmen in the resource rich Valley.<sup>118</sup>

Daniel Arab Moi succeeded Kenyatta in 1978 and Moi, who was a Kalenjin, allocated "the most lush part of the Rift Valley, the Mau Forest", to his tribesmen, the Kalenjin as their settlement. The Kalenjin expelled the Kikuyu, destroying their homes and killing those who refused to leave the Valley.<sup>119</sup> The issue of land ownership and the fact that Kenyatta during his rule had allocated absolute powers to the Presidency, limiting the rights and freedoms of the people, ensured an environment of deep mistrust. This environment was compounded by ethnicity as Kenya is deeply divided on ethnicity and politics was conducted along ethnic lines. Governments in power appointed their tribesmen to cabinet positions neglecting the needs of other tribes.

The 2002 elections that removed Moi from power also saw the collapse of the Kenya African National Union (KANU), the party to which both Kenyatta and Moi belonged. A new party that “comprised an alliance that had formed between all the major Kenyan tribes”<sup>120</sup> emerged. The alliance was achieved through the signing of a Memorandum of Understanding (MOU) by all the major tribes in Kenya leading to the formation of the National Rainbow Coalition (NARC), with Mwai Kibaki as its leader. The NARC won a landslide victory in the Presidential elections of 2002 and Kibaki was elected as President. The NARC had pledged to reform the governance structure in Kenya; fight corruption, ensure power sharing among the various tribes and change the Constitution of Kenya within the first 100 days of being elected “to limit the executive powers that had ballooned over the previous decades.”<sup>121</sup>

The MOU, however, collapsed a few weeks of Kibaki’s election victory. Instead of the power sharing agreed upon in the MOU, Kibaki filled his cabinet with his tribesmen, the Kikuyu. The reformation of the governance structure and the Constitution that would ensure the limiting of the powers of the Executive, which the NARC had vigorously campaigned for and for which they were elected to power, never materialized.<sup>122</sup> Kibaki further set up a Commission to inquire into the land grabbing that occurred during the Presidency of Kenyatta and Moi. The Commission’s report was, however, shelved by the Presidency and Kibaki expelled the Kalenjin from the Mau Forest; once again giving it to his people the Kikuyu. He also assumed absolute powers in Kenya until the election of 2007.

Out of the disappointment of the NARC emerged a new political party, the Orange Democratic Party (ODM), which was a coalition between three main tribes in Kenya: the Kalenjin, the

Luhya and the Luos.<sup>123</sup> The ruling government, made up of the Kikuyu, formed the party of National Unity (PNU) to contest the 2007 election. The post-election violence in Kenya resulted from “the abnormalities seen in the 2007 elections.”<sup>124</sup> The Electoral Commission of Kenya announced Kibaki’s re-election after the votes was countered but within minutes of the announcement, Kibaki had been sworn in as President.<sup>125</sup> The ODM viewed the swearing in as illegal as they contested the election results to be rigged. The ODM organized its members and supporters to protest but Kibaki used the police to forcefully breakup these protests by declaring them as illegal.<sup>126</sup> The confrontation that ensued between the PNU and the ODM took on tribal sentiments leading to the killing of thousands of Kenyans in 2008 and an equally large number displaced.<sup>127</sup>

## **5.12 Libya (February to August 2011)**

### **5.12.1 Background to the Libyan Crisis**

In order to fully appreciate how complex the Libyan crisis was, we begin this section by looking into the history of the country to inform our understanding of the 2011 crisis.

Libya has a colourful history and is said to have had interactions with Ancient Greece, the Roman Empire, the Muslim world and Europe.<sup>128</sup> Libya was later colonized by Italy in 1911. In 1927, the Italians split the country into two regions, each autonomous: (Tripolitania in the West and Cyrenaica in the East).<sup>129</sup> Italy once again re-divided Libya in 1934 into three administrative regions by adding Fezzan as a region. These regions were unequal in terms of population and development. This inequality led to inter-regional differences between Benghazi (Cyrenaica), Tripoli (Tripolitania) and Sebha (Fezzan). The British and the French gained control of Libya after World War II, with the British controlling Benghazi and Tripoli and the

French, Fezzan.<sup>130</sup> The colonization by the British and the French further entrenched the already existing regional differences.

Libya gained independence in December 1951, united under King Idris Sanusi I. Idris was the Emir of Cyrenaica prior to independence. His people criticized the King for his strong ties to the West. He was further criticized for concentrating power and the oil wealth in the hands of a few – his own people from Cyrenaica and the monarchy. This led to a discontent within the ranks of the citizenry and a small group of disgruntled army officers, led by Muammar Qadhafi, deposed the King on 1 September 1969.<sup>131</sup> Upon assuming power, Qadhafi also promoted the interest of his tribesmen. His regime made quite substantial gains on the socio-economic front. His political record was, however, that of repression of his opponents and the marginalization of the Libyan people

### **5.12.2 The 2011 Libyan Crisis**

The Libyan revolution, as the civil war in Libya in 2011 is often referred to, was an armed conflict between the government of Colonel Muammar Qadhafi and those seeking to oust his government.<sup>132</sup> The Qadhafi regime, prior to the events in Benghazi that heralded its end, had ruled the country for 41 years. In January 2011, protests were staged by the Libyan opposition in Benghazi over delays in housing units that were promised by the government and political corruption.<sup>133</sup> In February 2011, Fethi Tarbel, a human rights activist was arrested by the government and charged with instigating the people to riot. His arrest sparked further riots in Benghazi. The rioters also took inspiration from “the unrest sweeping through much of the Arab world.”<sup>134</sup> The riots in Benghazi soon turned into an uprising, “coalescing rapidly into an anti-

Qadhafi force”.<sup>135</sup>The regime met the protests with massive repression and violence against civilians. The International Crisis Group reported of atrocities committed by both the rebels and the government, although most western media portrayed the protesters as entirely peaceful.<sup>136</sup> In all of this, Qadhafi’s sense of ownership over his country and people was clearly demonstrated by the force with which the uprising was met. He was not ready to negotiate with the “enemies” of Libya as the protesters were referred to by his regime. The international community and the African Union both reacted to the Libyan crisis and the sections that follow briefly examines these responses.

### **5.12.3 International Response to the Libyan Crisis**

The United Nations Security Council (UNSC) on 26 February 2011 adopted Resolution 1970, which imposed an arms embargo on Libya, while referring the situation in Libya to the International Criminal Court (ICC).<sup>137</sup> The continuance of violence against civilians by the regime led the UNSC to further adopt Resolution 1973, which established a no-fly zone and “authorizing member states to take all necessary measures to protect civilians... while excluding a foreign occupation force.”<sup>138</sup> France, aided by the United Kingdom (UK) and the United States (US), led a multi-national coalition that unleashed “a broad campaign of air strikes against pro-Qadhafi forces, targeting strategic and logistical installations, including ammunitions storage sites and military bases.”<sup>139</sup> The North Atlantic Treaty Organisation (NATO) by the end of March 2011 took over the command of the operation. The rebels (as the protestors were called by the regime) finally seized Tripoli, the Libyan capital on 22 August 2011, which eventually led to the ousting and killing of Qadhafi on the 20<sup>th</sup> of October 2011.

#### **5.12.4 African Union's Response to the Libyan Crisis**

The African Union like the international community reacted to the crisis in Libya, although, rather slowly. The AU was caught “in the lack of precedence in dealing with this new modality of regime change.”<sup>140</sup> The AU, however, responded by issuing a roadmap. On the 10<sup>th</sup> of March 2011, the African Union Peace and Security Council met for its 265<sup>th</sup> session and at the meeting, set up the High-Level Ad Hoc Committee. The Committee was composed of the Chairperson of the AU Commission and the Presidents of Uganda, Mauritius, Congo-Brazzaville, Mali and South Africa. The Committee proposed a road map for the resolution of the Libyan crisis to include the following:

- a) The immediate cessation of hostilities;
- b) The cooperation of the concerned Libyan authorities to facilitate the diligent delivery of humanitarian assistance to the needy population;
- c) The protection of foreign nationals including African migrant workers living in Libya;
- d) Dialogue between the Libyan parties and the establishment of an inclusive transition period, with the view to adopting and implementing the political reforms necessary for the elimination of the causes of the current crisis, with due consideration for the legitimate aspirations of the Libyan people for democracy, political reform, justice, peace and security, as well as socio-economic development.<sup>141</sup>

The AU's response and the modalities for implementation are further assessed in chapter six of this study.

### **5.13 Conclusion**

This chapter gave an overview of the peace and security situation in Africa from 2002 to 2012

and the myriad of issues the Union dealt with in the name of peace and security. As stated earlier in this chapter, the historical background to each of the crisis was provided in order for us to better appreciate what the Union had to contend with within the period specified. The next chapter (6) analyses the AU's response to these crises in detail. The challenges the organisation faced as well as the successes are also assessed.

## Endnotes

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## CHAPTER SIX

### THE AFRICAN UNION AND THE QUEST FOR PEACE AND SECURITY IN AFRICA: 2002 – 2012

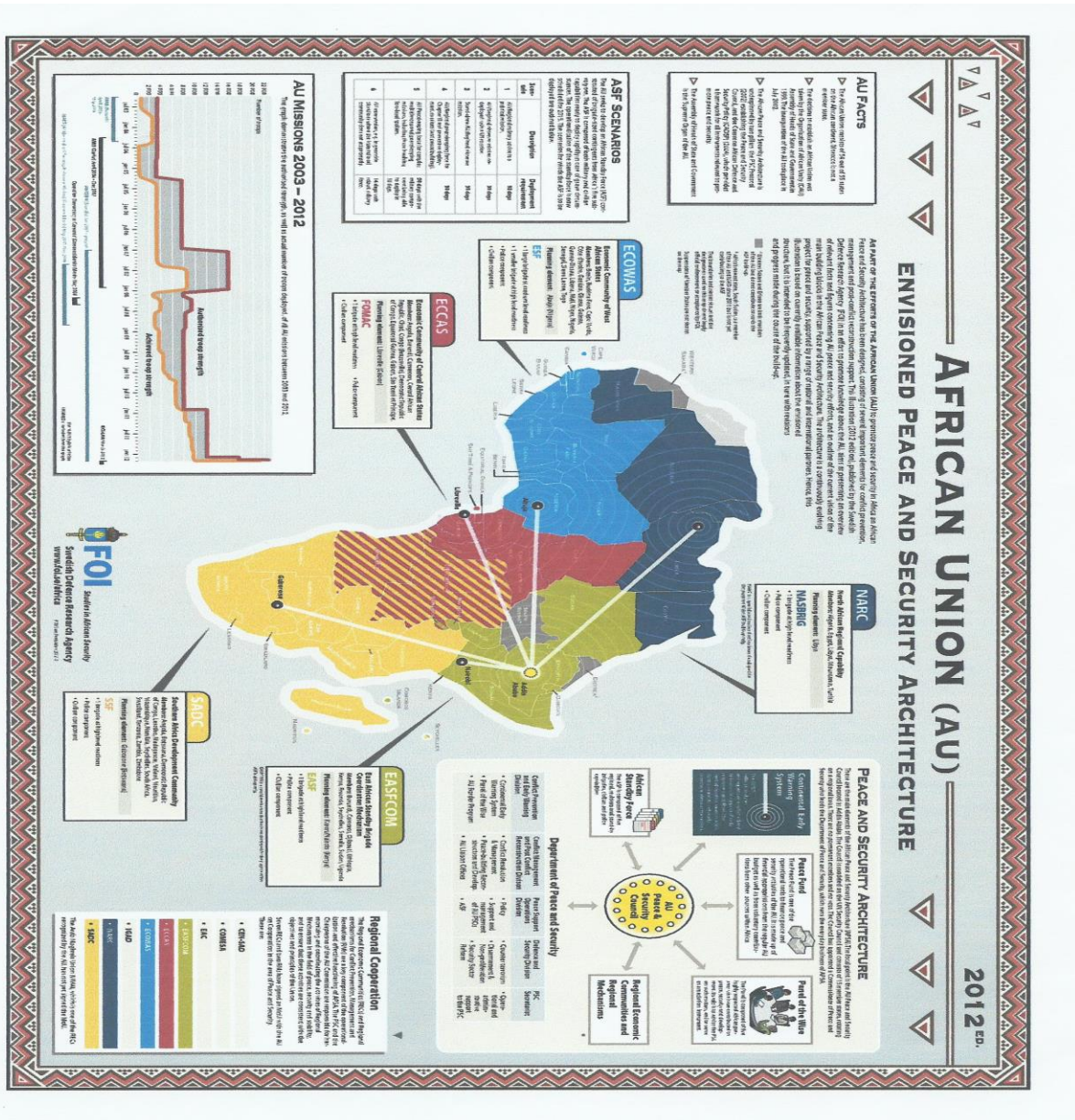
#### 6.0 Introduction

The inauguration of the African Union in 2002 was historic for Africa. Africa, through the AU, sought to establish and promote an effective legal and institutional mechanism for the promotion of unity as well as for the maintenance of peace and security on the continent. Again, in 2002, the AU adopted a Protocol that created the Peace and Security Council. Article 3 of the Protocol states that the PSC will serve “as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early-warning arrangement to facilitate timely and effective response to conflict and crisis situations in Africa.”<sup>1</sup> This signalled a major shift from the OAU’s principle of non-interference and non-intervention to one of “non-indifference.” It further signalled the “dawn of an interventionist phase in the continental management of peace and security.”<sup>2</sup>

The African Union, through its Peace and Security Council, has launched varied interventions since its inception in 2002. These range from shuttle diplomacy and mediation; observer missions; condemnation of unconstitutional governments; to the deployment of peace support operations. Through these missions, the AU has sought to operationalize its peace and security agenda and norms. These efforts have met varied levels of success and failure. This chapter analyses the effectiveness of the AU in the management of peace and security situations on the continent since its establishment in 2002. This section is in two parts. Part one is an assessment of the six peace operations in Burundi, Sudan, Somalia and the Comoros. Part Two assesses the

AU's management of unconstitutional governments (Coups) since its inception. The AU employed shuttle diplomacy, mediation, observer missions and military intervention in resolving these crises. The challenges the AU faced in the management of these crisis situations are given a closer look in the section that follows.

Figure 6.1 AU Envisioned Peace and Security Architecture



Source: Studies in African Security, Swedish Defence Agency, [www.foise.africa](http://www.foise.africa).

## 6.1 African Union Missions in Burundi, Sudan, Somalia and Comoros

This research wanted to find out how successful the AU's missions were in terms of their mandate and operational objectives. This section thus assesses the AU's implementation of its missions in the above named countries. The achievements of the missions are also examined in relation to the various mandates and objectives as discussed in chapter 5. This is important, in that, in order for an objective and nuanced judgment to be made about the success or otherwise of the missions, both the means used by the AU and the ends achieved must be evaluated.

**Figure 6.1: The African Union's Peace Operations, 2003 – June 2011**

Mission	Location	Duration	Size (Approximate Maximum)	Main Troop Contributors	Main Task(s)
AU Mission in Burundi (AMIB)	Burundi	2003 - 2004	3,250	South Africa	Peacebuilding
AU Military Observer Mission in the Comoros (MIOC)	Comoros	2004	41	South Africa	Observation
AU Mission in Sudan	Darfur	2004 - 2007	c. 7,700	Nigeria, Rwanda, South Africa, Senegal, Ghana	Peacekeeping/ Civilian Protection
Special Task Force Burundi	Burundi	2006 - 2009	c. 750	South Africa	VIP Protection
AU Mission for Support to the Elections in the Comoros (AMISEC)	Comoros	2006	1,260	South Africa	Election Monitor
AU Mission in Somalia (AMISOM)	Mogadishu	2007 - Present	c. 9,000	Uganda, Burundi	Regime Support
AU Electoral and Security Assistance Mission to the Comoros (MAES)	Comoros	2007 - 2008	350	South Africa	Election Support
Democracy in Comoros	Comoros	2008	1,350 (+450 Comoros)	Tanzania, Sudan	Enforcement
AU-UN Hybrid Operation in Darfur (UNAMID) (UN pays)	Darfur	2008 - Present	c. 23,000	Nigeria, Rwanda, Egypt, Ethiopia	Peacebuilding/ Civilian Protection

**Source: Paul D. Williams. Working Paper – The African Union's Conflict Management Capabilities, October 2011.**

### **6.1.1 Operational Achievements**

As already discussed in Chapter one, this study relied on unstructured interviews to elicit practical views on the AU's performance in the area of peace and security. Those interviewed, (referred to as respondents in this work), were randomly selected but snowballed into other interviews based on recommendations from our interviewees. These face-to-face interviews were in-depth and afforded the researcher the opportunity to ask a variety of open-ended questions, with the view to capture the thoughts and experiences of those interviewed. Some of the views from this section were gleaned from the responses received.

Our respondents, both in terms of its mandate and objectives, have judged the African Union Mission in Burundi (AMIB) successful.<sup>3</sup> The mission was mandated, among others, to monitor and supervise the implementation of the ceasefire agreement, support the Disarmament, Demobilisation and Re-integration (DDR) process and to create a favourable condition for a UN takeover of the mission. The presence of AMIB in Burundi discouraged violence and served as deterrence to the various factions in the conflict. It further created a secure and conducive environment that was needed for the peace process. To our respondents, the crux of the mission's achievements in terms of its mandate was the return to Burundi of members of the CNDD-FDD to officially partake in the peace process. The members of the movement were ensured a safe return to the country and AMIB committed significant resources to ensure their safe arrival as well as stay in Burundi.

AMIB also succeeded in creating an environment that was conducive for a UN mission. A year into the mission, the United Nations sent a team to evaluate conditions in Burundi and offer

recommendations for a possible peacekeeping mission. It is important to note that the UN had initially been reluctant in deploying a mission to Burundi due to the precarious situation. The UN was also not certain that the ceasefire agreements will hold or that the country will not be once more plunged into violent conflict. The team's conclusion after their evaluation in February 2004 was that conditions were right for the UN deployment. The UN successfully deployed troops to Burundi and AMIB successfully handed over to the UN in June 2004.<sup>4</sup> The success of the UN Mission in Burundi, according to Murithi, was also made possible "by the fact that a significant number of re-hatted AMIB troops remained in Burundi under the banner of ONUB."<sup>5</sup>

In terms of the DDR process, AMIB experienced some difficulties. The DDR process in Burundi did not begin as scheduled and this delay is attributed to the government's inability to meet the requirements of the World Bank, which funded the process. AMIB was initially scheduled to disarm a total of 20,000 combatants but eventually succeeded in disarming only 228,<sup>6</sup> thus not realizing this ambition. The African Union was not in the position, in terms of resources, to support the large number of ex-combatants. The Mission set up two sites in Muyange and Bubanza for the DDR process but these sites lacked basic infrastructure, food and medical supplies.<sup>7</sup> AMIB was therefore able to disarm only a small number of ex-combatants and contain them in Muyange. The AU Mission in Burundi therefore provided the stable environment; free of conflict, for the final objective of political, economic and social development of Burundi to take place. AMIB has been described by Henri Boshoff as "one of the AU's biggest success stories."<sup>8</sup>

The African Union Mission in Sudan (AMIS) is also said to have failed in achieving its mandate. AMIS was mandated to monitor and observe compliance with the Humanitarian Ceasefire Agreement (HCFA) that was signed on 8 April 2004 by the belligerents in the Sudanese conflict. AMIS was further mandated to assist in the process of confidence building; provide a secure environment for the delivery of humanitarian relief and support the return of Internally Displaced Persons (IDP's) to their homes as well as contribute to the overall security situation in Darfur.<sup>9</sup> In fashioning this mandate for AMIS, the AU PSC, according to our respondents, erred in assuming that the government of Sudan will comply with the HCFA and provide “primary first line protection to the people of Darfur”<sup>10</sup> It is important in the case of Darfur to note that neither the government nor the rebels respected the HCFA. Interviews with the then head of the AMIS headquarters, Col. Appiah-Opong revealed that the mandate assigned AMIS was very restrictive. He argued that in order for AMIS to achieve its objectives, it needed a more robust mandate.

AMIS had the core task of investigating alleged ceasefire violations by both the government of Sudan and the Janjaweed. Operating as an observer mission, AMIS did not have the overwhelming presence needed in order to fulfil this mandate. Calls were made by the international community for the mandate of AMIS to be reviewed in order for the appropriate forces to be deployed to contain the violations. This led to the second AMIS mandate, which under item 7 gave AMIS the power to “prepare to protect civilians under imminent threat in the immediate vicinity, within means and capabilities, in accordance with the rules of engagement.”<sup>11</sup> The government of Sudan pledged its support for the enhanced mandate of AMIS by “formally expressing its support for the enhancement of AMIS and pledging full

cooperation in that regard.”<sup>12</sup>

Despite its enhanced mandate, the Mission was not able to fully deliver on, nor fulfil its objectives due to a lack of capabilities as well as the fact that AMIS operated in an environment and society that was “deeply fractured along regional, religious and racial lines.”<sup>13</sup>

The African Union Mission in Somalia (AMISOM) was authorized by the PSC to deploy in Somalia on January 19 2007. The AU Communiqué stated the need to seize the opportunity presented by the take-over of Mogadishu by the Transitional Federal Government (TFG) “to restore structures of governance in Somalia and bring about lasting peace and reconciliation...”<sup>14</sup> The Communiqué mandated AMISOM to provide support to the TFG institutions; to facilitate the provision of humanitarian assistance and to create conditions conducive to the long-term stabilization and reconstruction of Somalia.<sup>15</sup> The United Nations Security Council (UNSC) endorsed the AU Mission in February 2007 by adopting Resolution 1744, which gave AMISOM a mandate under Chapter VII of the UN Charter.<sup>16</sup>

AMISOM has been judged anything but successful in terms of its operational achievements. The lack of success of the AMISOM is attributable to several factors. Those interviewed for the research were unanimous in their view that in fashioning a mandate for AMISOM, the PSC erred in dispensing with the impartiality clause that every peacekeeping force must adhere to by offering protection for TFG installations.<sup>17</sup> Again, the Union of Islamic Courts (UIC), which was the main opposition to the TFG, further, opposed the presence of AMISOM because the PSC, during deliberations on Somalia, failed to bar Ethiopia from participating. The PSC

Protocol in Article 8(9) sets out the procedure for deliberations and decision-making in any conflict. The procedure includes barring all interested parties in the conflict from the process relating to that conflict situation after they have presented their case.<sup>18</sup> Ethiopian troops assisted the TFG in ousting the UIC forces from Mogadishu in December 2006 and attempted to install the TFG in Mogadishu. The role Ethiopia played in support of the TFG made them a party to the conflict and this further led to the perception that AMISOM supported the position of Ethiopia in imposing an ‘illegitimate government’.

AMISOM was also ineffective in achieving its mandate due to the vast area of operation and the limited number of troops for the Mission. African countries viewed the mission as “too dangerous, too costly and unlikely to succeed”<sup>19</sup> and therefore were unwilling to commit the needed resources to the Mission. Again, the perception within the AU, in relation to Ethiopia, was that the latter had shaped the Union’s position on Somalia. The UIC upheld this same perception and this brought AMISOM under fire and put its troops at risk. Added to these challenges was the weakness of the transitional government itself, which took sides in the conflict and in the words of Ken Menkhaus “was never functional and had no capacity to govern.”<sup>20</sup> Paul Williams sums up the Mission to Somalia by opining, that “AMISOM was an ill-conceived mission deployed to the wrong place at the wrong time by an institution incapable of meeting its grandiose statements of intent”<sup>21</sup>

In the case of the Comoros, the OAU/AU deployed five observer missions (between November 1997 and March 2004) prior to the deployment of the AU Mission for Support to the Elections in the Comoros (AMISEC) in May 2006. These missions were small, deploying between 14 to

39 observers to the Comoros to “promote the necessary conditions of serenity and security to conclude the reconciliation process”.<sup>22</sup> These observers were divided among the three islands but could not provide the necessary support for the peacemaking process due to their small numbers. They could not also effectively monitor the security situation on the islands. The March 2004 Mission is, however, credited with “facilitating the March/April 2004 electoral process for the Assemblies of the Islands of the Union”.<sup>23</sup> AMISEC’s deployment in May 2006 to monitor the election of a president for the Union of Comoros is said to have contributed positively in creating the right atmosphere for the conduct of the elections.

The African Union again in May 2007 deployed an AU Electoral and Security Assistance Mission to the Comoros (MAES) in support of the election of the executive legislators of the three islands. This deployment was necessitated by the refusal of Bacar to step down after his term of office leading to clashes between the gendarmeries of Anjouan and the national army. The African Union, throughout the period under review, continued to mediate and impose targeted sanctions on Bacar’s government. The AU’s sanctions were, however, not efficacious and had limited impact on Anjouan. President Simbi at the 10<sup>th</sup> AU Summit in Addis Ababa (February 2008), voiced his displeasure at the lack of progress in resolving the crisis. He threatened a unilateral military action against Anjouan and Bacar’s regime in order to restore the authority of the central government.<sup>24</sup> The AU launched a military invasion of Anjouan on 25 March 2008 in an operation named ‘Operation Democracy in Comoros’. No casualties resulted from this invasion and the AU forces succeeded in ousting the rebel government of Bacar and replaced Anjouan under the rule of the central government.

## **6.2 Mission Implementation**

This section assesses the AU's implementation of the missions in Sudan, Burundi, Somalia and the Comoros in terms of the timelines given for the deployments. A further assessment is made as to whether the AU employed the appropriate use of force in its mission's as well as the mission's effectiveness. Assessing the AU's implementation of these missions will give an accurate idea, not only of what it achieved, but also how it achieved its objectives.

### **6.2.1 Timelines, Effectiveness and Appropriate Use of Force**

African Union forces did not deploy to Burundi as mandated by the ceasefire agreement of December 2002. By that agreement, AU forces were to be deployed by 31 December 2002. It was not until April 2003 when AMIB was officially deployed. According to Effah Apenteng,<sup>25</sup> the delays in deployment of AMIB resulted in breaches of the ceasefire agreement. Prior to the launch of AMIB, the AU sent a forty-two-observer team to Burundi to monitor the implementation of the ceasefire. The team, however, had very little impact on the crisis as clashes between the FDD and the BAF resulted in civilian casualties and the displacement of thousands.<sup>26</sup> This new cycle of violence continued until the deployment of AMIB. On February 3 2003, the AU finally decided to militarily invade Bujumbura. "AMIB was set to deploy within 60 days of the provision of its mandate."<sup>27</sup> Despite the advance troops arriving in Bujumbura in April 2003, the mission had not been fully deployed as at October 2003. The AU did not therefore meet the timelines it set for itself in the case of Burundi.

The AU Mission in Burundi, according to the interviewees, despite the late deployment, was very effective in achieving its objectives. Although the mission, like all others, was bedevilled

by a lack of resources, it succeeded in “establishing and maintaining liaison between local parties.”<sup>28</sup> The Mission saw to the successful monitoring of the ceasefire agreements; ensured that all activities geared towards the formation of a national security force for Burundi went on successfully; provided a safe passage for leaders who returned to Burundi to participate in the peace process; and assisted with the delivery of humanitarian aid to the affected region.<sup>29</sup> The mission implemented its mandate successfully and effectively in the case of Burundi.

AMIB’s mandate limited its use of force. The mandate allowed the use of force only in self-defence and to ensure the free movement of its troops. It could also use force in the protection of civilians deemed to be under imminent threat. Although some of those interviewed argued that AMIB’s mandate was too restrictive due to the provisions mentioned above, Yemisi Omorogbe argues that the mandate was forceful enough to enable the mission accomplish its objectives and complete the mission.<sup>30</sup> Further to this, Annemarie Peen Rodt cites the able manner in which AMIB forces successfully defended the Muyange cantonment when it came under fire in July 2003. This, to the author, confirmed the fact that the mission’s mandate was appropriate and the use of force “proportional to the challenge at hand.”<sup>31</sup>

Sudan (Darfur) broke out into conflict in February 2003 but it was not until May 2004 that the AUPSC authorized the deployment of the African Union Mission in Sudan (AMIS). The Mission was deployed in July 2004. The AU therefore did not respond immediately the crisis broke out. Some scholars have given reasons for the late deployment of the AU in Darfur. John Akokpari notes, that the Union did not “consider the situation in Darfur grave enough to authorize action”.<sup>32</sup> To Akokpari, the AU further termed the genocide in Sudan a mere domestic

conflict and did not take action until the United States Congress ranked the conflict genocidal. The AU finally sent an observer mission to Darfur. The observer mission, however, lacked personnel and the required resources to effectively monitor the ceasefire agreements.<sup>33</sup> Again, the AU sought the consent of the authorities in Sudan before ordering an intervention in the crisis. It therefore goes without saying that the Union would not have deployed had Khartoum not given its consent.<sup>34</sup>

In terms of the effectiveness of the Mission, though mostly judged ineffective by most of our respondents due to the vast area the mission had to cover, coupled with the lack of resources - both financial and human, Yemisi Omorogbe believes the presence of AMIS saved lives and prevented some of the more violent crimes from occurring.<sup>35</sup> The UN also affirmed this position when it praised AMIS, in Resolution 1706, for “reducing large-scale organized violence”<sup>36</sup> in Darfur. Human Rights Watch further gave credit to AMIS in its 2006 Report by stating “AMIS troops had an immediate and positive effect on baseline security where they were present.”<sup>37</sup>

Scholars like Tim Murithi and Jeremy Sarkins, however, argue that the deployment of AMIS had little or no effect on the conflict and lacked the capability to carry on its mandate successfully. In an interview with Seth Appiah-Mensah, he reiterated that AMIS’s mandate was somehow ambiguous. The mandate called for AMIS to provide protection for civilians targeted by the Sudanese government and its allies. This same mandate, however, called on the government of Sudan to offer protection to these very civilians it persecuted. Appiah-Mensah opines that AMIS was ineffective also because of the ambiguities in its mandate. The International Crisis Group (ICG) in its 2005 assessment of the Sudanese crisis also rated AMIS

ineffective and inadequate in achieving its mandate.<sup>38</sup> The differences in opinion as to the effectiveness of AMIS leads to the conclusion that academic opinion is divided on the subject although the weight falls on the side of those who deem AMIS to have been ineffective.

On the appropriate use of force by AMIS in Darfur, Emma Berekorang notes that the minimal use of force agreed upon by the AUPSC with the consent of the government of Sudan partly accounted for the apparent failure of the mission.<sup>39</sup> AMIS had a weak mandate from the word go, because the Sudanese government was unwilling to allow a force with a greater mandate into Darfur. The international community deemed the government as accounting for most of the atrocities visited upon civilians in Darfur. The government was further accused of breaching the ceasefire agreement. AMIS could therefore not apply the appropriate force to elicit compliance from the government and its allies nor from the militias. AMIS, therefore, failed in delivering on its protection function.

Somalia saw the deployment of AU forces (AMISOM) in January 2007. Earlier in 2004, Col. Abdulahi Yusuf, after his election as the head of the Transitional Federal Government (TFG), went to Addis Ababa to request for the deployment of 20,000 peacekeepers in Somalia for the consolidation of his government. The AU failed to honour this request, paving the way for the Inter-governmental Authority on Development (IGAD) to step in, in 2005. IGAD members had vested interest in the Somali conflict and came to be regarded by most Somali's as not neutral to the conflict.<sup>40</sup> Again, IGAD could not raise the 10,500 troops it had proposed and the little it was able to raise were mostly Ethiopians. The IGAD intervention was therefore unsuccessful and the AU in late 2005, proposed a take over from IGAD by AU forces. It was, however, not

until 19<sup>th</sup> January 2007 that the AU revived the idea of deploying its troops to keep the peace in Somalia.<sup>41</sup> The AU intervention in Somalia, therefore, happened months after the idea had been proposed and three years after the conflict began. The intervention by the AU can therefore not be said to have been timely.

The Mission can also not be said to have been effective since troops were deployed into an active war zone. There was indeed, no peace to keep. Its failure stemmed from the fact that most Somali's viewed AMISOM as linked to the attempt to install what was in their opinion, an illegal government in Mogadishu by Ethiopia. AMISOM was further linked to Western interests due to the provision of military and political intelligence by the United States to the Ethiopian government. The al-Shabaab and other jihadist insurgents thus targeted the peacekeepers. Another factor that contributed to AMISOM's ineffectiveness was the unwillingness of African governments to commit the required troops to the Mission. This single fact ensured that the mission lacked the manpower to cover Mogadishu effectively.

The AU in the case of the Comoros was very effective in implementing its mission. Starting from March 2004, the deployment of an observer mission for four months ensured the effective implementation of the Beit Salam agreement. Also in May 2006, the AU deployed the Mission in Support of the Elections in the Comoros (AMISEC) that ensured the creation of a conducive environment for the conduct of the elections. The March 2008 military intervention further dethroned the rogue government of Colonel Bacar and facilitated the organization of elections in Anjouan and contributed to the restoration of the Union's authority in Anjouan. The intervention was both timely and successful and ended with no casualties resulting.

### **6.3 AU Capability Gaps in the Selected Conflicts**

Effective capabilities in any given conflict situation requires technical, political, infrastructure and bureaucratic dimensions to successfully manage the conflict. The AU's sanctions regime in the cases under review, as well as its peacekeeping operations needed more than just the technical know-how to execute. This section examines the context, in which the AU undertook the various missions discussed above. It examines the Organisations capabilities to act in terms of manpower, equipment, and institutional support of the AU to its troops; its capabilities to fund; and its capabilities to cooperate and coordinate with the various stakeholders, that is, the Regional Economic Communities and the external partners. An assessment of AU capabilities reveals and offers a combination of circumstances that negatively or positively, affected the AU's missions' successes within the period under review.

#### **6.3.1 Capability to Act**

The AU's operation in Burundi (AMIB) was promised total troop strength of 3335. This number included 120 military observers. The number of troops eventually assembled for the mission and deployed came to a total of 2600.<sup>42</sup> AMIB, therefore, never reached its full troop strength in the case of Burundi. The majority of the personnel that formed AMIB came from South Africa, which was also the lead nation for the mission. The positions for force commander as well as a Deputy Head of Mission were also fielded by South Africa. South Africa had its troops in Burundi prior to the deployment of AMIB and remained even when AMIB ended its mission. South Africa's intervention, (both military and diplomatic), ensured the success of AMIB.

Staffing for the AMIB headquarters, despite the success of the mission, was highly inadequate. Those recruited for the secretariat lacked the requisite skills to effectively manage the task at hand.<sup>43</sup> Further to this, the positions for political, legal and financial experts remained vacant despite their importance to the success of the mission. Managing the mission, therefore, became very difficult, especially liaising between the mission and Force headquarters.<sup>44</sup>

AMIS in Sudan did not also have the required troop numbers to cover the vast area of operation. The monitoring group that was first dispatched by the AU to Sudan comprised 300 troops and 60 military observers.<sup>45</sup> The troops were sent for the protection of the monitors of the ceasefire agreement in render of their duties. This initial group of 360 formed AMIS I. Upon the enhancement of the mandate of AMIS I, the troop numbers increased to 3320, comprising 450 military of observers, 1841 soldiers and 815 civilian police.<sup>46</sup> This new contingent formed AMIS II. The troop strength was further increased to 7731 personnel, made up of 6171 military and 1560 civilian police in April 2005. By the end of the mission, when AMIS transitioned into the UN Force in 2007, the total troop strength stood at 6964, very close and yet not up to the 7731 personnel envisioned by the AU for Darfur.<sup>47</sup> One can thus argue, that, the lack of capacity to fulfill its mandate necessitated the hybrid mission of the UN in Darfur. Samuel M. Makinda and Wafula Okumu sum up the AU's Mission in Sudan in the following words:

The deployment of the African Union Mission in Sudan faced enormous problems.... There were few countries with soldiers trained in peace operations of the Darfur nature, where there was no peace agreement to implement. .... The AU lacked equipment and had only a few vehicles and tents, and no aircraft. It took a while before the donors provided the promised equipment. Once countries such as Rwanda and Nigeria offered troops, there was a logistical problem of transporting them to Darfur. When Rwanda tried to send 300 soldiers... it was forced to postpone the deployment, as preparations to house them had not been made.<sup>48</sup>

AMISOM in Somalia was approved by the PSC to comprise a total of 7650 personnel. This was to be made up of 9 battalions of 850 personnel each.<sup>49</sup> As a result of financial constraints, the AU deployed two out of the nine battalions in 2008. These were mainly Ugandan soldiers. The AU, as with AMIB in 2003, “relied on troop contributing countries to be self-sustaining during deployment.”<sup>50</sup> Troop numbers for AMISOM increased to a total of 5000 by the end of March 2009. These were, however, still Burundi and Ugandan soldiers. AMISOM’s lack of troops rest on the fact that the AU member states lacked the financial capacity to finance such a large contingent. Nigeria, Sierra Leone and Malawi, for instance, all pledged troops to AMISOM but declined their deployment, due to the lack of funds.<sup>51</sup> States were also concerned for the security of their troops in Somalia. By the end of 2010, only Burundi and Uganda still had their troops in Somalia, two years after the AU decision to deploy in the country.

Comoros, in 2004, saw the deployment of 39 military observers and was followed by the African Union Mission for Support of the Election in Comoros (AMISEC) in 2006. The AU, in the case of AMISEC, deployed a force numbering 462 civilian police and military personnel.<sup>52</sup> South Africa was the major contributor of troops to the mission and the lead nation as well. In 2007, the AU Electoral and Security Assistance Mission was deployed to the Comoros with a total force of 356 military and civilian personnel. Finally, Operation Democracy in the Comoros deployed a total of 1500 troops in March 2008.

In all the cases under review, the AU member states pledged support to the Union in the deployment of troops. Member states, however, declined to deploy these troops due to the lack of funds. The AU did not have the financial capabilities to deploy the required number of troops

for each of its mission. Troop contributing countries were also not willing to pre-finance their troops due to the slow rate of reimbursements from the AU. Again, member states cited the insecurities in the conflicts under review and the fact that they could not guarantee the safety of their troops as reasons for not deploying. A few countries of the 54 members states of the Union, have thus shouldered the burden of contributing troops to AU mission.

### **6.3.2 AU Logistical Support to the Missions**

In the area of logistics for the missions under review, our respondents were of the opinion that the AU's equipment support was inadequate for the task at hand. The AU is said to have no real plan in terms of logistics. Appiah-Mensah notes that "AU troops often lived in rented premises, had no capacity to supply their missions with vehicles and aircrafts and had no capacity to repair or supply equipment."<sup>53</sup> The AU further "has limited capacity to move large number of troops quickly, they have no armorer brigades, not even mechanized infantry."<sup>54</sup> General Obiakwa recalls AMIS soldiers, for instance, were armed with "pistols, AK-47's and one rocket-propelled grenade launcher, per every ten soldiers."<sup>55</sup> These poorly equipped troops had to contend with the Sudanese military and the Janjaweed, who were armed with heavy weaponry. Robert L. Feldman notes, "not only do these fighters have AK-47s or KPG -7s, but also PKM's, 7.62mm machine guns which are capable of penetrating armoured vehicles." The Janjaweed also had "122mm Al-Saqr 30s, multiple rockets launchers, hundreds of Soviet made T54/55 tanks and a dozen or more MIG – 29 Fulcrum fighter jets."<sup>56</sup> AMIS, according to Appiah-Oppong, could not boast of one combat aircraft. This problem of lack of adequate logistics has plagued the AU in all of the missions under review.

The history of Africa, in terms of colonialism, has ensured that different countries had various alliances to countries like France, Germany, Britain, China, and the United States. African countries, as a result of this, purchase weapons from diverse sources. This creates problems for undertaking missions, in that; officers from various countries may not have the know-how of the equipment of the different countries. Feldman notes that “not knowing the ranges of artillery pieces, speed of armoured cavalries, or lift capabilities of aircrafts could be disastrous during combat.”<sup>57</sup>

The UN Secretary-General noted in 2007 that “the logistical constraints under which the AU Mission in Burundi operates prevents the force from fully implementing its mandate.”<sup>58</sup> Akokpari opines that both AMISOM and AMIS were hampered by inadequate logistics. During the military intervention in the Comoros, France provided logistical support in the form of airlift facilities for AU troops to Anjouan. The AU has, in all of its missions, thus relied heavily on donors for logistical support in their bid to resolve conflicts on the continent. Akokpari opines that this does not bode well for the Union. He laments that this dependence on foreign donors “incapacitates the AU from timeously addressing conflicts.”<sup>59</sup> The conclusion then is that the AU’s inability to equip its troops effectively has hindered and will continue to hinder its missions and further deter member states from contributing troops to its missions for fear of the safety of those troops.

### **6.3.3 AU Capability to Fund its Missions**

All the missions under review suffered serious funding problems. The various missions could not carry out their assigned mandates effectively due to the lack of funds. The AU, its member

states as well as the international community have been complacent in funding mission in Africa. Burundi is a case in point. The AU, as already mentioned relied on troop contributing countries to fund the first two months of deployment. Countries like Ethiopia and Mozambique were willing to deploy their troops but could not meet the requirement of pre-financing the deployment. The intervention of the United States and United Kingdom, respectively, in airlifting troops from these two countries ensured their deployment. This, however, led to delays in the deployment of the troops from Ethiopia and Mozambique to Burundi.

The estimated cost of the AU's mission in Burundi was \$110 million. Of this amount, only \$10 million was received out of the \$50 million that was pledged to the trust fund.<sup>60</sup> The lack of fund hampered the AU's ability to sustain its troops and effectively monitor the DDR process. The lack of funds implied inadequate supplies: food, as well as medical and infrastructural facilities for the cantonment areas.<sup>61</sup>

In the case of the Sudan, the AU needed an amount of \$221.8 million annually in order to successfully deploy. Out of the \$248.4 million pledges made to the mission, only \$43 million was actually paid.<sup>62</sup> The expansion of AMIS in 2005 came with a total budget of \$460 million. This was the cost of just the additional 4,500 troops to the mission. This required an increase financial support to the AU from within and outside the Union. The AU, this time round, obtained pledges to the tune of \$291 million out of which \$64 million was received. The EU later paid \$84 million from the Africa Peace Fund (APF). These amounts were, however, not enough for the AU to successfully deploy the additional troops needed in the Sudan. An AU official said, "within three months we will not be able to pay the wages of our troops who are on

the ground... The international community, UN, EU and NATO can't ask us to increase our force in Darfur and then not come up with the money.”<sup>63</sup>

For the Comoros, a Trust Fund was established in 2004 at a donors meeting in Paris. The AU also called a donor conference in December 2005 in Mauritius. At the Mauritius conference, \$200 million was received as pledges to the mission from the international community. In 2008, countries like France and the EU contributed the much-needed funds for the military intervention in the Comoros.

The AU did not receive adequate funding also in the case of Somalia. The AU Commission Chairperson reported in January 2008, that, only \$32 million out of the estimated \$662 million needed for the mission was contributed by donors. The Chairman further admitted in his statement that, “the resources and logistical support mobilized for the mission fell far short of what was required.” Calls to the United Nations for financial support for AMISOM further yielded a total of \$77.7 million by November 2009. The AU was unable in the case of Somalia to raise the needed resources from the donor community or its own member states.

#### **6.3.4 Cooperation and Coordination Capabilities of the AU**

This section assesses the AU's capability to cooperate and coordinate its missions with the various actors for the success or otherwise of the missions under review. The actors refer to AU partners on the local, regional and international arena. From the previous discussion, it became clear that the AU could not fund most of the missions under review from its own coffers. In Burundi, Sudan, Comoros and Somalia, the AU had to depend on international, regional and

local assistance to meet the financial and logistical requirements for the missions. “Troop contributing countries and key-external actors – expected the AU to co-ordinate their diverse interests”<sup>64</sup> in the missions.

In Burundi, for instance, the AU operated through the Regional Peace Initiative. This initiative ensured the presence of South African troops in Burundi before the arrival of AMIB. The AU also through the same initiative, deployed military observers to Burundi prior to the deployment of AMIB. Festus Aboagye notes, that when AMIB finally deployed in Burundi, the South African troops and AU military observers were incorporated into the mission and this, to a large extent, ensured the success of the mission.<sup>65</sup> Emma Svensson argues that South Africa not only played the lead role in ensuring the success of the mission in Burundi but also provided “essential resources such as funding, troops, equipment and logistics and made arrangements for procurement, maintenance, training and service of equipment.”<sup>66</sup>

South Africa again played the lead role in the Comoros, beginning with the negotiations that led to the signing of the Beit Salam Agreement and later the monitoring of the agreement. South Africa once more took the lead in contributing troops and resources for AMISEC.<sup>67</sup> During Operation Democracy in the Comoros, countries like Libya, Sudan and Tanzania offered tactical military support to the invasion. This spelt the success of the invasion. The Joint Report of the AU and the HD Centre on the Comorian conflicts states that “the AU’s co-ordination of the intervention went relatively well,”<sup>68</sup> given the obvious difficulties of the task. Uganda and Algeria, in the case of AMISOM, were of immense help to the AU. Uganda became the leading

troop contributing nation, while Algeria airlifted the troops, supplied logistics and equipment and procured supplies for the mission.<sup>69</sup>

The AU in all its interventions could not do without external assistance. The AU coordinated the diverse interests of the international community to ensure coherence in the assistance offered. The AU partnered with the United Nation (UN), the North Atlantic Treaty Organisation (NATO), the European Union (EU), the World Health Organisation (WHO), the United Kingdom (UK), the United States of America (USA), France, Denmark, Italy and Germany, to mention a few. These countries and organisations offered logistical support in airlifting AU troops to the various theatres of operation, provided financial assistance for the missions, offered training to AU troops and provided the much needed intelligence to the AU.

Most of the interviewees, on the question of AU capabilities in the area of cooperation and coordination, scored the AU highly for its efforts. D. K. Osei, for instance, noted that the AU in Burundi, despite the funding challenges it faced, was able, through the co-ordination of the AU to received food, medicine and other supplies from organisations like UNICEF, WHO, GTZ and the EU.<sup>70</sup> Annemarie Peen Rodt collaborates this position by positing that “this is an example of how limited capabilities in one area i.e. funding can to some extent be compensated for by stronger capabilities in another area, namely: cooperation and co-ordination.”<sup>71</sup> Peen Rodt further writes, that despite its inability to fund the mission in Burundi, the mission coordinated well with local, regional and international actors to fulfil its mandate.<sup>72</sup> Again, in the instance of Burundi, the handover from an AU Mission to the UN Mission was made possible by the successful cooperation and coordination of the AU.

AU coordination and cooperation was, however, not without challenges. One major challenge the AU faced in its efforts at coordinating the various interests the local, regional and international levels was the different interests and motivations its partners had for getting involved in the interventions. The HD Centre records that “events tend to develop very fast in the peacemaking process, making coordination among actors with different and sometimes competing interests even more difficult.”<sup>73</sup>

Another challenge the AU faced was ensuring that its efforts at coordinating the various groups and agencies were coherent. More often than not, conflict zones become a “theatre for several peacemaking initiatives.”<sup>74</sup> This leads to “disagreements on strategy among third parties, different professional cultures and personalities involved in any given process, and the need to maintain confidentiality and establish trust with the parties.”<sup>75</sup> This, if not well managed, becomes a problem for the coordinating agency. Prior to its intervention in the cases under review, the AU ensured it had strong relations with neighbouring states in the regions affected. In Burundi, for instance, the AU operated initially through the Regional Peace Initiative on Burundi and the Great Lakes Regional Initiative (GLRIPB). In Somalia, the AU initially worked through the IGAD, which led to the proposal to form IGASOM to intervene in the crisis, but that proposal did not materialize. In the Comoros, the AU was in close collaboration with the “central government, troop contributing countries and key external actors.”<sup>76</sup> The AU further employed its ‘Troika’ system and a coalition of the willing to resolve the crisis in the Comoros.

## **Section B: The AU's Management of Unconstitutional Change of Government's from 2002 to 2012**

### **6.4 Introduction**

The AU since its inception in 2002 has broken away from the tradition of the OAU in dealing with unconstitutional governments. The AU has made unconstitutional change of governments illegitimate and this has become the new norm in handling such governments. The AU definition for unconstitutional governments is rather broad. The Lome Declaration of 2000 set out several conditions that qualify as unconstitutional changes of government. These are:

- A military coup d'état against a democratically elected government;
- Intervention by mercenaries to replace a democratically elected government;
- Replacement of a democratically elected government by armed dissident groups and rebel movements; and
- The refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.<sup>77</sup>

The AU Constitutive Act and the PSC Protocol further provide guidelines for handling these conditions that are deemed unconstitutional within member states of the AU. The adoption of the African Charter on Democracy and Good Governance in 2007 by the AU Assembly, further, reiterated within the AU, the desire “to strengthen the legal framework applicable to unconstitutional changes of government.”<sup>78</sup> This section assesses the AU's practice on unconstitutional governments since its inception in 2002. The AU's policies on unconstitutional changes of Government have been discussed in detail in Chapter Three of this work. This section reviews the application of the policies on unconstitutional changes of government to

defaulting Member states. In pursuit of this objective, this section analyses the AU's response to the unconstitutional changes of government in Niger (2010), Togo (2005), Mauritania (2005 and 2008), Madagascar (2009), Guinea (2008), Ivory Coast (), Libya (2011) and Zimbabwe. The discussions are generalized in terms of the countries, since the policy is the same for every defaulting state. Where there have been differences in application, these are clearly stated.

**Table 6.2: Summary of the African Union's Sanctions Regimes**

Target State	Suspension	Sanctions (economic, travel etc)	Summary
Central African Republic	March 2003 – June 2005		Military coup. Sanctions lifted in 2005 yet junta head retained power.
Togo	February – May 2005		President dies in office and his son assumes office. Son retains power after fraudulent elections. Son wins elections in March 2010.
Mauritania	August 2005 – March 2007		Military coup. Regime suspended but led to elections and new leader in 2007 (who was overthrown in a military coup in 2008)
Mauritania	September 2008 – June 2009	February – July 2009	Military coup. Sanctions lifted after a transitional government was formed. But coup leader won subsequent elections.
Comoros	October 2007 – March 2008	October 2007 - March 2008	Political coup on island of Anjouan. AU restores order by force in March 2008
Guinea	December 2008 – November 2010	October 2009 – November 2010	Military coup (after incumbent president dies) followed by massacres of protestors. Coup leader flees. Presidential elections held in November 2010 and coup leaders banned from participating.
Madagascar	March 2009 -	March 2010	Forced resignation of incumbent president. Presidential elections was held in 2011.
Niger	February 2010 – March 2011		Political coup (August 2009) followed by a military coup (February 2010). Presidential elections in March 2011 and coup leaders did not participate.
Eritrea	April 2009 January 2011 (Eritrea's decision)	December 2009 – (as part of UN sanctions)	AU calls for sanction against Eritrea for its support to insurgents in Somalia
Ivory Coast	December 2010 – April 2011	March 2011 – April 2011 (as part of UN sanctions)	Incumbent regime refused to relinquish power after electoral defeat. UN-France-AU force incumbent regime to step down and de jure government assumes office.

**Source: Paul D. Williams. Working Paper – The African Union's Conflict Management Capabilities, October 2011.**

### **6.4.1 The African Union Practice on Unconstitutional Governments**

In all the cases under review, the PSC's initial reaction to the unconstitutional changes was a condemnation of the act. In Togo, for instance, the PSC on February 7, 2005 condemned the coup d'état and called the attempt by the Togolese National Assembly to modify the constitution "a mere window dressing."<sup>79</sup> Mauritania and Guinea saw the PSC condemning the coups that occurred in 2005 and 2008 respectively, although these countries had not ratified the PSC Protocol. In the case of Madagascar, the PSC considered the transfer of power from the Military Directorate to Rajoelina, upon the resignation of President Ravalomanana, as a breach of the Malagasy constitution and duly condemned it.

The AU has been praised for its consistency in the condemnation of successful coups in Africa, from Guinea Bissau to Madagascar.<sup>80</sup> This research, however, noted some inconsistencies. Although the AU worked hand in hand with ECOWAS in the administering of targeted sanctions in the case of Guinea, the AU PSC took no initiative in condemning the unconstitutional change or in applying sanctions. Similarly, in Niger the PSC did not pronounce on the legality of Mamadou Tandja's actions in changing the constitution but merely endorsed the resolution by ECOWAS. Although by supporting the ECOWAS position the AU deemed it a condemnation of the act, it refrained from directly denouncing the government of Tandja. This is in sharp contrast to the immediate denouncement and condemnation of the coup in 2010. Although this was a popular coup with the opposition parties and trade unions of Niger in support, the AU applied the rules and sanctions and this brought the partiality of the AU PSC into question. Again in the case of the Ivory Coast, the PSC met twice in January and March 2011 to decide on the fate of the country but no sanctions were adopted and imposed. The AU

did not apply its powers throughout the sixteen months that preceded the defeat and arrest of President Gbagbo. Zimbabwe is another blight on the AU's conscience. The AU has consistently opposed the imposition of sanctions against the Mugabe regime. It opposed the United States imposition of economic sanctions and Zimbabwe till today remains a member of the AU. Despite the call of the opposition for the AU to condemn the 2008 elections, this condemnation never came and neither did the AU question the right of Mugabe to assume his country's seat for the AU Summit in 2008. President Kikwete, who assumed the Chair of the AU in 2008, called the elections 'historic'. Although the AU condemned the post – election violence in 2008, it deferred further action to SADC. SADC was also criticized for employing 'quite diplomacy' in dealing with Mugabe's regime.<sup>81</sup>

Although elections have become common on the continent, victories by opposition parties are still rare. Incumbent governments continue to win elections under very questionable conditions. The PSC has again not dealt decisively with Presidents who have held on to power through rigged elections or abolished presidential term limits in their countries. "This is a thorny issue given that some of the most blatant offenders are significant African States, including Algeria and Uganda."<sup>82</sup> In the cases of Guinea, Niger and Madagascar, the AU was able to bar the military juntas from participating in the elections. The AU has, however, not determined how it will handle a military takeover that overthrows an undemocratic government and restores democracy to that country, as it happened in Niger.

The AU, in furtherance of this argument, has no mechanism in place to handle the popular uprisings that occurred in Egypt and Tunisia or the armed insurrection that occurred in Libya.

The AU's responses to these crisis situations were mostly ad hoc and Libya is a case in point. The AU was accused of passivity in the uprisings that hit Egypt, Tunisia and Libya. Two reasons have been offered for the AU's lack of action in these crises. Martha Bakwesegha-Osula and Sadiki Koko opine that the AU lacked precedence in dealing "with this new modality of regime change."<sup>83</sup> The crisis in Libya changed from an uprising and into a civil war and then AU then responded with a roadmap. The roadmap consisted of setting up an Ad Hoc Committee comprising five presidents and the AU Commission Chairperson.<sup>84</sup> The roadmap consisted among others, the immediate cessation of hostilities; the cooperation of the concerned Libyan authorities to facilitate the diligent delivery of humanitarian assistance to needy populations; the protection of foreign nationals including African migrant workers living in Libya and dialogue between the Libyan the parties in the civil conflict.<sup>85</sup>

This roadmap was never implemented due to a number of factors. The NATO offensive that toppled the Gadhafi regime was launched without recourse to the AU and the lead Organisation in the sub-region. The AU was "ignored, sidelined and undermined"<sup>86</sup> in NATO's bid to remove the regime of Gadhafi. Secondly, there was a lack of coherence between African states and the AU Commission on which way to go and this led to the African Members on the Security Council voting in favour of Resolution 1973. Thirdly, the Gadhafi regime accepted the roadmap but this made the NTC not to trust the process and led to their rejection of it. The NTC believed the AU did not have sufficient power to compel the Gadhafi regime to commit to the process. These reasons led to the stillbirth of the AU's roadmap.

The AU, however, contradicted itself by its decision to recognize the NTC. At the meeting of the PSC on 26 August 2011 in Addis Ababa, the decision was reached to recognize the NTC only after it had established an all-inclusive transitional government.<sup>87</sup> The AU, however, recognized the NTC before this all-inclusive government was formed. By this action, the AU undermined its own policy of not recognizing unconstitutional governments thereby “threatening the normative framework governing unconstitutional changes of governments.”<sup>88</sup> The AU, by this recognition, inadvertently endorsed their marginalization by NATO and the international community in the resolution of the crisis.

Getting back to the AU practice on unconstitutional governments, in Mauritania, Guinea, Madagascar and Niger, special envoys were appointed by the AU Commission. The envoys were tasked with “monitoring the situation on the ground, engage in direct talks with the parties as well as coordinate the AU’s efforts with other international and regional initiatives.”<sup>89</sup> The AU Commission also set up an International Contact Group (ICG) for Guinea and Madagascar comprising of the AU, the respective REC, EU, UN and the OIF. The ICG was to “provide an official framework to coordinate the different international initiatives as well as to formulate joint messages to the parties.”<sup>90</sup> The cases under review clearly show cooperation between the respective RECs, the AU and other International Organisations. Although this cooperation was not without disagreements as to which Organisation had the responsibilities and competences for the conflict, cooperation allowed for a general consensus on the way forward.

Sanctions, in the form of economic and travel bans, have been applied to the defaulting states – Mauritania from February to July 2007, the Comoros from October 2007 to March 2008,

Guinea Bissau from October 2009 to November 2010, Madagascar in March 2010 and Ivory Coast from March to April 2011, (as part of UN sanctions).<sup>91</sup> The sanctions in Guinea, Mauritania and the Ivory Coast run parallel with sanctions from the UN and the EU. There was, however, no harmonization on either the list of individuals to be sanctioned or on the conditions for lifting the sanctions among the international bodies. The result was disagreements on both the content and effects of the sanctions. Two deductions can be made from the AU's application of sanctions on defaulting states. In the first instance, the sanctions were meant to signal the defaulting state of the general discontent within the AU for unconstitutional governments. Secondly, sanctions are also meant to stigmatize the offending states within the comity of nations. Being the largest organization for African affairs, suspension from the Union is an embarrassment for the offending states.

The AU has, again, deployed the Panel of the Wise (PW) to mediate and negotiate in almost all the crisis under review. The Panel was involved in negotiations in Guinea, Madagascar and Zimbabwe. Panel members rely on their moral authority and their expert knowledge to resolve conflicts. The Panel has had very little support from the Commission with a skeletal staff and poorly equipped secretariat.<sup>92</sup> Further to this, meetings between the Panel and the PSC have been few since their inauguration in 2007. The first meeting between the PSC and the Panel was in March 2009. This has rendered the Panel neither proactive nor dynamic in the performance of their duties as an advisory body. The Panel also depends on external sources for funding and the AU, as at the time of writing, was still depending on external sources for funds for the activities of the Panel.

The discussions so far indicate a clear institutionalization of the African Union's reaction towards unconstitutional changes of governments. The AU now addresses these unconstitutional changes with "deepening legitimacy since the AU's general responsibility to react was not questioned as such."<sup>93</sup> The fact that the AU has put in the right mechanism to address unconstitutional changes of government is without question. In most of the cases under review, the PSC promptly denounced the unconstitutional changes and applied the rules of suspension from the Union to the offending state. The PSC further imposed sanctions, both to the offending states and their known collaborators. These punitive measures were sometimes imposed in conjunction with the UN, EU or the Sub-regional Organisation to which the offending state belong. To a greater extent, the sanctions appear to have achieved its purpose with the de-facto government holding elections to return the state to constitutionality.

## **6.5 Conclusion**

From the foregone discussions, it can be said that the AU has demonstrated the will and determination to intervene in conflicts in Africa. The AU has accomplished this through military interventions and a sanctions regime. The AU, however, suffers from major capacity gaps in the area of conflict management. These capacity gaps range from infrastructure to funding of the Union's programs. The study found that the AU has so far relied on the international community to both finance its interventions and provide the needed capacity in terms of equipment for its missions. The study also found that the AU has so far depended on the UN to take-over most of its mission. Where the UN has failed to takeover, the AU has found itself left with managing conflicts it neither has the resources nor the capacity to handle.

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## CHAPTER SEVEN

### SUMMARY OF RESEARCH FINDINGS, CONCLUSION AND RECOMMENDATIONS

#### 7.0 Introduction

Since the transformation of the OAU into the AU in 2002, the Union has intervened in a myriad of crisis situations. The AU's response to crisis on the continent has been militarily and by the application of sanctions where necessary. In spite of the AU's quest to bring peace and security to the continent, challenges remain as to the Union's capacity to manage these conflict situations in the first place. Considering the AU's potential as the closest organisation to the conflicts in Africa and therefore able to provide first – line response prior to the intervention by the United Nations and the international community, it was essential that the state of the Union's conflict management capacity be examined and interrogated.

The study proceeded on the hypothesis that although the African Union's doctrine of non-indifference has galvanized its young institutions of peace and security into making significant strides on the continent, it was still far from fully operationalizing an effective peace and security regime. On the basis of the hypothesis, the study sought to interrogate the AU's management of peace and security situations in Africa since its inception and the challenges that the AU's institutions (PSC) has grappled with. The objectives of the study therefore, were to give an overview on the quest for peace and security in Africa; to assess the normative framework of intervention from the OAU to the AU; to assess the peace and security

architecture of the African Union and to assess the performance of the AU in interventions or the lack of them since 2002.

This chapter summarizes the findings of the study and draws conclusions on the AU's quest at ensuring the peace and security of Africa. The chapter also outlines some modest recommendations towards the advancement of peace and security in Africa.

## **7.1 Summary of Research Findings**

The findings of the study are summarized below according to the objectives set in chapter one.

### **7.1.1 Overview on the Quest for peace and Security in Africa**

The study sought to understand the institutional role of the African Union (AU) in the management of conflicts in Africa. This required, first, the need to understand the historical evolution of the Organisation of African Unity (OAU) and how pan-Africanism influenced its goals and principles. This understanding of pan-Africanism explained the ideology, principles, goals, objectives and the permanent structures that were adopted by the OAU during its establishment in May 1963. Most of these structures were passed on to the AU, which replaced the OAU. The transitioning into the AU and the reasons that necessitated these changes were also discussed. The organization's structure, goals and potential for conflict management were also discussed.

The chapter drew the conclusion that the transformation of the OAU into the AU in 2002 succeeded in reforming the old Organisation of African Unity into a more effective institution

for managing and enhancing peace and security in Africa. The AU's Constitutive Act gave the Union the right of intervention in member states as well as over-rode the sovereignty of states where gross violations of human rights exist. These normative changes, which the OAU lacked, and which made it unable to effectively deal with the conflict situations on the continent, has galvanized the AU into the leading arbiter in the area of peace and security in Africa.

### **7.1.2 Assessment of the Normative Framework for Intervention from the OAU to the AU**

The study sought to examine the normative framework that governs interventions in Africa. Tracing the development of peace and security norms from the OAU to the AU the differences in policy that have developed over the years was assessed. In the case of the OAU, it was noted that the establishment of the OAU marked an important period in the institutionalization of norms on the continent. The Charter of the OAU, it was noted, provided the foundation for the organisation's security culture and norms. Article 3 of the Charter set forth the principles of the Organisation and these principles included the condemnation of imperialism; the sovereign equality of members; the non-intervention in the internal affairs of member states and the inviolability of national borders. These norms formed the bedrock, upon which the OAU built its security culture. Sovereignty in theory was upheld to the letter by the OAU member states but in practice it was not respected. The principle of non-interference was also violated time and again. These Charter provisions deterred the Organisation from interventions and this earned the Organisation a lot of criticism from the international community.

In the case of the AU, the Union built on the norms formed within the OAU. The Constitutive Act of the AU set out new norms in Article 4, which may be summarized under three headings: sovereignty, right of intervention and the rejection of unconstitutional governments. By these Provisions, the AU has gradually moved away from the OAU's stance on intervention. Determined to promote and protect human and people's rights, consolidate democratic institutions and ensure good governance and the rule of law, Jeremy Levitt notes that Africa has adopted norm-creating mechanisms that are eroding traditional prohibitions on the use of force. The framework set out by the Constitutive Act and the Protocol on Peace and Security clearly gives right of intervention to the AU under grave circumstances like genocide. The AU has also progressed beyond the OAU standards in terms of sanctions and interventions to now include the non-recognition of such governments.

On the basis of the OAU and AU normative framework for the management of peace and security, the study observed some linkages between the policies of the two Organisations. Although the AU has instituted new norms that govern its activities, the OAU norms were not discarded but these were used as the foundation for the new norms. The principle of non-interference and sovereignty, though still present in the Constitutive Act, no longer shield states from external scrutiny and even military intervention. The AU is therefore charting a new course of non – indifference and this has led to the building of operational modalities and institutional structures that will be employed in the implementations of the new norms.

### **7.1.3 Assessment of the Peace and Security Architecture of the African Union**

In meeting this objective, the study proceeded with a discussion on the architecture for peace and security of the AU. It noted that the architecture for peace is a comprehensive organisational structure for the promotion of peace, security and stability in Africa. The architecture is premised on several norms, which emanate both from the AU Constitutive Act, the Protocol of the PSC and the Declaration. The study hypothesized that although the AU's doctrine of non-indifference has galvanized its young institutions of peace and security into making significant strides in the conduct of peace operations in Africa, it is still far from fully operationalizing an effective peace and security regime. Neo-institutionalism notes that institutions refer to a set of rules that guide and constrain the behaviour of actors within a particular context. It also reflects the structures that often manage these rules for the purpose of shaping action. It is in this context that this chapter looked at the structures for peace and security. The AU Commission established the APSA as the operational structure responsible for the execution of decisions on peace and security. The components of the architecture were identified to include the PSC, supported by the AU Commission, the Panel of the Wise, the Continental Early Warning System, the African Standby Force and the Special Fund.

The discussions noted, that the PSC began operation in March 2004 and has wide powers of intervention to anticipate and prevent conflicts; and to provide mandates for missions and the provision of rules of engagement. The decisions of the PSC were noted to be binding on Member States. The study then delved into the Panel of the Wise and discussed its composition and powers. The study noted that Members of the Panel had the independence to carry out their mandate in a free and fair manner and could also freely interact with whomever they so wished

in the discharge of their duties. The study then touched on the three thematic areas the Panel has set as their main focus: Election related Conflicts, Non-Impunity, Justice and National Reconciliation and Women and Children in Armed Conflicts in Africa. The chapter then discussed the Continental Early Warning Systems, the African Standby Force and the Special Fund.

On the basis of the above, it was argued that for the APSA to function properly, the disconnection between the AU and the regions, in terms of the election of members of the PSC should be given a second look by the Commission. The criteria for the selection of members of the Council must be strictly adhered to. Again, the limited interface between the PSC and the RECs as well as between the various components of the Architecture must be bridged for effective collaboration towards the management of peace and security. On the Continental Early Warning System, the study concluded that the inter-operability between the AU Commission's CEWS and that of the RECs should be harmonized. The RECs Continental Early Warning Systems were still at different levels of development and needed to be brought up to speed for information sharing to be effective. The challenges confronting the establishment of the ASF in the various RECs led to the conclusion that the technical and political challenges hindering the process of the establishment of the ASF has to be resolved for the rapid deployment of troops to occur in times of crisis.

#### **7.1.4 Assessment of the Performance of the AU in interventions or the lack of it from 2002 to 2012**

Prior to the analysis of the AU's performance in the area of interventions since 2002, the preceding chapter gave an overview of the conflicts under review given consideration to the political and historical dynamics of the selected countries. This assisted tremendously in appreciating the realities of the AU's varied interventions. Having reviewed the historical and political antecedents to the conflicts, the study then sought to interrogate how the AU has translated its norms and institutions into interventions and the capacity constraints of the AU in terms of funding, logistics, cooperation and coordination and troop deployment. On the face value of the data assessed, the study concluded that there are significant capacity constraints, which offer a combination of circumstances affecting negatively or positively, the AU's successes within the period under review.

In terms of its capacity to act, the study discovered that AU members readily pledge troops for the Union's Missions but lack the capacity to deploy these troops. The AU tasked troop-contributing nations to be responsible financially for the first three months of deployment of their troops for all mission. Member states have been unwilling to comply with this directive to the slow rate of re-imbursments from the AU. The study further concluded that the AU lacked the requisite logistical capacity for the magnitude of the task it had assigned itself. The PSC, more often than not, relied on donors for the logistical support needed for its missions. This caused delays in the timeliness of the interventions in most of the cases under review since the logistical support arrived rather late. Again, the AU's capacity to fund its missions, the study discovered, is non-existent. The study therefore reached the conclusion that the continued

reliance on donors for financial and logistical support makes the AU incapable of dealing with conflicts decisively unless supported by the international community.

On the management of unconstitutional governments, the study noted that the AU has broken away from the tradition of the OAU in dealing with unconstitutional changes of government. The AU has rendered unconstitutional changes of government illegitimate. In the cases under review, the AU duly condemned and suspended the defaulting states from the Union. Sanctions were then imposed to bring the countries back to constitutional rule. The study, however, noted some inconsistencies in the application of the policy on unconstitutional changes of government. All the countries selected for the study prove a clear institutionalization of the AU's reactions toward armed conflicts and unconstitutional changes of government. The Union now addresses these crises situations with deepening legitimacy and determination despite the capacity deficit that has placed its young institutions under undue pressure.

## **7.2 Conclusion**

In spite of the modest gains in its peace and security initiatives, the study has established that the AU still faces severe capacity constraints. The track record of the AU shows a bold engagement with many conflict situations on the continent. These range from armed conflicts to unconstitutional changes of government. The AU, by these actions, has shown the commitment to address conflicts on the continent. However, commitment alone is not enough for the AU to address conflicts. The AU must translate its commitment into ensuring that the right structures - with regard to personnel, material and financial support are put in place to enable the PSC to deploy missions as and when the need arises without depending on external sources. As already

noted, although the African Union's doctrine of non-indifference has galvanized its young institutions of peace and security into making significant strides in the conduct of peace operations on the continent, it has had very limited effect on the success of interventions. Operationalization will be fully reached only when the AU is able to implement the standby Brigades and be able to deploy the required troop numbers in its missions as well as to fund its Missions from its own coffers.

### **7.3 Recommendations**

Strong, functional and viable institutions provide the best option for addressing issues of peace and security in Africa. The AU has put in place the right institutions for the management of peace and security. There, however, remain some bottlenecks in the implementation and delivery of peace and security by the AU. Within the general context of institutions, peace and security, the study makes the following recommendations.

- The AU needs an Evaluation Unit to enable the Organisation evaluate its missions and generate recommendations for reforming the system. This will go a long way to ensure that institutional memory is not lost within the AU.
- The AU must, as a matter of urgency, re-appraise its conflict management capacity, beginning with the reformation of the membership of the Peace and Security Council. The PSC membership as it currently stands, includes a number of authoritarian regimes. In order for democracy to be upheld, the AU must ensure that Africa's dictators do not control this crucial institution.

- The AU needs a policy that will harmonize the acquisition of weaponry by member states. This is very important in that the wide array of weapons used by the various armies create problems for a joint force. An agreement can be drawn for the various Standby Forces to standardize their weaponry systems to make future operations much easier to handle.
- The AU can fund its activities by ensuring that member states factor the ASF into their national defence budgets and planning and pay these monies into the special fund. This will make funds readily available for the support of missions as and when they are deployed. A continent wide levy could also be imposed on goods and services like the ECOWAS Levy and these monies paid into the Peace Fund. These will enable the AU find a truly 'African Solution to African Problems' since conditions that come with donor funds will be eliminated.
- The Civilian and Military components of the ASF must be prioritized by the AU and the RECs as they are crucial to the successful deployment of the ASF.
- The AU Commission must ensure that the PSC Secretariat is not turned into a political machine and filled with political nominees that are incompetent. Positions for the Secretariat must be advertised continent wide and the right people with the requisite competence employed to man it.

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