The state of human security in Africa

An assessment of institutional preparedness

Edited by Roba D Sharamo and Chrysantus Ayangafac

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Acronyms and abbreviations

AAR	After Action Review
ACDS	African Chiefs of Defence and Security
ACCORD	African Centre for the Constructive Resolution of Disputes
ACP	African, Caribbean and Pacific
ACDS	African Chiefs of Defence and Security
ACPA	Accra Peace Agreement for Liberia
ACSRT	African Centre for the Study and Research on Terrorism
AEC	Assessment and Evaluation Commission (Sudan)
AfDB	African Development Bank
AidCo/EuropeAid	EuropeAid Cooperation Office
AMANI Forum	Amani is a Kiswahili term for peace and refers to a peace initiative by the parliamentarians from the Great Lakes region
AMDS	African Ministers of Defence and Security
AMIB	AU Mission in Burundi
AMIS	AU Mission in Darfur
AMISEC	AU Mission in Support of Elections in the Comoros
AMISOM	AU Mission in Somalia
AMU	Arab Magreb Union
APF	African Peace Facility
APRD	Popular Army for the Restoration of Democracy
APSA	African Peace and Security Architecture
APSTA	African Peace Support Trainers Association
ARS	Alliance for Re-liberation of Somalia
ASARECA	Association for Strengthening Agricultural Research in Eastern and Central Africa
ASF	African Standby Force
AU	African Union

AUBP	AU Border Programme
AUC	Commission of the African Union
AUCA	African Union Constitutive Act
AULOL	African Union Liaison Office in Liberia
AUPD	African Union Panel on Darfur
AUPG	AU Partnership Group
BCP	Basutoland Congress Party
BDF	Botswana Defence Force
BNP	Basotho National Party
C³IS	Command, control, communication and information system
CADSP	Common African Defence and Security Policy
CAR	Central African Republic
CCSDCA	Council on Security, Stability, Development and Cooperation in Africa
CD	Capacity development
CDF	Civil Defence Forces (Sierra Leone)
CDM	Clean Development Mechanism
CEDIF	Clean Energy and Development Investment Framework
CENSAD	Community of Sahelo-Saharan States
CEWARN	Conflict Early Warning and Response Mechanism
CEWERU	Early Warning Early Response Units
CEWS	Continental Early Warning System
CFSP	Common Foreign and Security Policy (Europe)
CGD	Centre for Global Development
CGPCS	Contact Group on Piracy off the Coast of Somalia
CIA	Central Intelligent Agency
CIS	Communication and Information System
CLB	Continental Logistics Base
CMD	Conflict Management Division
CMTF	Conflict Management Task Force
CNAS	Center for a New American Security
CNDD	National Council for Development and Democracy (Guinea)
COAFR	Council of the EU Committee on Africa
CODESRIA	Council for the Development of Social Science
COMESA	Common Market for Eastern and Southern Africa
CONOPS	Concept of operations

COP	Conference of Parties
COPAX	Peace and Security Council for Central Africa
COPS	Political and Security Committee (EU)
CPA	Comprehensive Peace Agreement (Sudan)
CPMR	Conflict Prevention Resolution and Management
CPMRD	Conflict Prevention Management and Resolution Department
CPX	Command-Post Exercise
CSDP	Common Security and Defence Policy (Europe)
CSIS	Center for Strategic and International Studies
CSO	Civil society organisation
CSSDCA	Council on Security Stability, Development and Cooperation in Africa
CTF	Combined Task Force
DAC	OECD Development Assistance Committee
DDR	Disarmament, demobilisation and reintegration
DDRR	Disarmament, demobilisation, rehabilitation and reintegration
DFID	UK Department for International Development
DGDC	Directorate-General for Development Cooperation
DITF	Darfur Integrated Task Force
DPA	Darfur Peace Agreement
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
EAC	East Africa Community
EAPSM	East African Peace and Security Mechanism
EASBRICOM	Eastern African Standby Brigade Coordination Mechanism
EASBRIG	East African and Peace Mechanism Brigade/East Africa Standby Brigade
EASF	Eastern Africa Standby Force
EC	European Commission
ECA	Economic Commission of Africa
ECAPAPA	Eastern and Central Africa Program on Agriculture Policy Analysis
ECCAS	Economic Community of Central African States
ECCASBRIG	Economic Community of Central African States Brigade
ECDPM	European Centre for Development Policy Management
ECK	Electoral Commission of Kenya

ECOBRIG	Economic Community of West African States Brigade
ECOMOG	Economic Community of West Africa Monitoring Group
ECOSOCC	Economic Social and Cultural Council
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
EMBs	Election Management Bodies
EPLF	Eritrean Peoples' Liberation Front
EPRDF	Ethiopian Peoples' Revolutionary Democratic Front
ER	Early response
ESA	Eastern and Southern Africa Region
ESDP	European Defence and Security Policy
ESF	ECOWAS Standby Force
ESS	European Security Strategy
EU	European Union
EUFOR	European Union Mission in Chad and Central Africa Republic
EW	Early warning
FAA	Angolan Armed Forces
FAO	Food and Agriculture Organisation
FARC	Revolutionary Armed Forces of Colombia
FCPF	Forest Carbon Partnership Facility
FES	Friedrich-Ebert-Stiftung
FOMAC	Multinational Force of Central Africa
FPU	Formed police unit
FTX	Field training exercise
GABP	German-African Border Project
GCOS	Global Climate Observing System
GDP	Gross domestic product
GEF	Global Environment Facility
GHG	Greenhouse gas
GTZ	Deutsche Gesellschaft fuer Technische Zusammenarbeit
HDR	Human Development Report of the UNDP
HQ	Headquarters
HSG	Heads of State and Government
ICC	International Criminal Court
ICG	International Contact Group

ICISS	International Commission on Intervention and State Sovereignty
ICJ	International Court of Justice
ICPAT	IGAD Capacity Building Program against Terrorism
ICRC	International Red Cross Committee
ICU	Islamic Court Union
IDIS	Institute of Diplomacy and International Studies
IDP	Internally displaced person
IDRC	International Development Research Centre
IEC	Independent Electoral Commission
IED	Inspection and Evaluation Division
IES	Institute for Ethiopian Studies
IFES	International Foundation for Elections Systems
IfS	Instrument for Stability (EC)
IGAD	Inter-Governmental Authority for Development (Horn of Africa)
IGADD	Inter-Governmental Authority on Drought and Development (Horn of Africa)
IGASOM	IGAD Peace Support Operation in Somalia
IGD	Institute for Global Dialogue
IISD	International Institute for Sustainable Development
IMB	International Maritime Bureau
IMF	International Monetary Fund
IMO	International Maritime Organisation
INALCO	*Institut national des langues et civilisations orientales*
INRC	International Red Cross Committee
IOC	Indian Ocean Community
IPA	International Peace Academy
IPCC	Intergovernmental Panel on Climate Change
IPEP	International Panel of Eminent Personalities
IPI	International Peace Institute
IPO	Individual Police Officer
ISS	Institute for Security Studies
ISSP	IGAD Security Sector Program
ITPCRD	Interdepartmental Taskforce on Post-Conflict Reconstruction and Development
JAES	Joint Africa–EU Strategy
JCC	Joint Ceasefire Commission (Burundi)

JEG	Joint Expert Group
KAIPTC	Kofi Annan International Peacekeeping Training Centre
LCD	Lesotho Congress for Democracy
LCPA	Lome's Comprehensive Peace Agreement
LPA	Lagos Plan of Action
LPG	Liquefied petroleum gas
LRA	Lord's Resistance Army
LURD	Liberians United for Reconciliation and Democracy
MAES	African Mission in the Comoros
MCCRC	Ministerial Committee of Countries of the Region on the Comoros
MDC	Movement for Democratic Change
MDGs	Millennium Development Goals
MFP	Marematlou Freedom Party
MILOB	Military observer
MILOBS	Non-military Equipment and Material for Military Observers
MINURCAT	United Nations Mission in Chad and the Central Africa Republic
MINURSO	United Mission for Referendum in Western Sahara
MIOC	Military Observation Mission
MLPC	Movement for the Liberation of the Central Africa People
MODEL	Movement for Democracy in Liberia
MONUA	UN Observer Mission in Angola
MINURCAT	UN Mission in Chad and the CAR
MINURSO	UN Mission for Referendum in Western Sahara
MIVAC	Interactive Watch and Anticipation Mechanism
MONUC	UN Organisation Mission in the Democratic Republic of Congo
MOU	Memorandum of Understanding
MSC	Military Staff Committee
MSU	Mediation Support Unit
NARC	North African Regional Capability
NASBRIG	North African Regional Capability Brigade/North African Standby Brigade
NASF	North African Standby Force
NATO	North Atlantic Treaty Organisation
NDLEA	National Drug Law Enforcement Agency (Nigeria)
NEAPNDAP	National Environmental Action Plan and the National Disaster Action Plan

NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organisation
NIIA	Nigerian Institute of International Affairs
NPLF	National Patriotic Liberation Front (Liberia)
NPP	New Population Plan
NURTW	National Union of Road Transport Workers (Nigeria)
OAU	Organisation of African Unity
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OIC	Organisation of Islamic Conference
OIF	*Organisation internationale de la francophonie*
OIOS	UN Office of Internal Oversight Services
ONUB	UN Operation in Burundi
OPDS	Organ of Politics, Defence and Security
OSAA	UN Office of the Special Advisor on Africa
OSCE	Organisation for Security and Cooperation in Europe
OUA	*Organisation de l'unité africaine*
PAP	Pan-African Parliament
PCC	Police-contributing country
PCRD	Post-conflict reconstruction and development
PLANELM	Operational region planning element
PoW	Panel of the Wise
PRS	Liberian Poverty Reduction Strategy
PSC	Peace and Security Council (AU)
PSD	Peace and Security Department (AU)
PSO	Peace support operation
PSOD	Peace Support Operation Division (AU)
QIP	Quick Impact Project
R2P	Responsibility to Protect
RCM	Regional Coordination Mechanism
RDC	Rapid deployment capability
REC	Regional Economic Community
RM	Regional Mechanism for Conflict Prevention, Management and Resolution
Roadmap I & II	Road Map for the Operationalisation of the ASF
RRF	CEWARN Rapid Response Fund

RSB	Regional Standby Brigades
RUF	Revolutionary United Front (Sierra Leone)
SA	South Africa
SADC	Southern African Development Community
SADCBRIC	Southern African Development Community Brigade
SADR	Sahrawi Arab Democratic Republic
SAIFAC	SA Institute for Advanced Constitutional, Public, Human Rights and International Law
SALW	Small arms and light weapons
SANAB	SA Narcotics Bureau
SANDF	SA National Defence Force
SARPCCO	Southern African Regional Police Chiefs Cooperation Organisation
SLPP	Sierra Leone People's Party
SPLM/A	Sudanese People's Liberation Movement/Army
SRSG	Special Representative of the Secretary-General of the UN
SSR/G	Security Sector Reform/Governance
TA	Technical assistance
TC	Technical cooperation
TCC	Troop-contributing country
TFC	Transitional Federal Charter (Somalia)
TFG	Transitional Federal Government (Somalia)
UAE	United Arab Emirates
UCT	University of Cape Town
UFR	Union of Republican Forces
UK	United Kingdom
UN	United Nations
UNAMID	UN–AU Mission in Darfur
UNAMSIL	UN Mission in Sierra Leone
UNAVEM	UN Verification Mission in Angola
UNDP	UN Development Programme
UNDPA	UN Department of Political Affairs
UNFCCC	UN Framework Convention on Climate Change
UNGA	UN General Assembly
UNHCR	UN High Commission for Refugees
UNITAR	UN Institute for Training and Research
UNMIL	UN Mission in Liberia

UNODC	United Nations Office on Drugs and Crime
UNOSOM	UN Operation in Somalia
UNOWA	UN Office for West Africa
UNPAERD	UN Programme for Africa's Economic Recovery and Development
UNPOS	UN Political Office for Somalia
UNRWA	UN Relief and Works Agency
UNSC	UN Security Council
UNSG	UN Secretary-General
UON	University of Nairobi
US	United States
USAID	United States Agency for International Development
WBGU	German Advisory Council on Global Change
WFP	World Food Programme
WHO	World Health Organisation
WWF	World Wide Fund for Nature

Acknowledgement

Note

All the chapters in this monograph were researched and written in 2009 and 2010, before the uprising in North African and other Arab countries. As a result the analyses in this monograph did not capture the origins and dynamics of the uprisings.

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Part I

The State of Human Security in Africa

1 Introduction

The state of human security in Africa: an assessment of institutional preparedness

Roba D Sharamo and Chrysantus Ayangafac

A perusal of key human security reports such as the United Nations Development Program (UNDP) Human Development Index, World Bank Development and Governance Report, African Development Bank Report and United Nations Economic Commission for Africa (UNECA) African Governance Report gives one the impression that Africa is making impressive strides towards achieving the Millennium Development Goals (MDGs). While the efforts in this regard are certainly positive, one cannot but acknowledge that they are below expectations. Importantly, the narrative about the impressive progress being made seems to gloss over some of the structural weakness of the African states.

According to recent failed states indexes by United States (US) based non-governmental organisations (NGOs), namely the Fund for Peace and the Mo Ibrahim Foundation, the continent presents a mosaic of progressive, regressive, retarded and stagnant states. More than half of Africa's countries are at risk of facing peace and security crises in the form of state collapse, weak states, civil wars, ethnic massacres, and social and political deprivations of its citizenry. Regrettably, African nations still remain the weakest and most fragile of all states, miserably occupying the bottom half of the failed states index year in and year out. For example, in 2009 African states occupied 18 of the 30 worst positions, while in

2010 Africa took 19 such positions. Despite the continent's current relative stability, including reduced armed inter-state conflict, new security challenges could influence the political and security landscape negatively. The drivers of conflicts and violence are still potent.

What are the main variables that will determine Africa's capacity to confront emerging security challenges and how should the African Union (AU) respond to these threats? The emergence of food crises, poor service deliveries, organised crime, drug and human trafficking, unconstitutional changes of governments and electoral violence has demonstrated that, in order to ensure human security, peace and stability, not only are pro-growth policies needed, but also redistributive policies anchored on positive relationships between human and regime security, or a positive alignment between political incentives and good economics. Drawing insights from rational institutionalism, this monograph argues that Africa's security challenges are the unfortunate result of the governance choices some states have adopted. Thus, how African states will individually and collectively respond to future security threats is contingent on domestic governance and democratic institutions or processes, as well as a concerted effort at the regional and continental levels to support and enhance the capacity of these institutions and processes.

Perusal of the AU's policy evolution and strategic orientation towards peace, security and political governance suggest that in the process of embracing the concept of human security the organisation has attained a level of comfort in arguing that governance matters in peace and security. The challenge for the AU, its member states and international development partners is how to facilitate and strengthen a self-nourishing relationship between human, regime and state security at the national level. Importantly, this demands reflection on how to support the process of reconstituting African politics from being a zero-sum calculation and state-centric notion of security to a more positive process characterised by reciprocal behaviour and legitimate relations between the rulers and the ruled. In essence, the promotion of human security goes a long way towards bolstering regime security and stability.

However, within this context, does the African Peace and Security Architecture (APSA) provide the mechanism to enhance and anchor such a relationship? This question is not a vindication of the belief that common and collective security is contingent on democracy and governance alone. Even the European Union (EU), which has made impressive strides with regard to policy

convergence on democracy and governance, is still grappling with common security and foreign policy frameworks. Rather, the argument pursued by this monograph is that the capacity of the AU to anticipate, prevent and manage the continent's security challenges is contingent on the capacity of member states' domestic democratic and governance institutions. For this reason policy actions aimed at enhancing and strengthening the capacity of APSA should also target the governance institutions of member states and regional economic communities (RECs). Without such a comprehensive but targeted strategic approach, APSA would remain a set of initiatives with the capacity to address the symptoms rather than the causes of violent conflict on the continent. Until there is some level of policy and institutional homogeneity, human security will remain an inspirational norm rather than a policy orientation to inform action.

So far, policy interventions and recommendations on capacitating APSA have focused too narrowly on collaboration over technical issues, coordination, staffing, resource mobilisation and planning. In this regard, too much emphasis has been placed by both member states and donors on issues of conflict management and peacekeeping. For example, in the 2009/2010 financial year the budget of the Peace and Security Department of the AU Commission (AUC) was more than ten times the budget of the Department of Political Affairs (DPA). Within the donor community it is generally thought that issues of democracy and governance should be dealt with through bilateral engagements. However, for the continent to make tangible steps forward in the areas of peace, security and economic development the emphasis should be on proactive conflict prevention, mediation support and, importantly, nurturing, institutionalising and strengthening the fundamentals of shared values as articulated by the 16th AU Summit of January 2011.

Without continentally shared norms and values being ingrained, Africa will continue to have nations that do not share the collective aspirations, ideals and principles aimed at raising the continent from the current excruciating pains and humiliations of poverty, underdevelopment, diseases, corruptions, cruel dictatorship, weak institutions and debilitating wars, to mention a few. The institutionalisation of credible democracies and the practice of good governance in African politics provide a fundamental roadmap for nurturing durable peace and stability.

That said, the enhancement of peace and stability in Africa is a role that the AU cannot accomplish alone. The management of African conflicts needs to be multidimensional, multifaceted and collaborative to effectively deal with the

complex internal, regional and global drivers of the continent's protracted conflicts and wars. Strong political will, and logistical and financial capabilities are critical resources for effectively dealing with Africa's troubles. Although the AU is the best placed to champion the search for durable peace in Africa, we argue that as peace is a global good, the search for and maintenance of peace should be a globally shared responsibility. As such, various actors need to collaborate to achieve a stable peace: the AUC, AU member states, subregional organisations, private sectors, civil societies and the international community, especially the UN, the EU and other development partners, as depicted in the accompanying diagram. Despite impressive progress and the experience gained by African troops supplied by various countries in a range of UN and AU peacekeeping missions, the AU is still weak and needs to build far greater internal and external political will and gain far greater policy, financial and technical support from member states. Indeed, critical partnerships and training in areas of conflict

Figure 1 The AU's strategic coordinative structure and key contributions
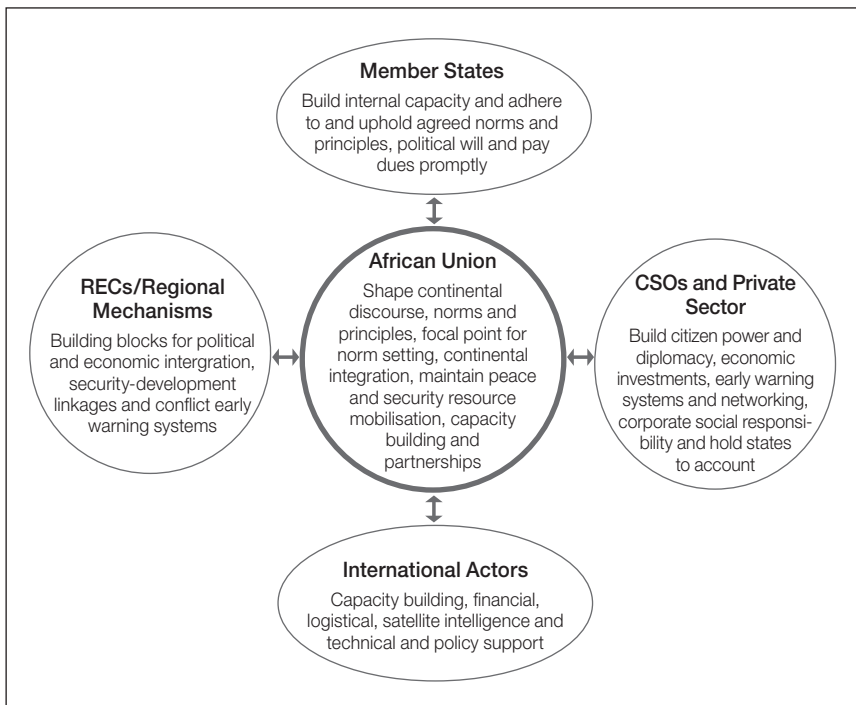
prevention, preventive diplomacy, mediation, negotiation and peace support operations among others are much needed.

Drawing on its continental mandate, legitimacy and ownership as key leverage points, the AU can effectively coordinate efforts geared at building the capacity of African peace support institutions.

FOCUS OF THE MONOGRAPH

The monograph is divided into five parts. **Part I** (Chapter 1) provides the conceptual and analytical framework for the rest of the monograph. **Part II** (Chapters 2 to 5) examines evolving and possible future security threats in Africa. **Part III** (Chapters 6 and 7) analyses the capacity and policy responses adopted by the AU, the RECs and other partners in responding to and managing emerging security threats. **Part IV** (Chapters 8 to 10) focuses on strategic international partnerships between the AU, the UN and the EU in the operationalisation of the various elements of APSA and other collaborative frameworks to bolster institutional capacities for the maintenance of peace and security on the continent. In the various chapters, drawing upon insightful analysis, the authors advance key analytical policy options and recommendations aimed at nurturing institutional responses and practical strategic engagements to prevent and manage existing and emerging security threats on the continent by enhancing the internal capacities of member states, re-orienting strategic regional institutional collaboration and deepening the relations with the UN and the EU among other development partners.

In **Chapter 1** of **Part I, Roba and Chrysantus** set the stage for subsequent discussions by advancing analytical and conceptual arguments anchored in the centrality of good governance, democracy and human security as fundamentals of nurturing and building a peaceful and prosperous Africa.

Part II examines emerging security threats in Africa from multiple sources. Based on a recent high-stakes election with accompanying election-related violence, **Likoti** in **Chapter 2** examines election processes and implications for future African security, and delves into the contemporary challenges of democratisation as seen through the lenses of elections and the management of electoral conflicts. In **Chapter 3, Ayodele** dissects the problems posed to state security in Africa by cartels engaged in drug trafficking and other black-market operations. He proposes a collective security approach to deal with the drug trafficking menace from executive, policy, judicial and legislative positions. In **Chapter 4**,

Kolawole examines the drivers and consequences of maritime insecurity off the Horn of Africa, focusing on the problem of piracy in Somalia. He argues that the piracy problem is not only a clear indication of the weakness of coastal states, but even more so of the continent's inability and lack of capacity to safeguard and maintain offshore security. In **Chapter 5**, **Olaniyan** examines the link between the population boom and security challenges in Africa. He concludes with policy options to manage the population growth problem and turn this into an opportunity for growth through the adoption of population reduction and control methods, infrastructural renewal, social welfare, job creation and the adoption of innovative energy sources to spur economic growth, among others.

Part III deals with regional and continental policy responses and approaches aimed at preventing and managing Africa's conflicts. In **Chapter 6**, **Addo** argues that the AU Post-conflict and Reconstruction Policy Framework is a critical tool for conflict prevention and peace building in Africa, and for managing future security threats. In **Chapter 7**, **Dersso** argues that whereas the African Standby Force (ASF) is a vital mechanism for furthering the AU's peace and security agenda, considerable obstacles and shortcomings continue to dampen the effectiveness of the ASF, as well as the AU's strategic policy approaches to shaping the end result to a significant degree.

In **Part IV**, various scholars and practitioners examine key continental and transnational partnerships for bringing APSA into operation. In **Chapter 8**, **Aning** and **Danso** envision the future of the AU and explore its collaborative ventures with the EU and the UN in capacitating APSA. In **Chapter 9**, **Klavert, Koeb** and **Sherriff** examine the nature and consequences of EU assistance to support the operationalisation of APSA. In **Chapter 10**, **Baboucarr** and **Bosco** look at the historic collaboration and 'natural partnership' between the UN and the AU for maintaining peace and security on the continent.

This study may not be groundbreaking considering that some of its conceptual and analytical findings are captured well in some AU policy instruments. Rather, its value lies in the analysis of and the policy recommendations and considered views on the implications of the traditional approaches to issues of common and collective security by the AU and the donor community. Against this background the monograph argues for a balanced approach to collective and individual responsibility. Collective responsibility is no substitute for the responsibility of AU member states. There is a need for greater emphasis to be placed on the introduction of measures and modalities to support member states to establish the

required capacities and processes for responding to security threats. Moreover, greater synergy should be created between peace and security issues on the one hand and governance and democracy on the other to ensure that articles 3(f) and 7(m) of the PSC protocol feature prominently in the PSC's prescriptions for the continent. Overall, the monograph not only advances the debate on human security, but also provides a critical assessment of such security, and seeks to inform policymakers and practitioners on the way to promote human security in Africa.

Part II
Persistent and Emerging Security Challenges

2 Election processes and future African security threats

Fako Johnson Likoti

ABSTRACT

This chapter argues that political stability or, rather, peace itself, is a public good that must be secured by all states. It further argues that the refusal of political parties to accept the results of democratically conducted elections that have been declared to be both free and fair and to have adhered to good governance standards is a recipe for political instability. Failure to accept election outcomes creates a hostile environment that exacerbates and threatens the security and stability of both the individual and society as a whole.

INTRODUCTION

Democracy as a fundamental prerequisite for development, peace and stability has been defined differently by various authors. Nevertheless, development and peace cannot by themselves be achieved either under conditions of conflict that have resulted from badly managed elections or where elections have been managed well but parties have refused to accept election outcomes. Diamond (1999) defines democracy as the best form of government; better than any other

imagined option. According to the Churchillian approach, democracy is a more rational, egalitarian and representative system than a dictatorship or its various species. According to Adam Przeworski (1999) democracy is a set of rules that provides a solution to conflicts, without bloodshed. Popper (1962) concurs that it is only in a democracy that citizens are able to dismiss government from office without violence. Similarly, Schumpeter (1942) defined democracy as a system whereby leaders are elected through competitive elections.

Numerous conditions that have the potential to affect the likelihood of successful democratisation have been proposed (Huntington 1991). Conditions that are conducive for democratisation include but are not limited to: peace and people-centred development; low levels of violence; the development of political contestation before the expansion of political participation; acceptance of the rules governing participative democracy and the electoral outcome; co-operation that cuts across subcultures; political trust; and a belief in compromise and the legitimacy of democratic institutions (Mill 1962).

Essentially, by accepting democracy, we choose to govern ourselves as a collective, and agree to entrenched democratic principles in our Constitution. As members of a democratic association we must obey collective democratic laws that are binding on all members of the association. We agree that democracy, as opposed to any type of regime, provides the best system whereby human beings can govern themselves (Mill 1962). This means that all the outcomes of the democratic process will be binding on all of us, such as the outcome of elections that have been conducted in a free, fair and transparent manner.

There is consensus that democracy is a rule-based system that is enhanced by the establishment of independent electoral commissions (IECs), commonly known as election management bodies (EMBs). The role of these institutions is to guarantee and facilitate the transparency and fairness that is deemed crucial for the credibility of the entire electioneering process. Furthermore, the major role of an electoral commission is to 'encourage the greatest participation and increased understanding of democratic process' (Richards 2004, 3).

Election management has emerged as an important area of democracy-building and democratic consolidation (Lopez-Pintor 2000). In fact, the countries discussed in this chapter have independent electoral management bodies that have been mandated, together with political parties, to manage democratic elections. Therefore, EMBs in these countries have been responsible for organising and conducting periodic free and fair elections. The African Union (AU) Charter

also states that State Parties must commit to holding regular, transparent, free and fair elections in terms of the AU's Declaration of the Principles Governing Democratic Elections in Africa (undated Charter of the African Union).

Despite the above commitments, political parties in Nigeria, Kenya, Zimbabwe and Lesotho, to name just a few, have continued to refuse to accept election outcomes. We have seen both the Kenyan electoral commission and its Zimbabwean counterpart failing to run elections in a transparent and fair manner (Kenya 2009). This has been demonstrated by the failure of these countries to announce election results on time, which in turn has given rise to speculation concerning such suspicious circumstances and has left an indelible blot on the credibility and integrity of the EMBs concerned. It is therefore clear that an inept, inefficient and badly run EMB can impact upon the stability of the country and exacerbate the security risk to the individual. However, as the AU declaration mentioned above indicates, weak EMBs must be strengthened in order to remedy any potential for instability and the consequent security threat.

It has also become clear that the political parties of member states must commit to ensuring that elections are planned and organised together with these election bodies. This collective action is intended to promote transparency and good governance in election management and it is through the acceptance of this democratic outcome that the formation of a government by consent becomes possible. John Lock (1968) argued that a government cannot be based on consent unless is elected democratically. For Rousseau (1923), the vote of a majority always obliges all the others. Therefore, the wishes of a majority must be respected. This is because we have all participated in the democratic process of choosing the government. In other words, to live under laws of our choosing, we must participate in the election of our government that will protect our rights, interests and concerns. It is therefore inconceivable to refuse to accept the results of elections that have been conducted democratically. It is clear therefore, that democracy needs democrats; if leaders are democrats they are bound to embrace democratic values. If they are not, they will not accept democratic outcomes (Matlosa 2007). We cannot expect undemocratic leaders to practise democracy.

In some African countries where elections have been declared free and fair, political parties may still refuse to accept the outcome, giving spurious reasons that fail to convince most commentators as to why the elections were not free and

fair. It is this practice that has exacerbated the security threat on the continent and which is likely to increase African instability and security challenges by 2030.

This chapter is divided into four sections. The next section discusses the nexus between electoral process, conflict management and development. Section two deals with three case studies where the refusal of political parties to accept electoral outcomes created a hostile environment that posed a security threat and instability in Kenya, Lesotho and Zimbabwe. The third section focuses on the reaction of the international community to these post-election conflicts and discusses the role of both the United Nations (UN) and the AU. The conclusion sums up the main argument of the debates.

THE NEXUS BETWEEN ELECTORAL PROCESS, CONFLICT MANAGEMENT AND DEVELOPMENT

Election and electoral process has become a viable policy instrument to enhance state capacity. Elections in many democracies have become an important mechanism for conflict management and development. For Richards (2004), elections form a vital component of democracy and they differentiate a democratic form of government from a non-democratic one. Therefore 'elections serve to elect representatives and to confer upon them authority in the form of a democratic mandate' (Richards 2004, 3). In fact, in the Westminster system, elections are crucial in determining the political control of the legislature and the majority elected individual members of parliament from either a single party or a coalition of parties forms a government.

Elections, therefore, as a conflict-management instrument that manages political conflict as far as the electing of political leadership is concerned, have been recognised as one of the most important institutional mechanisms for shaping the nature of both political participation and competition (Likoti 2007).

What is clear is that 'one function of elections is to provide a competition for office and a means of holding the government to account' (Hague and Harrop 2007, 187). In their quest to manage conflict, elections provide a platform for dialogue between voters and parties, and therefore between state and society. It is this quality of facilitating competition, choice and accountability, dialogue and legitimacy that makes a liberal democracy different from an undemocratic regime. It is this quality, too, that can prevent countries that hold effective elections from going to war with each other.

It is important to note that the holding of regular free and fair elections is not the only barometer used to determine whether a country is democratic or not. Rather, elections should be seen as a crucial part of the process of democratisation as well as an important element of sustainable democracy (Likoti 2007). Therefore, elections are events intrinsic to democracy, peace building and sustainable development.

Political parties play a crucial role in the democratisation process, especially where elections are concerned. Modern representative democracy is unthinkable without political parties. Elections become meaningless without inter-party competition for control of government on behalf of the electorate. For political parties to remain key agents of democratisation, they need to embrace the internal democratic ethos, practices and principles that would allow them to manage intra-party disputes and conflicts constructively.

In any democracy political parties form a critical pillar for the entrenchment of democratic culture and practice. This means, among other things, that for parties to add value to democratisation at the national level they ought to embrace not only tolerance and internal democracy but, most importantly, be able to manage both their internal and external conflicts in a democratic manner. For instance, all party structures must be democratically elected in order for the political party to entrench the culture of democracy in the country. Each party must live and practise democracy internally in order to be seen to be democratic.

Lack of conflict-management mechanisms, such as the holding of elections between major political parties in Africa, has produced undesirable consequences which in most cases have threatened the security of citizens by disrupting their daily lives and destroying or preventing development. It is clear that in such conflictual environments development is unlikely to take place.

REFUSAL TO ACCEPT ELECTION OUTCOMES POSES A SECURITY THREAT

It is important to understand how the refusal to accept an election outcome becomes a security threat. The definition of security has been widened to include not only military security but social insecurity as well. According to Klingebiel (2006), the emphasis on security has fundamentally moved away from a focus on stability within the state towards a more protective approach related to the individual. The protection of people or individuals from any type

of instability has become a key element of human security in contemporary society. This new conceptualisation of security has been brought about by new economic, political and social threats which include poverty; infectious disease; environmental degradation; interstate conflict; internal conflict, including civil war; genocide and other large-scale atrocities; nuclear, radiological, chemical and biological weapons; terrorism; and transnational organised crime. These threats challenge the protection of civilians and require prevention (UN Secretary-General, 2004).

The UN has committed itself to building and preserving world peace. It was in this context that the UN set out to encourage a new conceptualisation of what would be needed to address the issue of security around the world, especially in light of the end of the Cold War. In its 1994 Human Development Report (HDR) the UN, for the first time in its history, shifted the focus from defining security in military terms and widened the definition to include the 'protection of individuals from the wider range of threats to their well-being and security, and by a wider range of measures and policies, from the local and community levels to the national and international arenas' (Jolly and Ray 2006, 1). In fact, the emphasis now centres on two main issues, that is, freedom from fear and freedom from want. I hasten to add that political issues such as the refusal to accept the outcome of elections can be added to the list of factors that affect not only national security but exacerbate and threaten the security of the individual.

The 1994 HDR defined human security as '… safety from such chronic threats as hunger, disease and repression, and protection from sudden and hurtful disruptions in the patterns of daily lives, whether in homes, jobs or communities' (UNDP 2004, 23). It is within just such a poisoned political environment that the harmful disturbances to security occurred in Lesotho in 1970-1998, Zimbabwe in 2007 and Kenya in 2007. It is clear from the discussion above that anything that threatens individuals or creates uncertainty that leads towards instability is a security threat. Whenever a major party refuses to accept election results, this act of denial creates uncertainty, insecurity and a hostile political environment that threatens not only the existing political environment but also impacts adversely on individuals (voters), who inevitably become insecure. The security implication of this refusal to accept the outcome of elections 'is local ungovernability, which transfers instability to the global sub-system' (Arevena 2009).

Current developments in Africa reveal that security issues stem not only from terrorism and interstate and intrastate conflicts, but also from political parties'

refusal to accept electoral outcomes. The security implications are evidenced in the dire consequences that have resulted in many African countries, particularly Kenya, Zimbabwe and Lesotho.

In Kenya, the refusal of political parties, including the ruling party, to accept election results in December 2007 led to serious post-election violence and instability. This violence occurred immediately after the chairman of the Electoral Commission of Kenya (ECK) announced the results, whereby Mwai Kibaki had won with less than half a million votes, Raila Odinga was in second place and Kalonzo Musyoka was a distant third. In fact, 'no sooner were results announced that violence broke out; chaos erupted (especially) in opposition strongholds with fighting targeting communities perceived to have supported the president' (Nyanchama 2009).

In the capital of Nairobi, there was chaos and mayhem, especially in poor neighbourhoods. Communities attacked each other and revenge attacks became widespread as illicit militias surfaced, blocking roads towards Kiambaa church, where individuals were burned alive. In Molo district and Nyanza, the post-election violence was typified by shootings attributed to the police. Most of the hardest-hit areas were in Kisumu Town, the Homa Bay district and the Migori/Rongo districts. Nearly 1 500 people were killed and thousands more were displaced (McKenzie 2009). Properties were destroyed in most of these towns.

This violence precipitated food insecurity and there were widespread food shortages in most areas that had been affected by post-election violence. Key food-processing institutions were shut down, including, but not limited to, milk delivery depots, millers, veterinary services and many others (Kenya 2009). Food insecurity spread to other main cities, such as Kisumu, Mombasa and Nairobi. The situation was further exacerbated by the fact that many businesses had been looted and burned down, and the majority of the population could no longer earn their daily income. Suddenly food became very expensive and scarce. For example, most of the millers were now operating at low capacity and the price of 2 kg of millet maize shot to Ksh.80 in comparison to the normal price of Ksh.50. The high price of food became significant in both urban and farm households outside the crisis areas. This unstable environment led to a humanitarian crisis; people's lives were severely disrupted and peace and security were dire. This post-elections violence occurred not only in 1992 but again in 1997, and then reached a climax in December 2007.

In Zimbabwe, three days after losing the 2000 referendum, the government clearly demonstrated that it was unhappy about this and on 16 February unleashed war veterans to occupy commercial farms (Good 2002, 14). In fact, in March 2000, more than 500 farms were occupied and by November of the same year, 1 700 had been confiscated. President Robert Mugabe informed the nation that the government would not interfere; the era of anarchy had arrived. Members of the opposition Movement for Democratic Change (MDC) were assaulted and thirteen of them were killed by the ZANU-PF militia popularly known as the Terror Teens. Farm workers were assaulted or killed and property was destroyed while the police remained inactive. According to Good (2002, 15), 'when High Court and Supreme Court declarations were obtained, ordering the removal of the occupiers, the executive and police took no steps to implement the orders'.

By the time of the June 24-25 2000 parliamentary elections, state-sponsored intimidation and violence had escalated still further. The Judiciary, by extension, had also been severely affected and law and order had relatively collapsed. This has made the existence of an independent and impartial Judiciary impossible. It is therefore difficult for an independent prosecution authority, as well as an impartial and competent police service, to flourish (Sisulu 2005). Even in January 2005, just two months before the March 2005 elections, the Department of Justice was yet to hear the eighteen petitions that had been brought to it by the official opposition, the MDC, regarding the 2000 elections (Mhaka 2005). These petitions were supposed to have been heard four years earlier. In relation to these events, the Commonwealth Secretariat reported that there was violence and intimidation against voters supporting the opposition in both rural and urban areas, as part of government strategy to diminish the opposition. In fact, 'systematic intimidation was supplemented by electoral manipulation on a large scale … The electoral roll was out of date … A local human rights group found that 25 per cent of the names on the voters' roll were either fictitious, listed repeatedly, or those of the dead' (Good 2002, 25).

These instances reflect the extent to which government – or rather the ruling party – is prepared to go in order to incapacitate opposition parties while participating in elections. They reveal also how punishment is meted out should the opposition defeat the ruling party, as the MDC did in the 2000 referendum. Despite having held regular elections, Zimbabwe represents the worst scenario in terms of the democratisation index and political rights assessment. The study conducted by Freedom House, revealed that 'political rights in Zimbabwe

dropped to six in 2002, a score normally associated with autocracies. Its civil liberties are also scored at six. The electoral democracy in this country had clearly not prevented the erosion of civil and political liberties during this period, dropping to the level of dictaduras' (Breytenbach 2002, 100). In comparison to the whole of the Southern African region, Zimbabwe has excelled in human rights violations among its citizens. Commenting on this pattern of gross violations of human rights, Kotzé and Steyn (2003) argue that 'in Zimbabwe, war veterans and youth militia of President Mugabe's ZANU-PF have been granted free reign in intimidating, torturing and attacking supporters of the opposition MDC'. These human rights violations were triggered by the MDC victory over ZANU-PF during the 2000 referendum. ZANU-PF could not accept defeat graciously, most especially when the MDC had won a resounding victory. The situation created an environment that tampered with the public good and individual security, as well as exacerbated voters' fear as a result of such intimidation. When opposition parties are prevented from operating freely in a democracy, that alone is a recipe for security threats and ensuing instability in the country.

In Lesotho, on Tuesday, 27 January 1970, the country's first post-independence general election took place. As results started trickling in it became clear that the ruling party was losing ground to the opposition Basutoland Congress Party (BCP). By Thursday evening it was clear that the BCP had won by a comfortable margin. The Basotho National Party (BNP) government, instead of accepting election defeat, swiftly arrested members of the opposition parties and held them without charge for months. Many other opposition leaders were harassed. The culture of human rights was eroded overnight. The Constitution was suspended without any allegations of violation from any political party other than the ruling party itself, and a state of emergency was declared. This was also done after the nation was assured of the good conduct of the elections across the country. The full results were never released officially, but reliable estimates gave BCP 36 seats, the BNP 23, and the Marematlou Freedom Party (MFP) 1 (Khaketla 1971). Most newspapers, which denounced the coup, were outlawed. Prime Minister Chief Leabua Jonathan declared to the media: 'I have seized power and I am not ashamed of it' (Khaketla 1971, 226). The government deployed the police and paramilitary forces, and an era of repression and hurtful disruptions on the daily lives of people ensued.

In 1998 the Lesotho Congress for Democracy (LCD) won the election and gained 79 of the 80 constituencies, leaving one seat to what had now become the

main opposition party, the BNP (Molomo 1998). The 1998 elections were well administered, with only a few problems identified, although this was the first time that Lesotho used an Independent Electoral Commission (IEC). International observers and local monitors declared the poll free, fair and a reflection of the will of the people of Lesotho.

This time around the opposition that alleged fraud was made up of the BCP, the BNP and other smaller parties. They mounted a sustained protest campaign that saw hundreds of their supporters camped outside the royal gates in Maseru, demanding the dissolution of the government by the king. Protesters hijacked government vehicles, barricaded roads and shut down government ministries. The country was rendered ungovernable as protests intensified and the government agreed to establish a commission to investigate the allegations of impropriety in the conduct of the poll. The results of the Langa Commission found that the outcome reflected the will of the people (Likoti 2007). Conversely, opposition parties rejected the results of the Langa Commission.

The atmosphere at this time was characterised by serious political conflict and a serious breakdown in public order. The Lesotho security establishment could not secure the country and protect a democratically elected government. This poisonous situation resulted in military intervention by both Botswana and South Africa (Likoti 2007). Large parts of the capital, Maseru, were looted and burned, as were parts of Mafeteng, Mohaleshoek and Leribe. The destruction of property was estimated to have far exceeded M100 million. Approximately 10 000 people lost their jobs and the country suffered from disinvestment as most investors fled to neighbouring South Africa. This chaotic situation was a direct result of losing political parties' refusal to accept an election outcome.

While no political system operates strictly according to its institutional prescriptions, what distinguishes African political systems from those of other continents is their seemingly weak party institutionalisation. These weak institutionalised parties have had a negative impact on fragile national democracies across the continent. Most political parties in Africa have experienced numerous fragmentations resulting from a lack of intraparty democracy. This has led to incessant intraparty conflicts as political parties fragment over national executive elections, among other issues. It is in this environment that political parties invoke their founder leaders, rather than their policies, to attract voters, with the result that parties succumb to authoritarian leadership. In this environment of weak institutionalisation, political leaders have maintained a tight grip on power.

This situation has impacted negatively on the prospect of building sustainable party institutionalisation and democratic consolidation. Therefore the seemingly poor institutionalisation of political parties has given rise to a series of pre- and post-elections conflicts.

THE REACTION OF THE INTERNATIONAL COMMUNITY TO ELECTORAL CONFLICTS IN AFRICA

In all the above-mentioned post-election conflicts, the reaction of the international community has been mixed. In some cases, such as Lesotho, it has exacerbated the conflict. In Zimbabwe, however, the international community was simply snubbed and in Kenya its involvement has not been promising. In 1998, the former UN Secretary-General, Kofi Annan, advocated a new interventionist approach for the UN in intrastate conflicts, stating, 'our job is to intervene to prevent conflict where we can, to put a stop to it from further spreading' (Annan 1999). This mission statement has come to naught as regards post-election violence in Kenya, Zimbabwe and Lesotho.

In the Zimbabwean presidential election of 2002, several international bodies confirmed that the roll was manipulated and full of errors. The UN team also confirmed these findings. Towards the end of 2001 the Zimbabwean government introduced laws that banned several international elections observer groups such as the European Union, the Carter Centre (an American observer group) and the International Foundation for Elections Systems (IFES). Added to this, evidence emerged that indicated that government supporters could vote many times. Therefore, despite the controversy that surrounded the 2002 Zimbabwean elections and the fact that they had clearly undermined the 'civil and political rights of millions of Zimbabweans' (Raftopulos 2002), the role of the AU in promoting democracy in the continent did not become prominent and indeed the same pattern of events was replicated during the 2005 Zimbabwean elections.

In relation to the 1970 post-election conflict in Lesotho, it would appear that there was no reaction from the international community. The somewhat mixed reaction from the Southern African Development Community (SADC) only occurred after the 1998 post-election conflict. The ensuing intervention was nevertheless shrouded in controversy from the start. It was not clear as to whether it was SADC that had ordered the intervention of the Botswana and South African Defence Forces to quell the 1998 post-election conflict. At the time of

the intervention, SADC had no official document regulating interventions, apart from the Gaborone Communiqué of 28 June 1996 in regard to the Organ of Politics Defence and Security (OPDS) protocol, which was to be tasked to deal with these issues (Nathan 2002). At the time of this conflict this had received approval only at the ministerial level and had yet to be approved by the Summit. This meant that the document was not official and could not be cited as a justification for intervention.

This operation highlighted the absence of agreed rules as well as the complexity in OPDS decision-making on legal, military and political matters for undertaking collective enforcement action by the institution. It was further argued that when the intervention occurred, member states had agreed neither on how the OPDS should relate to SADC nor on who had to control the intervention (Malan 1998). The lack of transparency regarding the decision to intervene created the impression that it was a South African rather than a SADC mission. It can be argued that SADC lacked a mandate. South Africa had clear interests in Lesotho. The identity of the intervening force was predominately South African, with the Botswana Defence Force arriving a day later and limited to a motorised infantry company (130 personnel) and a battalion command element, compared to the 3 000 SANDF personnel. The lack of transparency surrounding the level of authorisation of the intervention left several questions unanswered:

> It is unclear if there was any formal SADC decision that authorised the Lesotho intervention. If such a decision was taken by SADC, it is unclear if it was authorised at the SADC Summit in Mauritius, at a Ministerial meeting, or at a meeting of Chiefs of Staff. Assuming for a moment that SADC did approve the intervention, what was the mandate approved by SADC for the mission? (De Coning 1998)

Several theories formulated by political commentators sought to justify or repudiate the intervention. But the fact of the matter was that there was no record of such a decision in the minutes, and it would appear that it was decided at a meeting of defence ministers in Gaborone on 15 September 1998, at which only South Africa and Botswana were present (De Coning 1998). This raises even more serious questions: why was the decision to intervene taken at the ministerial meeting rather than at the Summit and why was it taken by the interveners who

did not even constitute a SADC quorum? It is also worth noting that South Africa and Botswana appeared to have different understandings of the supposed SADC mission. Makoa argues that:

> The two countries had differing interpretations of their mission and its source of legitimacy. For example, on entering Lesotho the Botswana Defence Force (BDF) flew a white flag, indicating that it saw itself as a peacekeeping force. The BDF's behaviour contrasted sharply with that of the SANDF which entered Lesotho at dawn as an invasion force, pounding the Royal Palace, the two main army barracks in Maseru and the small LDF garrison at Ha Katse (Makoa 1999, 91).

Furthermore, the SADC Summit was never convened to confirm and ratify the intervention (De Coning 1997). Similarly, the intervention did not get the consent of all parties in the conflict. The intervention did not involve the minimum use of force, a prerequisite for peacekeeping forces operating under the UN mandate. Judging by the scale of war that ensued and the casualty levels among both soldiers and civilians at Makoanyane barracks, the Royal Palace gate and elsewhere, the force used was severe.

The reference to Article 5(c) of the SADC Treaty created another controversy. If this had been a SADC intervention consistent with this article, why did the Botswana government have to settle its operational costs and why did Lesotho have to 'pay for all expenses of the SANDF operations?' (Nathan 2002, 40). More controversial still, SADC did not foot the bill; instead, the SADC Secretariat argued that the protocol establishing the OPDS had not been ratified, therefore making it difficult to qualify this intervention as a SADC operation (Molomo 1999). Furthermore, if it had been a SADC operation, why did the SANDF take part, having already signed an agreement defining the Status of Forces Agreement, while Botswana had not signed such an agreement? (Agreement between the Government of the Republic of South Africa and the Kingdom of Lesotho, 1998). Why did the BDF arrive late, rather than at the same time as the SANDF, if indeed this was a SADC operation? (Makoa 1999, 91). It was clear that this mission was not authorised.

In relation to Kenya, the international community was quick to intervene and was able to broker a power-sharing arrangement between the conflicting parties. What has emerged recently in Africa, however, has been the institutionalisation

of power-sharing agreements advocated by elites, even where the loser is clearly identifiable. For example, after elections in Zimbabwe and Kenya the opposition disputed the results and called for a 'power-sharing government'.[1] In order to impose their will over the country, losing parties have become very skilful in fuelling violence in which innocent people end up losing their lives. Power-sharing arrangements appear to be the preferred strategy for resolving post-election conflict in Africa. Conversely, this approach appears to be an antithesis to democracy and democratic consolidation. This pattern has not only exacerbated instability but also results in an undemocratic culture.

In both Kenya and Zimbabwe, opposition parties won the majority of seats in their legislatures. The question therefore remains: why should there be power-sharing when a party has won most of the seats in parliament? More than half of Kibaki's cabinet was voted out of office 'in a wave of seeming dissatisfaction with his government' (Gettleman 2009). His party won about 35 seats in parliament while the opposition took nearly 100 seats. The concept of power-sharing to pacify losing parties is not part of the AU/UN declarations, nor of any national constitutions and therefore is not supported by any piece of legislation. Power-sharing simply perpetuates illegitimate governments, poor institutions and undemocratisation on the continent. This is a clear blow for democracy and the reason why the stability of the country and the security of the citizens becomes threatened when losing parties foment violence. This scenario of refusing to accept an electoral outcome was most apparent during the Zimbabwean referendum as well.

Currently, the concept of power-sharing that was used as a conflict-management strategy in both Kenya and Zimbabwe has begun to crumble. In Kenya, Kofi Annan, chairman of the Panel of Eminent African Personalities that brokered a power-sharing agreement in 2008, appealed to the Kenyan government to speed up reforms, especially in terms of the Constitution and the prosecution of human rights violators. This was after he had voiced his exasperation about the slow pace of reform and the lack of political will to implement the power-sharing agreement in full. Even after that agreement had been put in place, people who had committed atrocities and were supposed to have been prosecuted are still walking the streets and human rights violations continue unabated. In relation to Zimbabwe, the current power-sharing government that was brokered by SADC under the leadership of former President Thabo Mbeki in response to the 2007 post-election conflict between ZANU-PF and the MDC has also reached a

stalemate. All in all, this arrangement appears to simply pacify the losing parties who are making their countries unstable.

CONCLUSION

Considering that the concept of human security places much emphasis on the security, interests and needs of the individual as opposed to those of the state, as discussed above, the act of dishonouring elections (as in Lesotho in 1998 and Kenya in 2007) means that individuals' basic needs are adversely affected. In fact, Vankovska (2007) argues that since the end of the Cold War the issue of protecting individuals has taken precedence over the protection of the state. This has also been proclaimed by most Western countries that have intervened in conflict-ridden countries. These countries have justified their intervention in terms of human rights protection, democratisation, humanitarianism and the promotion of peace and stability (Vankovska 2007, 265). This means that stability has become an important public good that cannot and should not be tampered with. As the three cases above have demonstrated, whenever people are put in danger, their security is further compromised by those who are not only supposed to advocate for the promotion of their security but who are also mandated to protect them. Despite all efforts, the total destruction of property in these countries has become a major factor that contributes to the horrific scale of the human insecurity that emerges as a consequence of the refusal by political parties to accept electoral results.

The fact of the matter is that people in these countries chose democracy as a rule-based principle because they needed freedom from the fear that is brought about by uncertainty and the non-acceptance of election outcomes. Political parties that refuse to recognise election results are guilty of structural violence. That is, they are responsible for the deaths of millions, without firing a single bullet.

The culture of creating governments of national unity to pacify losers and despots – as in Kenya and Zimbabwe – is undemocratic and immoral. It is wrong to create a culture of deceit on the pretext of a government of national unity. Parties must accept democracy as a rule-binding principle and be gracious enough to accept electoral defeat.

This culture of power-sharing weakens political parties by creating weak institutions. A weak institutionalised political system can be described as an environment in which a single party leader dominates the party and is treated

as something akin to a demigod (Likoti 2008). In this environment most voters vote according to the personality of the party leader rather than according to the party's policies.

The AU must aggressively promote democracy on the continent and ensure that the Constitutive Acts of the AU and human rights are respected. This will go a long way in entrenching the rule of law and a culture of democracy on the continent. The Panel of the Wise can become another useful instrument of conflict management only if it can be used to strengthen democracy by encouraging African governments and their political parties to abide by democratic principles.

NOTES

1   Malawi: Kenya, Zimbabwe Post Election Conflict Scares Blantyre CCAP. 2009. All.Africa.com. Available at http://allafrica.com/stories/200905150734.html (accessed 7 August 2009).

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3 Drug lords, cartels and trafficking as a security threat in Africa

Bonnie Ayodele

ABSTRACT

Human security embraces all forms of threats to humanity as a security issue. Despite the wide scope of the human security debate, academic discourses that have substantially focused on hard-drug-related forms of insecurity are rare. In Africa the growing networks of drug lords, cartels and traffickers are of great concern. The continent is seen as a safe transit route for hard drugs. Illicit drug trafficking is a security threat, as it is in Latin America and the United States (US). The threat has even played out in a political coup and an assassination in Guinea Bissau. Unfortunately, not many countries in Africa have a detailed policy response to drug-related crimes, which is worrisome. The aim of this chapter is to draw attention to this growing security challenge in Africa, and to propose a collective security approach to managing the threat posed thereby.

INTRODUCTION

The security climate in Africa is being challenged by the phenomenon of the illicit drug business. In light of the growing activities of drug lords, cartels and

traffickers, Africa's security is being put in the spotlight. The extent of the problem was accentuated by events in the small nation of Guinea-Bissau, the fifth poorest country in the world (UN Development Programme 2008). On 2 March 2009, a mutiny led by a group of disgruntled officers led to the assassination of Guinea-Bissau's President João Bernardo Vieira. The mutiny was the culmination of months of political violence that had previously claimed the life of the Army Chief of Staff, General Batiste Tagme na Waie, who was killed by a bomb at army headquarters. These incidents would ordinarily have passed for the familiar tune of coups, mutinies and instabilities that have characterised this small nation, but, in fact, they were closely linked to the activities of drug lords and cartels whose illicit drug trafficking businesses have been generating security crises similar to those experienced in Mexico and Colombia.

The illicit drug business has been relatively unknown in Africa and has not yet been considered a major security threat, but this is possibly because the issue is rarely debated in the public domain.[1] However, the UN Office on Drugs and Crime (UNODC) states in a recent report that the surge in organised drug trafficking in Africa, and the possibility of huge illicit riches, has increased the stakes in the power struggle, leading to a vicious cycle of criminality and political instability (UNODC 2008). The report cited the crisis in Guinea-Bissau as being part of drug-related insecurity and identified a surge in drug trafficking in other African countries such as Guinea-Conakry, Senegal, South Africa, Kenya, Ghana and Nigeria.[2]

The surge in drug trafficking has led Miller (2007) to describe some African states as narcotic states, a term used to identify a state whose institutions are controlled by drug traffickers and whose economic activity depends largely on the drug trade. While the illicit drug trade in Africa has assumed frightening proportions, surprisingly drug lords and cartels are hardly challenged by state institutions, thus making the continent a safe haven of sorts.

However, in examining the sudden security challenge of illicit drug trafficking in Africa, especially the trends and flows, one is tempted to conclude that the drug surge is not unconnected to developments in the US, Colombia and Mexico. The war on drug lords and cartels in those countries has forced a significant change in the pattern of illicit drug trafficking, which has resulted in the exploitation of Africa's weak institutions and porous borders. African states have been characterised by weak governmental structures and a limited capacity or inability by governments to man and control their borders. The shift of illicit drug trafficking to Africa is helped by the geographical factor that Latin American countries that account for

the production of these drugs are relatively close by sea to West Africa. This has made Africa an ideal staging post for trans-shipping consignments of drugs to the growing cocaine markets in Europe and other destinations (UNODC 2008).

This chapter examines the challenges created by drug lords and drug trafficking, and the security threat this poses for Africa. It starts by looking at the background and draws attention to the trends and flows of drug trafficking on the continent. Next, some of the policy responses by particular African states are examined critically. Finally, alternative strategies to future security problems related to drug trafficking are offered.

BACKGROUND TO DRUG TRAFFICKING IN AFRICA

It is widely known that the illicit and internationally traded drugs of cocaine and heroin are not cultivated in Africa. What is grown on the continent is cannabis and khat,[3] about which Asuni (1998) notes that their cultivation in Africa can be traced to the activities of returning soldiers who fought in the Second World War. Cocaine and heroin became attractive to drug traffickers in Africa in the early 1980s because of their high international market value (UNODC 2008). Cocaine is largely grown and produced in the Latin American countries called the 'Colombia group',[4] namely Bolivia with about 10 per cent of total production, Colombia with 61 per cent and Peru with 29 per cent. Heroin, which is the second most trafficked drug in Africa, is cultivated and produced by Afghanistan and Myanmar, which produce 92 per cent and eight per cent of total production respectively.

Even though these drugs are not produced in Africa, their trafficking has become a major phenomenon in many parts of Africa, especially in West Africa. One syndicate of traffickers is called the 'Nigerian group', which is part of an African network of Nigerian traffickers involved in the transit of cocaine from Latin America to Europe. Unfortunately, the drug trafficking problem is not confined to West Africa. South Africa and East African countries have also become major bases of the illicit drugs trade. Kenya and South Africa's sudden involvement may possibly be as a consequence of Kenya's closeness to Asia and the Balkan region, and South Africa's robust economy. It has been observed that Kenya's proximity to Afghanistan and Myanmar has made it a base for the transit of heroin to Eastern Europe. This is validated by the UNODC Report (2008), which observes that Afghanistan's drug production is either channelled through Kenya or takes the 'Balkan route' into Eastern Europe.

When it comes to cannabis, Africa is the world's second largest producer after the Americas, accounting for 22 per cent (or 8 900 t) of global production in 2006 (UNODC 2008). The cannabis herb is illicitly produced in many African countries. In southern and central Africa the largest producers are South Africa, Malawi, Swaziland, Zambia and the Democratic Republic of the Congo (DRC), in that order. In West Africa, Nigeria, Ghana, Guinea, Côte d'Ivoire, Benin and Togo are the major producers, in North Africa the main producers are Egypt and Morocco, and in East Africa, Kenya and Tanzania are the leading growers. In 2006, 1 217 t of cannabis were seized in Africa. The largest seizures were reported by South Africa (359 t, or seven per cent of global seizures), Malawi (272 t), Tanzania (225 t), Nigeria (192 t) and Egypt (101 t) (UNDOC 2008).

Cannabis production, trafficking and abuse represent a major challenge in Africa. It is the most accessible, the cheapest and the most consumed drug. An estimated 64 per cent of illicit drug users on the continent, or well over 42 million people, are cannabis consumers (United Nations 2008). This has made it the biggest security threat to Africa (ibid.). It is therefore important to examine the trends and flows of illicit drugs in Africa.

TRENDS AND FLOWS OF DRUG TRAFFICKING IN AFRICA

The trends and flows of drug trafficking in Africa can be examined from two perspectives, namely the Latin American-Asian-African flow, and the African-European flow. These two flows capture the entire illicit drugs cycle in terms of its production, trafficking and consumption.

Latin American-Asian-African flow

This section deals essentially with how cocaine and heroin are produced and trafficked through the African network. As stated earlier, cocaine and heroin constitute the bulk of trafficked drugs in Africa. These drugs find their way to Africa by means of collaboration between foreign and local cartels, using both sea and air routes. Although the traditional flow of cocaine to the American market has been through Central America and the Caribbean, the recent US war on drug trafficking has led South American cocaine producers and traffickers to dramatically change their operations to the African route, especially via West Africa.

The US offensive against drug barons has largely been responsible for this shift. Starting with the invasion of Panama and the subsequent arrest of President Manuel Noriega for illicit drug trafficking (Goldstein and Pevehouse 2006), the imposition of a stiff monitoring policy and improved enforcement implemented by the governments of Colombia, Bolivia and Peru made the traditional trafficking route increasingly difficult.

The intensity of the US war on drugs, in which an average of $35 billion to $40 billion is spent annually on intelligence, interception and capacity-building (Nian 2007, 558), left the drug cartels no choice but to find alternative trafficking methods and routes. With renewed vigour, creativity and boldness, drug barons and traffickers adopted new approaches and tactics. From the use of cloned cell phones and broadband radio receivers as transit devices to the strategy of 'tunnel trafficking' (a drug trafficking tunnel along the US-Mexican border, which was discovered in 2002) (Goldstein and Pevehouse 2006), the cartels reinforced and strengthened their strategies in drug trafficking. Another strategy was to reroute the drug traffic via Africa, a shift that was strongly supported by a change in markets. Since the US market had become difficult to penetrate, Western Europe, with its robust economy, became an attractive marketing option. West Africa's closeness to Europe made it a natural and strategic transit zone.

Concerning the Asian-African flow of drugs, which mostly involves heroin but also cocaine, these drugs find their way to Africa through the porous borders of Kenya, South Africa, Nigeria and a few other West African countries. The UNODC Report claims that the West African networks have a sizable presence in Bangkok and thus easy access to heroin produced in Myanmar. Countries like Thailand, India and China have also claimed that African traffickers are responsible for heroin trafficking using commercial airlines.

The African-European flow

This second flow deals specifically with the use of Africa as a drug transit hub to European markets, which is also a product of the ongoing US, Colombian and lately Mexican wars on drug cartels. However, the trend is different from the Caribbean-American flow and appears to comprise three parallel flows, namely large marine shipments organised and controlled by the 'Colombian group', the use of small private jets and commercial air couriers, and the employment of human traffickers using the 'bowel concealing technique'.[5]

The UNODC Report (2008) noted that the bulk of the cocaine appears to arrive in West Africa by sea. Maritime shipments from South America to Europe usually travel along one of three routes identified by Europol: the northern route leads through the Caribbean and via the Azores to Portugal and Spain; the central route is via Cape Verde or Madeira and the Canary islands to ports in Europe; and the more recent African route is from South America to West Africa and from there to Spain or Portugal. The latter route, according to UNODC, tends to involve large commercial fishing 'mother' ships that are often specially modified for cocaine storage.

The Guardian reported on 10 March 2009 that a large haul of cocaine had been seized in the Senegalese town of Nianing, 80 km from Dakar. The drugs were concealed in a locally made canoe. It was regarded as the biggest seizure in Senegal, weighing 3 210 kg, and was destined for the European market (Thomson 2009). The wooden pirogues found on the putrid beach of Mbour's main port were satellite-equipped and of the type that engaged in the busy human trafficking trade to Europe. According to the report, the owners had begun to export a far more profitable clandestine commodity to Europe's shores, namely cocaine.

The use of chartered aircraft and commercial air couriers is also a favourite method. Small private planes with additional inbuilt fuel tanks for the long journey from South America to Africa are also used to transport cocaine on unscheduled flights to some of the smaller West African countries for onward transportation to Europe. These aircraft can withstand the stress of the trans-Atlantic voyage and can carry between 600 kg to 700 kg of drugs.

The use of couriers travelling on commercial aircraft is a common drug trafficking method between Africa and Europe. Although Nigerians are notorious for using this method, statistics show that Senegal has emerged as the new leader in this regard (United Nations 2008). With approximately 3,4 t of cocaine seized from 1 357 couriers on commercial flights from West Africa to Europe since 2004, some 62 per cent of incidents and 55 per cent of cocaine seized originated in just four of 15 Economic Community of West African States (ECOWAS) countries, namely Senegal, Nigeria, Guinea and Mali (Thompson 2009).

The bowel ingestion technique used by couriers is very common among African traffickers, especially Nigerians. This method has a health risk, with reported cases of condoms stuffed with drugs bursting in human bowels, resulting in the deaths of the traffickers. The death of a Ghanaian, Samuel Anum Borkety, serves as an example. He was booked to fly to Spain via Amsterdam, but died following the bursting of some pellets of cocaine he had swallowed. A

post-mortem led to the recovery of 41 pellets of cocaine packed inside condoms from the deceased's stomach. It was found that eight wraps had disintegrated inside Borkety's guts (*Daily Trust* 2004, 13).

THE DRUG THREAT AND THE CHALLENGES OF DRUG TRAFFICKING IN AFRICA

The question of the extent to which drug lords and drug trafficking constitute a security threat in Africa is a significant one. In the light of the rising profile of Africa in the drug trade, it is important to examine the security threat of drugs from different perspectives. The words of Mohammed Chambas (2009), the current President of ECOWAS, have set the tone in this regard. Chambas contended that the rising drugs trade in West Africa was likely to compound the climate of insecurity in a region that has been plagued by conflict and war. The vulnerability of the region to drug cartels posed serious future security challenges in terms of social, economic and political development. He identified factors that made the region vulnerable to drug trafficking, namely weak institutions; poorly structured, wrong-sized, corrupt, ill-equipped and repressive security apparatuses; and institutions governed by incompetent and corruptible oversight bodies. These factors, he claimed, complemented the drug threat and encouraged drug cartels and the trafficking business to thrive.

The African Programme on the Threat and Implication of Drugs (2008) brought together a series of experts and policymakers in May 2008 for a two-panel conference on international drug trafficking and the security threat it poses to Africa. The conference observed that the growth in globalisation, technology, telecommunications and travel had, in part, led to a commensurate increase in all types of trafficking: weapons, drugs and even humans. In particular, the experts observed that the growing problem of drug trafficking was a security threat to Africa. They agreed that with West Africa emerging as a key player in global drug trafficking, especially between Latin America and Europe, it held serious consequences for human security and economic development in that region.

While the social security implications of drug trafficking and trading in Africa are enormous, its economic and political consequences cannot be overlooked. In societies where drugs thrive, evidence has shown that it exacerbates social dislocations, increases criminality and promotes organised violence. Mexico and Colombia are good examples of this. In these two countries, drug trafficking and organised

violence are closely associated with drug lords and cartels. The majority of crimes such as murder, assassination, etc. committed in these two states were perpetrated by criminal drug lords and rival cartels. These groups also carry out assassinations of high-level security officials. In fact, since drug trafficking is the exclusive business of criminal groups, its continued existence only exacerbates criminality.

The fragile nature of African states has made the trafficking in drugs more problematic, since weak institutions and inadequate capacities to combat the threat has emboldened the criminals. Besides, the combating of drug crimes requires huge financial resources, as is clear from the massive amount spent by the US in this regard. The answer to whether Africa can afford such costs is obvious. In any case, if such funds were in fact available they could be channelled with far greater effect into human and infrastructural development.

It is common knowledge that wars and conflicts are fuelled by resources. However, proceeds from drugs also fulfil this role and it is likely that rebel movements in Africa will be funded by drugs money, as was the case in Peru and Bolivia (Goldstein and Pevehouse 2006). The Revolutionary Armed Forces of Colombia (FARC) sustained its insurrection with the proceeds of drugs, while in Mexico the volatile security crisis is fuelled by drugs money – at the last count the war on drug lords and cartels had claimed well over 10 000 lives. The climate of violence in Guinea-Bissau is an extension of the drugs wars fought in Colombia and Mexico. The implication is that if drug trafficking is not arrested in Africa it could deepen the continent's climate of war and conflict, and this would lead to human and economic underdevelopment. The possible security consequences of drug lords and trafficking on Africa are captured as follows by Braun (2009):

> What is being observed in Africa today in terms of the drug trade is unfortunately only the 'tip of the iceberg' … The symbiotic relationship between the drug trade and terrorism; both have the same goals and, when carried out effectively, those involved reap the same benefits. The bottom line is that the drug trade has a profound impact on a region's stability … when two or more well-armed and trained threats are compressed into the same time and space, they either build alliances or resort to conflict, both of which undermine peace, security and stability.

This statement, which indicates a relationship between the drug trade and conflict, has serious security implications. Political instability and the de-legitimisation of

the state is a possibility in a drug-trafficking region. One can draw the conclusion that the recent coup in Guinea after the death of President Lansana Conte, and the political instability and assassinations that rocked Guinea-Bissau, reveal a small part of the climate of insecurity associated with drug trafficking and trading, since there are allegations of drug trade involvement against top government officials in both countries. There is clearly an inseparable link between drug trafficking and political instability, crime, conflict and insecurity. Because drug trafficking increases the risk of criminality, it logically follows that a state involved in drug trafficking stands the risk of being tagged a rogue state, leading to state de-legitimisation and erosion of the moral character of the state.

The relationship between drugs and both small and large arms trade is well documented. Sub-Saharan Africa is vulnerable to conflict, most especially the West African region, and as a major transit hub for cocaine, heroin and cannabis, the possibility of the region lapsing from its relative 'hot peace'[6] to volatile conflict is high. The influx of drugs into such a fragile region is likely to reverse the gains of peace. In short, drug trafficking can fuel conflicts and exacerbate violence. The majority of Revolutionary United Front (RUF) disarmed combatants in Sierra Leone and National Patriotic Liberation Front (NPLF) soldiers in Liberia were on drugs during the war.[7] It would pose a great security threat for a nation if drugs found their way to a society of rehabilitated combatants.

The economic implications of drug trafficking and consumption also pose a security challenge to the Africa's development agenda; and these are grave implications in a continent that is home to half of the bottom billion of the world's poor people (Collier 2008). Poverty and economic crises create a sense of social insecurity. Fighting drug lords and cartels can dissipate resources and dislocate economic planning. Meagre resources that governments need to spend on health, education and other social infrastructures would need to be spent on drug wars. In countries like Colombia and Bolivia, where drug production, trafficking and consumption thrive, it is on record that drug activities have created a false sense of economic welfare, creating a 'Dutch disease' syndrome.[8] This is a situation in which a specific economic activity gives a false impression of economic growth and discourages diversification. Showers (2009) puts it as follows:

> Money laundered from drugs creates a false sense of prosperity since the money
> is not used for the development of a country's economy and its infrastructure.
> Among some the trade's negative effects are the increase in violent crimes,

arms trafficking, and the ability for rebel groups to fund themselves. Insecurity stemming from the drug trade negatively affects foreign investment, leading to the exacerbation of economic constraints, and then to political destabilisation.

From another perspective, Tullis (1991) is of the opinion that drug trafficking could cause legitimate capital flight and replace it with dirty capital. He writes:

> If the level of drug-related violence increases, as has happened in a number of developing countries where drug mafias have concentrated their activities, legitimate enterprises will start to liquidate their investments and send their capital abroad. Dirty capital may replace clean capital but, as noted, dirty money operates far less productively. The social ethic of many of the new drug capitalists who have 'legitimized' their money has not always been conducive to sustainable economic growth. Efforts to suppress drug trafficking and related violence increase police and military budgets, crowding out govern-ment investment in infrastructure, education and health-care.

The fear of insecurity Showers refers to could also result in economic underde-velopment. When the security situation deteriorates, the investment climate becomes unfriendly and unattractive. Drug trafficking weakens the institutions of state, compromises and corrupts the justice system and law enforcement agen-cies, discourages foreign investment and has a significant impact on other risk factors given high prominence by investors, such as insurgency, terrorism, land disputes, social violence and corruption. Even if drug trafficking and consump-tion were not to chase away foreign investment directly, the drugs business can promote a climate of insecurity. The drugs trade is usually characterised by vio-lence and crime, and investors and businesses cannot thrive in a violent society. This condition therefore acts as impediment to foreign investment without which nations have difficulty developing.

Apart from the effect of drug trafficking on foreign investment and eco-nomic growth, the employment and laundering of illicit income from the drugs trade can have serious implications for political stability. The laundering of drug money results in these funds filtering into the formal economy. With drugs worth some $2 billion a year passing through West Africa, drug lords and cartels are in a position to use these illicit funds to endanger the foundations and the proper functioning of countries. This could eventually lead to social

disintegration and anarchy (Tullis 1991). The impact of illegal drug funds is particularly pronounced in countries like Colombia and Mexico where drug lords, backed up by private armed armies or security, have sizeable control over some of the institutions of state. In fact, drug money has been reported to have infiltrated the 'last crevices of society, politics, the economy, and even cultural and sports activities, to gain public support and respect' (Tullis 1991). Within Africa, Nigeria and South Africa are traditional laundering havens, while Guinea-Bissau and Guinea-Conakry are emerging as new frontiers for illicit drug money laundering (UNODC 2008).

It is not contested that the magnitude of funds under the control of drug lords is overwhelming, but what is contested is the degree of threat the funds may pose to governments (UNDCP 1996), particularly in African developing countries. The negative influence of illicit drug money in politics may have security implications. The fact that some African states identified as transit hubs are weak institutionally provides the opportunity for criminally minded people, and sometimes drug pushers, to become involved in politics by sponsoring candidates sympathetic to their activities with the sole aim of gaining control of government institutions so as to use them as cover for the illicit drug trade. In Guinea-Bissau, many ministers and army chiefs are alleged to be drug kingpins. For instance, a son of a former president has confessed to drug trafficking (UNODC 2008). In such a situation, drug money can create a criminally minded political class that is the eventual cause of serious security problems.

In other words, drug production, trafficking, trading, financing and laundering can create a security situation that may undermine social peace (Tullis 1991). These activities also go hand in hand with crime and criminality, bringing with it social dislocation in a society. Nigeria and South Africa are perceived to have the highest crime rates in Africa.

The social challenges of illicit drugs trading have implications in four areas, namely the family, society, youth and health. Of these, the impact on the youth constitutes by far one of the greatest future security concerns for Africa. This challenge is well captured by Alhaji Ahmadu Giade, the chairman of Nigeria's anti-drugs agency, the National Drug Law Enforcement Agency (NDLEA), who states:

> Within the last decade, the involvement of our youths in drugs has taken a wide and frightening dimension. Adolescents and youths of both sexes and

> between the ages of 13–35 years constitute the high-risk group for drugs. It is on record that available statistics show that more than 25 per cent of those arrested for drug trafficking and abuse are youths and minors. Youths start engaging in drug activities as early as the age of 11. This is highly regrettable, as Nigerian youths are exposed to the dangers inherent in drugs in their formative years. This is how bad the situation is, hence the need for all of us to join hands and face the problem. (Giade 2009)

In a similar fashion, a former Kenyan education official, Erastus Kiungu, has this to say:

> Drug abuse is a real monster and is one of the most devastating and crippling scourges facing mankind. A study undertaken by the Child Welfare Association in Kenya, released in 1998, revealed that one in every 15 Kenyan students is on drugs. This group primarily abuses bhang and hashish. Other studies indicate that 60 per cent of drug abusers are below 30 years of age. (Kiungu 1998, 7)

With cannabis production on the increase in Africa, Ghana has the highest youth consumption in Africa (UNODC 2008). Generally, Africa's high cannabis production exposes its youth to the abuse of this drug. According to health officials in psychiatric hospitals in Nigeria, the consumption of cannabis, but also other drugs, accounts for about 40 per cent of patients in such hospitals.[9] The majority of them are in their prime age (Giade 2009). The use of cannabis is more widespread among the youth than among adults. This observation was attested to by the chairman for the National Union of Road Transport Workers (NURTW) in Ekiti State, Nigeria.[10]

In Senegal, cannabis abusers are generally poor. Children as young as 12 years old are increasingly smoking cannabis. In South Africa and Mauritius, heroin and cocaine addiction is rampant among the young urban male population. In South Africa in particular, about one third of teenagers experiment with drugs. This may explain why South Africa is regarded as one of the countries with the highest crime rates and why it continues to be one of the least safe nations in the world. Also in Kenya, heavy involvement in heroin trafficking (UNODC 2008) exposes the country's youth to drug addiction, and is a catalyst for criminality and crisis.

DRUG TRAFFICKING POLICY IN AFRICA

How does Africa respond to the drug threat and what has been achieved? Africa's attempts to combat the drug threat have received considerable attention. While at national levels states with a high incidence of drug trafficking have responded by introducing legislation and establishing structures and institutions, the international response has stimulated regional and continental government meetings and conferences with the aim of strengthening and empowering anti-drug trafficking institutions and personnel.

In the case of Nigeria, the pioneer legislation against drugs and money laundering is the National Drug Law Enforcement Agency Act of 1989. Section 13 of the Act criminalises drug trafficking and money laundering. Sections of the Act provide for the forfeiture of the property of persons convicted of drug offences, while section 33 empowers the NDLEA, following approval of the Attorney General of the Federation, to freeze bank accounts containing suspected proceeds of illicit drug trafficking. Section 24 also gives the agency the power to seize and keep in custody both moveable and immoveable property that represents proceeds from drugs, or is connected with an offence relating to illicit drugs, trafficking in narcotic drugs, or money laundering.

Since its establishment, the NDLEA has focused on the eradication of drug production, consumption and trafficking. It has raised awareness about drug trafficking and has also pursued drug barons. Through public sensitisation, drug education has become one of the first weapons against trafficking in Nigeria. The agency has made many arrests, prosecuted offenders and confiscated property belonging to drug traffickers. Between January and May 2009 the agency has seized the following quantities of drugs:

Table 1 Drug seizures

Drug	Weight	Place of confiscation	Intended destination
Cocaine	75,15 kg	Murtala Airport, Lagos	Europe
Heroin	134,47 kg	Murtala Airport, Lagos	Europe
Cannabis	12,31 kg	Local	Local

Source Data collated by the author from the NDLEA, 2009

While NDLEA continues to confront traffickers and block areas of trafficking, the challenges of making inroads into drug trafficking in the country are daunting, as the agency has to grapple with an inadequate administrative structure, poor enforcement, corruption and a weak justice system. Although Nigeria remains the leading trafficking nation in Africa, the impact of the agency is reflected in the reduction of drug traffickers.[11]

South Africa's war on drugs led to the establishment of the South African Narcotics Bureau (SANAB) in 1974, although this institution was disbanded in early 2000. The explosion of drug consumption among the country's youth and fears of being overwhelmed by the expansion of criminal syndicates were the reasons for the founding of SANAB. Because local syndicates were taking advantage of the weak criminal justice system, bribing their way out of airports and exporting large quantities of drugs, the Drugs and Drug Trafficking Act was passed in 1992 to bolster anti-drug initiatives. Nevertheless, drug-related crime continues to increase in major South African cities.

Senegal's anti-drug law, the Drug Law of 1997, covers all offences associated with drugs, including apprehension, prosecution and the rehabilitation of abusers. Senegal also has in place legislation required to stop drug trafficking, as well as a strategic and technical plan of action to fight drugs, which is supported by the UN Drug Control Programme with the training of laboratory technicians. However, the situation in Senegal remains out of control. After Nigeria, Senegal is the second leading trafficking nation (UNODC 2008). Its proximity to South America and Europe and its good air and sea links have been identified as reasons for the country being a main transit point for illicit drugs. The situation in Senegal is also being challenged by porous borders, corruption and weak government institutions.

Zambia and Kenya also have anti-drug agencies, respectively the Drug Enforcement Agency and the anti-narcotics police unit. But whether these agencies function efficiently is yet to be seen, as drug trafficking has not abated. Like others, the two countries are challenged by weak political institutions, soft judicial systems and massive corruption. Surprisingly, the emerging drug trafficking countries of Guinea-Bissau and Guinea-Conakry have no definable legislation in place to fight drug trafficking. These deficiencies are compounded by their porous borders and political instability, and the fact that both are very fragile and unstable states. Their weak justice systems, under-policed borders and corrupt officials in the highest echelons of government make the battle against drug trafficking

a near impossibility. To fight the drug trade, Guinea-Bissau and Guinea-Conakry will require massive regional and international intervention. Without this, it is feasible that the countries will be overrun by drug lords.

There have been continental responses to drug trafficking. Some of these were developed at inter-governmental meetings and conferences. In 2007, the Ministerial Conference of the African Union (AU) drew up a revised AU Plan of Action on Drug Control and Crime Prevention (2007–2012) (UNODC 2008). The plan addresses illicit drugs and how they could be controlled. It was subsequently ratified and adopted at the AU Heads of State meeting held in Addis Ababa in 2008. A number of priority areas were identified in the Revised Plan of Action, including enhanced and more effective policy formulation, coordination and collaboration on drug control to address drug trafficking, organised crime and corruption at regional and national levels; institutional capacity-building for law enforcement, criminal justice and forensic service systems on drug control and crime prevention; mainstreaming of drug and crime concerns into development strategies; and capacity-building and human resource development for the prevention of drug abuse and the treatment and rehabilitation of drug abusers. However, these priority areas are yet to be fully implemented in many African states.

The security threat posed by drug trafficking appears to be greatest for West African countries. ECOWAS and its member states have identified the need to combat the rapidly increasing transit traffic in drugs, in particular cocaine, from Latin America to Europe. In 2008, a high-level ECOWAS Conference on Drug Trafficking as a Security Threat was convened jointly by ECOWAS, the UNODC and the UN Office for West Africa. Participants included ministers of justice and of interior of 15 member states, major international development partners and major Latin American partners. The aim of the conference was to assist regional governments in their efforts to combat the smuggling of drugs through their territories. The meeting resulted in the launch of a two-year programme on law enforcement and intelligence cooperation against cocaine trafficking.

In September 2008, an expert round-table meeting was organised in Nairobi, Kenya, within the framework of the Paris Pact Initiative, a UNODC-led international partnership to counter traffic in and the abuse of Afghan opiates. The meeting brought together senior experts on drug law enforcement and drug-demand reduction from East Africa and neighbouring countries, as well as from Paris Pact partners in the region. The meeting had the objective of assessing the drug abuse situation in East Africa, with particular emphasis on the abuse

of opiates, identifying good practices, current challenges, priority actions and targets in the area of drug-demand reduction, and developing appropriate measures at national and regional levels to counter the smuggling of Afghan opiates into and through East Africa. While this effort is laudable, the conflict in Somalia has partially made it difficult to man the Kenyan border and curb the trade.

Attempts are also being made to respond to the drug threat in the southern African region. In April 2008, Malawi hosted a Southern African Development Community (SADC) workshop on drug trafficking and the cultivation, production and eradication of cannabis plants. The workshop, attended by senior police officials involved in drug control from Botswana, Lesotho, Malawi, Mauritius, Namibia, South Africa, Swaziland, Zambia and Zimbabwe, and by representatives of Interpol, agreed on an operational strategy on drug interdiction in the region, cross-border operations and new initiatives to prevent the diversion of precursor chemicals. This was followed by the 13th Annual General Meeting of the Southern African Regional Police Chiefs Cooperation Organisation (an international independent police organisation in Southern Africa) in Windhoek, Namibia, which adopted measures for building the capacity of police and forensic services in Southern Africa, as well as joint cross-border initiatives against trans-national crimes.

In November 2007, the Arab Regional Symposium on Countering Drug Trafficking and Money Laundering was held in Tripoli, Libya. It adopted the Tripoli Action Plan on Countering Drug Trafficking and Money Laundering. The plan covers measures to combat drug trafficking and money laundering through the international mail by improved cooperation and information sharing, the development of human resources and the raising of awareness. The media's role in combating drug trafficking through the mail also forms part of the plan.

RECOMMENDATIONS

The meetings and conferences discussed above show a genuine determination on the part of African leaders to address the issue of the threat of drugs on the continent. However, these discussions can still be regarded as mere talk, since the decisions taken are yet to materialise in coherent regional policy and law. The reasons for this inaction include the fact that the drug threat is yet to be considered a security priority. Many officials only perceive drugs as a social problem. The facts that cocaine and heroin are not produced in Africa, and that their consumption is elitist and expensive, are other issues. While locally produced and

more affordable cannabis is given attention, it lacks global market appeal when compared with cocaine and heroin.

There is also the factor of awareness and political will on the part of governments. The illicit drugs business operates clandestinely. The traffickers are people with extensive global connections, which include top officials and leaders of government. Sometimes drug lords are members of national policy-making processes, engaging in politics and controlling the machinery of government. They are therefore in a position to influence legislation aimed at stopping their activities. In most cases the rhetoric on drugs is just lip service, while the issue of poor and inefficient institutions of government adds to the problem. The security agencies are often weak, corrupt and inefficient, and justice systems lack independence and are also corrupt. Under such conditions the enforcement of anti-drugs policies and legislation falls by the wayside.

Africa must start translating its words into actions to address the security challenges posed by the drugs threat. There is no doubt that combating drug lords and cartels will be an enormous and challenging task as the drug lords and their syndicates are very wealthy, powerful and well connected. They operate well-managed businesses networks and efficient, state-like organisations. For this reason, the strategy employed against the drug trafficking business must be holistic and comprehensive, and it must address the entire drug cycle, as shown in the diagram.

Figure 1 Drug cycle
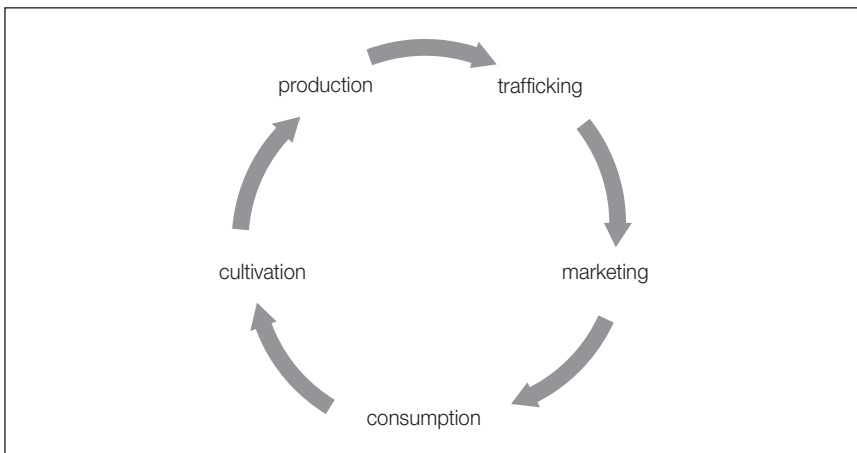
The drug circle

In view of the fact that cannabis enjoys wide cultivation and consumption in Africa, and cocaine and heroin are not produced on the continent, it is imperative that governments focus their attention on drug cultivation rather than drug trafficking. It is advocated that an anti-drug cultivation approach, similar to Latin America's crop eradication programme with regard to cocaine and heroin, is adopted. Such an approach must, however, ensure the preservation of arable land to avoid exacerbating rural poverty.

In the case of cocaine and heroin, special attention must be given to the production zone. Governments must direct their attention on and enter into collaboration with producer countries. At the same time, state anti-drug agencies must be empowered to break the circle of trafficking. This can be done by the acquisition of the necessary technology and skills, which should include the ongoing training of personnel. Borders need to be manned by professional and disciplined personnel.

There must also be a systematic approach to poverty reduction and sustainable economic development (Kiungu 1998). This strategy must embrace skills acquisition and functional educational programmes that incorporate drug abuse studies. Similar to the UNDP strategy, a premium must be placed on crop substitution and access to health, education and social services in an effort to reduce the need for drug cultivation (ibid.). The UNODC, the UNDP and the US have been giving technical assistance to some African countries to promote crop substitution. Assistance of this nature and training in drug control methodologies is important to the overall offensive against drug cartels since African states generally lack the manpower and skills to fight drug trafficking.

The establishment of efficient civil society and non-governmental organisations (NGOs) that can champion the battle against drug trafficking is also important. NGOs that are able to act independently and avoid bureaucratic bottlenecks are needed to help control the drugs scourge in developing countries. An example is the 'Teen Hope Project' in Mauritius, as a result of which drug consumption was reduced significantly, and former drug abusers were redirected into productive social life.

Above all, strategies to combat the activities of drug lords must embrace the strengthening of state institutions, the purging of corrupt officials, the re-engineering of weak justice systems, the tightening up of porous borders and the reworking of enforcing legislation.

CONCLUSION

The threats and security challenges of drug trafficking in Africa are real. Drug trafficking is on the increase and traffickers are adopting methods in the transit business that are often beyond the control of weak and fragile African states. For development agendas in Africa to be successful, a maximum security situation is required. Drug trafficking not only constitutes an impediment to the continent's development efforts, but also has enormous security implications. It weakens the economy, dislocates social life, increases criminality, de-legitimises the state and deepens general insecurity. The future implications of a drug-dependent society on the youth are grave.

Various meetings and conferences have been held in Africa to strengthen enforcement agencies and anti-drug legislation, but more is required than talk shops. Decisions need to be followed by action. Capacity-building and skills acquisition are a necessary condition to withstand the onslaught of drug lords and cartels. Effective border surveillance and control of unscheduled flights across West Africa are critical to attempts to reduce the transit of drugs in the region. Finally, as suggested by Bagley, civilian collaboration, an effective press and advanced electronic devices are needed to clamp down on money laundering, a problem greatly facilitated by cash-based economies in Africa.[12] This must be complemented by regional cooperation, international coordination and multilateral operations to ensure that the combating of drug trafficking is effective and sustainable in the long term.

NOTES

1   'Illicit drugs' as used in this paper include drugs like cocaine, heroin and cannabis or marijuana. The words 'illicit drugs' and 'narcotic drugs' are used interchangeably to refer to the three most trafficked drugs in Africa.

2   Guinea also had its share of political instability when President Comte passed on, which led to the overthrow of the country's democratic process. There is also evidence of some acts of criminality linked to the drugs business in other West African states, for example Senegal and Nigeria, where drug lords engage in financial crimes.

3   Khat is the fresh leaves and twigs of the shrub *Catha edulis* that has a stimulating and euphoric effect when chewed or brewed as tea. It is grown in the eastern and northern African countries of Kenya, Ethiopia, Morocco and Algeria. It has a drug-like effect on its users. Khat has been subjected to WHO Expert Committee on Drug Dependence assessment and was found to have no

significant effect in terms of its impact and did not to warrant international control. However, the committee recognised that social and some health problems resulted from the excessive use of the drug, and suggested that national educational campaigns should be adopted to discourage its use. WHO Expert Committee on Drug Dependence, 34th Report, World Health Organisation Technical Report Series, No. 942, Geneva, 2006, 11–12.

4   WHO Expert Committee on Drug Dependence, 34th Report, 2006.

5   The bowel concealing method is a trafficking technique in which traffickers ingest drugs wrapped in condoms with the aim of excreting these at the destination. This method presents a serious health risk and there have been reports of the condoms busting in the human gut before arrival at the destination.

6   The concept of hot peace is used to describe countries that are just transiting from conflict to peace. These states are yet to consolidate peace and the possibility of reversal to conflict is very likely.

7   Combatants in the Sierra Leonean and Liberian civil wars admitted to the use of marijuana and some other drug during fighting. They claimed that drugs were given freely to provide a psychological advantage.

8   Dutch Disease implies a market distortion as a result of an extraordinary boom of one isolated sector and consequent stagnation in core sectors of the economy, as experienced by the Netherlands in connection with large North Sea oil and gas exports in the late 1970s. In the classic scenario, the unexpected boom of one sector of the economy (such as illicit drug production) leads to an increase in the real exchange rate, thus preventing diversification of the economy.

9   Interview by the author at Aro Psychiatric Hospital Abeokuta, Ogun State, Nigeria, May 2009.

10 Interview by the author in Ekiti State, Nigeria, May 2009.

11 Data collected from the NDLEA, Lagos, 2009.

12 B Bagley, professor of international studies and chair of the Department of International Studies at the University of Miami in Florida, examined reasons for the heightened levels of drug trafficking in Africa at the Drug Threat in Africa conference organised by the African Programme on the Threat and Implication of Drugs on 28 May 2009. This brought together a group of experts and policymakers for a two-panel conference on international drug trafficking and the ways it affects and is effected by Africa.

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4 Beyond land and air security

Confronting the challenge of maritime security in the Horn of Africa

Dipo Kolawole

ABSTRACT

The sustained exploits of pirates in the Horn of Africa are a manifestation of the continent's lack of capacity to maintain offshore security, and affirm the thesis that fractured and failed coastal states like Somalia cannot uphold maritime security. The value of the world's oceans to the globalised economy cannot be underestimated, and maritime security is therefore of particular importance to regional and global peace and prosperity. Using the Somali-based pirates as a case study, this chapter investigates the synergistic association between maritime and regional insecurity, and economic adversity. It examines the reasons for the development of piracy in the region, and the political and economic costs thereof. The study canvasses for an interventionist regional naval command and an intercontinental security alliance to maintain security on the oceans surrounding Africa.

INTRODUCTION

Piracy on the high seas contributes to Africa's myriad of security problems. It violates human freedom and is a crime punishable by international law. According

to this law, as defined by Article 101 of the 1982 Convention on the Law of the Sea, piracy consists of the following acts (Shaw 1998: 423):

- Any illegal acts of violence, detention or any act of depredation committed for private ends by the crew or the passengers of a private ship or private aircraft and directed –
  - on the high seas, against another ship or aircraft or against persons or property on board such ship or aircraft; or
  - against a ship, aircraft, persons or property in a place outside the jurisdiction of any state.
- Any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft.
- Any act of inciting or of intentionally facilitating an act described in paragraphs (1) or (2) above.

The prevalence of piracy reflects a lack of security and freedom on international waters. Piracy not only impairs the security of vessels, crews, passengers and goods, but also prevents the free flow of international commerce across the oceans. It is an obstacle to people's freedom of movement and enjoyment of life on the seas. Protracted internal political turmoil, as has been the case in Somalia, is a catalyst for the breakdown of stability and security beyond the immediate area of the affected political system. Within this context, the increasing exploits of pirates in the Horn of Africa can be seen as a product of the protracted political instability in the sub-region. The factionalised and fractured state of Somalia and the attendant conditions of insecurity have an influence on the insecurity that exists in the regional and international waters around the Horn.

This study has two objectives. One is to examine the inducements and synergistic connections between the internal political conditions in Somalia and piracy along the country's coast. The second is to investigate the costs of Somali-based piracy to regional and global peace, security and economic development. Although there are incidences of piracy in other parts of Africa, such as in the Gulf of Guinea, where Niger Delta militancy is promoting piracy, Somali piracy has been chosen for analysis because of the especially strategic position of the Gulf of Aden off Somalia to world maritime commerce. The Gulf of Aden connects the continents of Asia, Africa and Europe, and carries nearly 70 per cent of the world's maritime traffic and 12 per cent of the world's oil transported by sea (Unterreiner 2010).

CONCEPT AND SCOPE OF SECURITY

The maintenance of security is so important to the modern state that the provision of security is today considered the primary responsibility of a state. No nation can take security lightly in the contemporary world. Morgenthau (1973) believes that the totality of a nation's foreign policy and behaviour towards the international system is aimed at acquiring national power so as to have the capacity to uphold national security. Nations are therefore often willing to spend huge amounts of money to enhance their security. For instance, between 1946 and 1996, the United States (US) invested over $10 trillion on military activities. Within the same period, the entire world, on average, spent more than $8,55 billion on military equipment every three days (Myers 1996, 221–222).

It is believed that no expenditure is too great to procure safety. That is why North Korea, for instance, in spite of its dwindling economic resources, still goes ahead with the development of a nuclear capability to protect itself from neighbours backed by Western powers, and to counter-balance the capability of US troops and nuclear weapons based in the Korean Peninsula (Kie 2003, 51). Nations will even engage in war to ensure national survival. Such countries are thus prepared to spill the blood of their populations to retain national peace and security.

Regional and sub-regional security is another major factor in security calculations. Security at this level is as important as national security. It is the achievement of political stability and the absence of internally and externally induced tension and conflict in the regions of the world that ensure global peace and security. Civil war or conflict in any component state of a region endangers the entire area. A crisis in one country can easily spread to neighbouring states, as was the case in Rwanda's genocidal war of 1994.

Civil wars can also have costly implications for adjoining states. The countries of the Great Lakes Region of central Africa became hosts to thousands of refugees during conflicts in Rwanda and Burundi, while Nigeria had a similar problem during the recent civil wars in Liberia, Sierra Leone and Côte d'Ivoire. Apart from the financial burden of refugees, their presence can also impact on national security. They may act as spies for their home countries or engage in armed robberies and other crimes. National stability and security in the states of a region are therefore considered a prerequisite for regional peace.

Even maritime insecurity has regional security implications and requires a coordinated regional approach. Typically, the current war in the Niger Delta,

which has pitched ethnic militia groups against the Nigerian state for control over resources and to address environmental injustices, has spilled over into the Gulf of Guinea, where militants and criminals now engage in piracy and have become involved in the kidnapping of foreigners (*The Sun* 2009).

In a wider sense, the lack of peace and the absence of security in individual states will affect global peace and security, since countries around the world are intertwined in a globalised network that is inter-dependant and mutually reliant for individual, state and global development. Today's world is one in which the benefits of joy and the pains of sorrow are shared. From experience acquired in two world wars, the global community should be aware that an internal crisis in one state, or aggression between two or more countries, is injurious to the peace and security of humankind as a whole. For this reason the United Nations (UN) has made the maintenance of security a global agenda and the responsibility of all states and regions. Specifically, the UN Charter provides for the following key objectives (UN 2000, 4–5):

- To maintain international peace and security
- To develop friendly relations among nations
- To cooperate in solving international economic, social, cultural and humanitarian problems, and to promote respect for human rights and fundamental freedoms
- To be a centre for harmonising the actions of nations in attaining these common ends

The UN has made the maintenance of international peace and security a primary goal, having realised that without this there can be no universal human development. In addition to this commitment to peace and security, the UN enjoins all member states to settle 'their international disputes by peaceful means and without endangering international peace and security' (UN 2000, 5). This Charter obligation for members is one of the body's enduring principles.

The UN abhors all human activities that have the potential of breaching global peace and security. In effect, it enacts a variety of laws, conventions and resolutions to regulate the activities and behaviour of individuals, groups and states in relation to the maintenance of peace and security. Conventions and other instruments have been promulgated by the body on disarmament, terrorism and activities at sea.

The UN Convention on the Law of the Sea, which has been adopted by member states, implies that nations agree that maritime security cannot be left to a particular state to look after because of the importance of oceans to the global economy in terms of transportation, apart from its other economic values. It is this reality that stimulates global interest in the security of the Gulf of Aden and the adjoining Indian Ocean, which is threatened by Somalia-based pirates. The importance of these waterways is indicated by the fact that they are the world's second largest shipping routes in terms of traffic and goods volume. The international community can, therefore, not afford to leave the security of these waters solely to either Africa or neighbouring coastal states.

SOMALIA-BASED PIRACY: THE ENABLING CATALYSTS

There are a couple of reasons for focusing on the activities of Somalia-based pirates in the Horn of Africa. First, the Horn is especially noted for the phenomenon of maritime piracy. From January 2009 to July 2010, about 240 ships were attacked in that region (*Maritime Bulletin* 2011). The steady increase in the number of incidents, and the costs to human security and the global economy, cannot but evoke great concern. Secondly, Somalia is considered to be the base of the pirates, with Puntland being assumed to be the centre of activity. The pirates often sail hijacked vessels to this area and keep the crews captive there. Special restaurants cater for captive crews. Thirdly, the pirates operate in both the Indian Ocean and the Gulf of Aden, which are the contiguous sea frontiers.

Over 22 000 ships pass through the Gulf of Aden every year on their way to or from the Indian Ocean (BBC 2009). These ships carry about eight per cent of the world's trade. The all-important sea route via the Suez Canal and the Gulf of Aden links Europe with the Middle East, Asia and Australia, and with eastern and southern Africa. The menace of Somali pirates endangers this maritime traffic, and with it international trade and commerce.

FACTORS SUSTAINING PIRACY IN SOMALIA

What are the factors that have triggered and sustain piracy in Somalia? The immediate cause is the prevailing state of Somalia. The country has become a failed state because of a protracted civil war and political instability, which have fractured and factionalised the country among warlords and Islamic fundamentalist militias.

Like most post-colonial states in Africa, Somalia consists of a society divided by poly-ethnic and plural religious composition. The country has failed to convert this diversity into a united nation-state as the varied entities lack supra-ethnic national orientation. Siad Barre was the last president of a united Somalia. After his death in 1991, the country was thrown into inter-clan civil strife. Warlords effectively divided the country among themselves and assumed political leadership in their respective operational areas, thereby turning the country into clan and sub-clan-based geopolitical structures.

The absence of a central and responsible government means that the citizens have to fend for themselves and look to their own survival. The two-decade-long civil war has reduced Somalia to one of the poorest states in the world. It ranks near the very bottom of virtually all socio-economic indicators (Biegon 2009). Piracy has become one of the means of acquiring economic power for survival. As a money-making venture for those involved, piracy is not perceived as a crime by Somalis, but as socially acceptable, fashionable and lucrative. The profitable nature of piracy has allowed it to develop it into a well-organised business that is able to carry out its exploits well over 800km into the Indian Ocean.

Somali pirates are not motivated solely by internal factors, such as high poverty levels, but also by external factors. The first such factor involves intra- and extra-regional countries that provide support to militant groups in the balkanised country. Yemen, Ethiopia and the United Arab Emirates (UAE) are believed to have connections with the pirates. Weapons used by the pirates, which include rocket-propelled grenades, are sourced from Yemen. AK-47s supplied by Ethiopia as arms assistance to Somali militias opposed to radical Islamists often end up being sold openly to pirates in the markets (Biegon 2009). It has also been revealed by the UN and independent organisations that wealthy businessmen in the UAE and foreign mining companies fund the pirates either directly or through the informal Islamic system of *Hawala*. They have even pro- vided speedboats and anti-tank mines to the pirates (Caldwell 2008; BBC 2009; Novak 2009).

The second motivation is illegal fishing in Somali waters by foreign fishing fleets. Coastal Somalis are solely dependent on fishing, using locally made canoes and boats. However, the industry has been hijacked by foreign companies using larger and more sophisticated fishing vessels (Seibert 2009), thereby marginal- ising and impoverishing coastal Somalis, which has induced them to engage in piracy as an alternative way of making a living.

The last factor to have pushed Somalis into piracy is the illicit dumping of toxic chemical and nuclear wastes in Somali waters by foreign countries (Mull 2009). The seas around Somalia are vulnerable to foreign incursion because of long coastlines that cannot be patrolled adequately. The Gulf of Aden alone covers 2,8 million km^2 (National Defence University Library 2009). The states in the Horn of Africa lack the naval and military capability, in terms of either competent personnel or armaments, to deter, repel, pursue and arrest illegal fishing fleets and waste dumpers.

THE COSTS OF PIRACY IN THE HORN

Maritime insecurity around the Horn of Africa occasioned by the surge in piracy has become a matter of great concern to the world. In 2007, 111 ships were attacked, of which 42 were hijacked and their crew compliments of 815 were taken captive (Kraska and Wilson 2009, 1). The number of ships attacked by the pirates in 2008 was 120. In November that year alone, 40 ships were seized. A total of 600 crew members were captured in that year (Ezzat 2008). The number of attacks continues to increase annually. In the first quarter of 2009, 102 cargo ships were attacked, of which 19 were hijacked (*Evening Standard* 2009; National Defence University Library 2009). According to International Maritime Organisation (IMO) records, over 440 acts of piracy were recorded off the Somali coast between 1984 and 2008 (Kraska and Wilson 2009). This figure has certainly increased. From the beginning of 2009 to July 2010, a further 240 acts of piracy were committed in the sub-region (*Maritime Bulletin* 2011).

Beside the costs of repairs to ships that have been attacked, huge sums of ransom money have had to be paid for the release of ships and crews. In 2008 alone, the pirates collected over US$150 million in ransom, a sum that far exceeded the annual budgets of all the clan 'governments' put together. A Saudi-based super-tanker carrying two million barrels of crude oil worth about $100 million had to pay $3 million before it was released in January 2009 (Biegon 2009). The large amounts in ransom being collected actually justify the piracy, since it supports large numbers of unemployed youths and clan structures.

Financial costs do not end with ransom payments. The growing threat of piracy off the Horn and Nigeria has increased the cost of insurance against piracy by 100 per cent. Ship owners now pay $400 million in insurance fees per year (Seibert 2008). The cost rises for tanker and container ship owners when

expenditure on private, on-board guards is added. Security guards can earn as much as $40 000 per passage (*Evening Standard* 2009). A further cost arises from the fact that many ships are now avoiding passage through the Gulf of Aden and along the east coast of Africa, opting for the longer route around the Cape of Good Hope (Biegon 2009).

The activities of the pirates cannot but have a negative impact on the national economies of Africa. For instance, the use of the Cape route has affected the economic fortunes of Egypt. About 20 000 ships used to pass through the Suez Canal each year, earning Egypt more than $5,1 billion in tolls. This revenue source has been projected to decline to about $4,5 billion in 2009 and $3,6 billion in 2010 (Wasser 2009). As a result, Egypt will experience balance of payment problems and rising budget deficits.

COMBATING THE PIRATES

Piracy is a global problem. Pirate attacks occur to a greater or lesser extent on oceans across the world. For instance, the international waterway of the Gulf of Guinea, off the Niger Delta region of Nigeria, is notorious for its pirate attacks. According to the global maritime watchdog, the International Maritime Bureau (IMB), 12 pirate attacks were recorded in this area in 2006 and 42 in 2007 (Bakare 2009, 3). Of the 41 attacks reported in different parts of the world in the first quarter of 2008, Nigeria recorded 10 incidents, or 20 per cent of the total. In 2009, according to the IMB report released in July of that year, 13 cases were reported in that area, compared to 86 in the Gulf of Aden and 44 off the east coast of Somalia (Bakare 2009).

The global policy response to the menace of maritime piracy is the pronouncement that it is an international crime. In validating the illegality of maritime piracy, universal jurisdiction has been put in place. International law permits affected states to take specific measures to counter the situation, such as seizing pirate ships (or aircraft), and arresting persons and seizing property on board. States are also empowered to bring the offenders to justice. Article 19 of the 1958 High Seas Convention and Article 105 of the 1982 Convention on Law of the Sea empower the courts of the state that has seized pirates to impose penalties and to decide on the action to be taken with regard to the ship, aircraft and property seized, subject to the rights of third parties that have acted in good faith (Bakare 2009).

The power of prosecution given to states to subject pirates to the jurisdiction of local justice systems rather than international law is a unique development.

It eliminates the prosecution delays that would result from the constitution of international tribunals by the UN Security Council (UNSC). In addition, the UN has established an International Tribunal for the Law of the Sea. This tribunal has wider jurisdiction than a Tribunal on Piracy would have as it is mandated to handle all criminal acts on the high seas, as against just trying pirates. The aim is to achieve quick adjudication of cases brought before it.

The absence of a nationally recognised government in Somalia, coupled with the collapse of law-enforcement institutions in that country, means that a domestic approach to the implementation of international law to deal with the pirate crisis is not feasible. The international community has therefore initiated a number of measures to counter the situation in the region. These measures range from judicial trials in other countries to the outright use of military force against the pirates. Many captured pirates have been taken to Kenya for detention and trial, while one pirate has been successfully convicted and jailed in the US.

The rise in the incidence of piracy does suggest, however, that judicial measures alone are an insufficient means of controlling this scourge. A diplomatic approach has also been employed by the UN with the setting up of a Contact Group on Piracy off the Coast of Somalia (CGPCS). This group is mandated to facilitate discussion and to co-ordinate action among states and organisations to suppress piracy off the Horn, but this approach is yet to yield appreciable dividends (Seibert 2009). Engaging the pirates militarily is a further approach. The US initiated the establishment of Combined Task Force 150 (CTF150) in August 2008 to protect the sea lanes. Forces from the North Atlantic Treaty Organisation (NATO), the European Union (EU) and the national navies of India, China, Russia, South Korea, Malaysia and Singapore have teamed up with CTF150. Yet, in spite this considerable military presence, pirate activity continues to increase.

The question that arises is why these measures are not having the desired effect. A major difficulty is that anti-piracy laws are not being enforced properly by the coastal states concerned and, especially, by the developed nations that have the military and economic capabilities to do so. Until recently, captured pirates were held in neighbouring coastal states such as Kenya because many of Somalia's neighbours have weak and corrupt law enforcement and judicial systems that are vulnerable to the influence of pirate lords. Many captured pirates have been able to escape justice as a result. Some of them are now being taken to the US and Europe for trial. This development brings to the fore the issue

of jurisdiction, which is another difficulty, as pirates should only be prosecuted within the judicial area of their capture. The fact that most pirates captured in Somali waters have been taken to other countries for prosecution is contrary to the principle of justice and illegal in law.

ALTERNATIVE INTERVENTION POSSIBILITIES

What can therefore be done to ensure maritime security in the Horn of Africa? The use of force seems to be ineffectual since pirate attacks in the region are still rising. The pirates seem undeterred by the coalition of international forces. They are engaging in counter-military measures by arming themselves with sophisticated weapons.

The piracy phenomenon could possibly be tackled on two alternative fronts, one of an internal nature and the other external. The catalysing agent of Somali piracy needs to be acknowledged and resolved with a measure of urgency. The two–decade-long civil war in Somalia has to be addressed. The warlords who partitioned the country have to be reconciled by diplomatic negotiations led by the AU and UN. The lingering crisis in the country is a mark of failure on the part of these two organisations, which have not used all the resources at their disposal, including diplomatic and military means, to bring an end to the crisis. The regional approach by the Economic Community of West African States (ECOWAS) to resolving recent civil wars in Liberia, Côte d'Ivoire and Sierra Leone by employing the forces of the Economic Community of West Africa Monitoring Group (ECOMOG) remains a unique feat on a global level and should be emulated by the AU and the East African Community (EAC).

A political restructuring of the country could also offer a solution to Somalia's problems. The uniting of the territories held by individual clans into a federal system would retain the hegemonic influence of clans in areas under their control, while allowing for the establishment of a functioning central administration recognised by all domestic actors and the international community. With no support from the regions, the current central government and its international backers have no influence beyond the capital of Mogadishu. Until internal political stability is returned to Somalia, an environment conducive to controlling the pirates is absent.

Establishing an acceptable central government has to be complemented by the formation of a new standing army and police force. Without these forces it

will be difficult to bring an end to the piracy industry. Other key requirements for bringing about a lasting solution are poverty reduction and the generation of employment for unemployed youth. The absence of an internally-recognised government does not allow for the institution of an economic agenda to activate industrial and other production sectors that would provide jobs. The international community, especially the West, would have a big role to play in resuscitating Somalia's economy after a generally acceptable federal government is put in place. The injection of development grants would enable the collapsed industrial infrastructure to be repaired.

Resolving the political and socio-economic crises in Somalia would without a doubt assist greatly in reducing piracy in the region. Even so, a combined military approach would still be desirable. Current military interventions are not redressing the problem effectively since the countries participating in anti-piracy operations are acting independently rather than as a collective force. Apart from this, the AU lacks the capability to intervene because of the weak naval capability of its member states. It is therefore recommended that the crisis be addressed by a collective security force under a unified command.

Considering the importance of the Gulf of Aden and the adjoining Indian Ocean to the global economy in terms of international trade and the oil economy, the UN should take on the challenge of finding a lasting solution to the crisis. On the basis that piracy is a variant of violence that impedes maritime freedom and undermines security on the high seas, the UNSC should pass a resolution mandating the formation of a UN Joint Maritime Command Force for the Gulf of Aden and the Indian Ocean under US leadership. Such a force should comprise military, naval, air force and intelligence units.

The joint command could become the umbrella body under which a global military alliance could be forged to deal with piracy in a concerted manner. The participating navies would operate under one command for the pursuit of a well-planned combative strategy. The advantage of such a force is that it would enable a large number of countries to participate, including countries in Africa. This would make it possible for a large force to be deployed to the zone.

The air force unit would police the waters from the sky, while the naval component would patrol the high seas. The military forces would be stationed along the coast, especially in ports and in the Puntland region. The intelligence unit would engage in surveillance on pirate operations and their supporters. Such a military arrangement could not but provide a disenabling environment for the pirates.

In addition, a proper judicial approach should be adopted at the global level. Trying captured pirates under local jurisdictions has its limitation, even if it does speed up the process. The UN should treat piracy cases like those of war crimes, where special tribunals try offenders. A Special Maritime Crimes Tribunal should be set up to try captured pirates and their supporters.

CONCLUDING REMARKS

A failed Somali state without functional institutions, an ineffective central government, no standing armed forces and a state of anarchy in its balkanised territory is the result of two decades of inter-clan warfare. Uncontrolled anarchy in the country has now spread to the high seas off Somalia's coast. No politically unstable country can effectively maintain land, air and maritime security, and unless Somalia can be stabilised it will be difficult to control the piracy emanating from its soil.

Because of the synergistic association between stability and security, the world must assist the Somali people to resolve their ethno-religious crisis and ensure that a functioning government is put in place. Stabilising Somalia would pave the way for greater maritime security along one of the busiest sea routes in the world. The current situation cannot be held hostage by an unconcerned international attitude, in particular that of the UN. Dealing with the piracy demands decisive political and economic will at the highest international level. A unified military command encompassing all aspects of defence would enable a lasting solution to be found to the menace of piracy in the Horn of Africa.

A roadmap on how to overcome piracy should, however, go beyond addressing piracy emanating from Somali territory. It should include evolving a means to tackle piracy in other parts of the world, particularly elsewhere in Africa. The prevailing situation in Somalia has shown that mass poverty, especially among the youth, is a catalysing factor of piracy. Hence poverty reduction in coastal countries would go a long way to reducing the urge to become involved in piracy.

Coastal states all over the world must be particularly vigilant when it comes to good governance in order to attracted foreign investment that can stimulate economic viability and positive job growth. Leaders, in addition, need to avoid the development of internal political conditions that could lead to inter-ethnic warfare and a subsequent increase in criminal activity aimed at securing resources and weapons to pursue violence against the state.

Piracy in West African waters escalated during the region's civil wars of the 1990s. But upon termination of the hostilities in Liberia, Sierra Leone and Côte d'Ivoire the incidence of piracy reduced once again. The theatre of piracy in that region has, however, shifted to the Niger Delta, where ethnic militants in this oil-rich region have been fighting the Nigerian state since the late 1990s. Before the crisis, Nigerian waterways were not noted for insecurity. In essence, there is a positive correlation between ethnic wars and rising poverty on the one hand, and an increase of piracy on the other.

While insecurity on the high seas arising from piracy can be expected to continue as a global problem in the foreseeable future, particularly in Africa, its prevalence and spread can be reduced by good governance in coastal states. Until the political leaders of these states have the will and capacity to implement improved governance, piracy will remain a great security threat to Africa.

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5 The demographic nightmare

Population boom and security challenges in Africa

Azeez O Olaniyan

ABSTRACT

Africa's exponential population growth is not only fostering poverty and hampering socio-economic development, it poses a serious threat to peace and security as well. Africa's population growth rate is the fastest in the world and the continent's total population is projected to reach two billion by 2050. This provides the continent with both opportunities and challenges. From a security perspective, if such population growth is not matched by a corresponding improvement in social security, infrastructural renewal and employment opportunities, Africa will unleash upon itself an army of unemployed and uncared-for youths. Such a situation poses a security risk for the continent in that it increases the spectre of political instability, since the mobilisation of such a hungry and angry youth for violent action would require little. To date, unfortunately, only a few African countries are having success in developing and implementing appropriate strategies and targeted policies to address the problem. This chapter examines population growth as a future security threat in Africa should appropriate responses not be adopted. On the basis of empirical analyses and evidence, a nexus between population growth and insecurity is established. The chapter

concludes with some recommendations, the principal one of which is the need for population control.

INTRODUCTION

It was Gasset Ortega, the Spanish philosopher, who some 60 years ago asserted that 'the increase of population is the most revolutionary phenomenon of our times'.[1] At the time he was making this declaration, the world's population was just about 2,3 billion.[2] Today, it has risen to over six billion,[3] by 2025 it could stand at eight billion and by 2050 at nine billion.[4] Within the same time frame, Africa's contribution to the surge in population is expected to show a significant rise from current figures to 1,2 billion in 2025 and to over two billion in 2050.[5] Based on these predictions, Africa's percentage of the global population will have risen from 14 per cent currently to 17 per cent in 2025, while by 2050 the continent would account for 25 per cent of world population. With a quarter of humanity residing in Africa,[6] the question then becomes how such a surge in population would affect Africa's already fragile security situation.

Population growth has been an issue of concern to man for a long time. Fears of overpopulation have featured prominently in scholarly discourses down the ages. To paraphrase August Bebel, the fear of overpopulation is very old. It was touched upon in connection with the social conditions of the Greeks and Romans, and again at the close of the Middle Ages. Plato and Aristotle, the Romans and the small bourgeoisie of the Middle Ages were all swayed by it; it even influenced Voltaire. The fear turns up again and again, and this circumstance must be emphasised, during periods when existing social conditions are disintegrating and breaking down.[7]

Various writings express feelings of anxiety over population booms. Writing as far back as the 5th century BC, Confucius, though supportive of population growth, called for caution by recommending that the Chinese government move people from overpopulated to under-populated areas so as to prevent the former from growing beyond the resources available therein.[8] Plato, in *The Laws,* written in 360 BC, advocated for population stability rather than growth on the grounds that too many people in the city state would result in anonymity, which would undermine democracy.[9] Wary of the effect of unrestrained population growth on the means of family subsistence, Aristotle called for legislation limiting the number of children per woman, with express permission for abortion in the event of a pregnancy occurring after the approved limit had been reached.[10]

In 1795, during the period of emerging technological innovation, the Marquis de Condorcet vigorously advocated for caution in population growth by saying: 'With all this progress in industry and welfare which establishes a happier proportion between men's talents and their needs, each successive generation will have larger possessions, either as a result of this progress or through the preservation of the products of industry, and so, as a consequence of the physical constitution of the human race, the number of people will increase … we can assume that by then, men will know that their aim should be to promote the general welfare of the human race or of the society in which they live or of the family to which they belong, rather than foolishly to encumber the world with useless and wretched beings'.[11]

Contemporary concern with the population boom was brought to the fore by Thomas Malthus in his popular treatise on subject, *An Essay on the Principle of Population,* in which he wrote: 'Population, when unchecked, increases in a geometric ratio. Subsistence increases only in an arithmetical ratio … By the law of our nature which makes food necessary to the life of man, the effects of these two unequal powers must be kept equal. This implies a strong and constant operating check on population from the difficulty of subsistence. This difficulty must fall somewhere; and must necessarily be severely felt by a large portion of mankind'.[12] By the turn of the 20th century, the problems associated with population growth had become so much clearer to the world that a series of conferences were organised to discuss the challenges. The first in the series was the 1964 Club of Rome congress, which published a report on world population growth and the problems associated with it. Ten years later, Romania played host to another international conference on population. Here it was concluded that the problem of too rapid population growth was largely caused by population increases in the Third World. A decade later, in 1984, another international conference in Mexico City concluded that most Third World countries had already fallen into a 'demographic trap', in which economic development could no longer break the cycle of rapid population growth and the poverty that resulted from it. The secretary-general of the conference closed the proceedings with the statement that the ultimate and internationally accepted goal was stabilisation of the world's population within the shortest possible time. In 1989, the United Nations (UN) population conference in Amsterdam appealed to world leaders to prioritise their population control programmes.[13] Five years later saw the UN international conference on population and development to further 'population talk'. Population has become a major point of discourse as part of international global concern for poverty eradication and underdevelopment.[14]

Whereas all these conferences have been devoted to issues relating to the interface between population and poverty, underdevelopment, pollution, hunger and health, none have been expressly devoted to the relationship between population and security, and one wonders why. Is there no link between population dynamics and security? If there is, what are the implications of such a connection? This is what this study seeks to establish within the context of the situation in Africa. Two positions are taken as a point of departure. The first is that a nexus exists between population boom and security, and the second that Africa's fast population growth, estimated to be the fastest in the world, constitutes an impending security threat. The chapter is divided into five sections. The first introduces, the second engages in conceptual discourse and an analysis of African population growth, the third deals with the security challenges of a population boom in Africa, the fourth focuses on policy options and the last concludes.

SETTING THE FRAMEWORK: POPULATION BOOM AND HUMAN SECURITY

A boom is defined as a significant increase. When translated to the population discourse, it represents a steady and substantive increase in the size of population. A perusal of extant literature on population reveals a phenomenal increase in human numbers, from a handful many thousands of years ago to billions today. This increase, captured by John Weeks as 'the single most important set of events ever to occur in human history',[15] is supported by substantiated data, an example of which is given in Table 1.

The table shows that until 1850 the population of the earth was less than a billion people. By 1930, the population had jumped to two billion and in the next 30 years another billion was added. The world population increased by a further billion in the next 20 years. From then on the world's population has increased by roughly a billion in each decade. From 1930 the world's population has more than trebled. Africa's share of this rapid population growth is indicated in Table 2.

In well-documented research conducted by Jakkie Cilliers, Africa's current population stands at 954 million, which represents 14 per cent of the global figure. This is set to increase to over one billion by 2025 and to two billion by 2050. These figures would represent 17 per cent and 25 per cent of the global figure, respectively.[18] From the table and Cilliers' research, it becomes evident that Africa's population has experienced steady growth. This is expected to

Table 1 World population growth from 5 000 BC

Year	Population (in millions)	Average annual rate of growth (%)	Doubling time (years)	Average annual increase in population
–5000	5	0,01	9 277	372
–3000	14	0,05	1 340	7 209
–2000	27	0,07	1 051	17 739
–1000	50	0,06	1 120	30 819
–5000	100	0,14	498	138 726
1	211	0,15	463	314 708
500	198	–0,01	–	–25 231
1000	290	0,08	906	220 868
1100	311	0,07	1 000	214 297
1200	380	0,20	342	768 328
1300	396	0,04	1 673	163 356
1400	362	-0,09	–	–324 822
1500	473	0,27	258	1 266 737
1600	562	0,17	400	969 760
1700	645	0,14	504	883 396
1750	764	0,34	203	2 603 446
1800	945	0,42	163	4 018 906
1850	1 234	0,53	129	6 603 265
1900	1 654	0,59	118	9 717 345
1910	1 750	0,57	122	9 943 830
1920	1 860	0,61	113	11 373 321
1930	2 070	1,07	65	22 262 088
1940	2 300	1,05	65	24 361 028
1950	2 556	1,47	47	37 768 237
1960	3 039	1,33	52	40 781 960

1970	3 707	2,07	33	77 580 647
1980	4 457	1,70	41	76 259 715
1990	5 288	1,56	44	83 182 744
2000	6 080	1,26	55	77 258 877
2010	6 824	1,03	67	70 770 206
2020	7 518	0,88	78	66 371 114
2030	8 140	0,70	99	57 189 977
2040	8 668	0,55	125	47 462 555
2050	9 104	0,43	160	39 484 645

Source *John Weeks, Population: An introduction to concepts and issues, Belmont CA, Wadsworth, 2002, 8.*[16]

continue for the next 40 years at least, which leads to the question: of what importance is this to human security?

The concept of human security has witnessed a profound expansion in scope and meaning as a result of the UN Development Programme (UNDP) Report of 1994. Moving beyond the narrow, military-orientated concept of security as involving threats from internal and external aggression, the UNDP located human security within the precinct of the legitimate concerns of ordinary people, which to a very large extent have to do with a desire for protection from disease, hunger, unemployment, crime, terrorism, social conflict, political repression and environmental hazards.[19] According to this report, therefore, human security encompasses the totality of human needs, from economic, food and health to environmental, personal, community and political security.[20] The simple implication of this expanded definition is that rather than being just a single issue, security is an all-encompassing concept bordering on the whole essence of living.

Adequate as the definition is, this study takes security from the specific perspective of the presence of violence and/or a threat of violence and conflict. I shall address the phenomenon of an exponential population growth rate and the propensity for violent conflict in Africa. But a qualification needs be made, namely that the absence of population-related pressures does not necessarily guarantee peace. Indeed, there are a number of societies without population pressures that have not enjoyed peace for some time, such as Afghanistan and Iraq. However, what is abundantly clear, and what this chapter aims to establish, is that population pressures can increase the probability of violent conflict.

Table 2 Africa's population growth and distribution from 400 BC to 2000 AD

Year	Number of people in millions			
	North Africa	%	Sub-Saharan Africa	%
−400	10	6,5	7	4,6
0	14	5,6	12	4,8
500	11	5,3	20	9,7
1000	9	3,6	30	11,9
1500	9	2,0	78	16,9
1750	10	1,3	94	12,2
1850	12	1,0	90	7,3
1900	43	2,6	95	5,8
1950	52	2,1	167	6,6
2000	145	2,4	661	10,9

Source John Weeks, Population: An introduction to concepts and issues, Belmont CA, Wadsworth, 2002, 24.[17]

This is particularly true when additional aggravating factors such as widening economic disparity, worsening environmental conditions and dwindling natural resources are present. Here then is the hypothesis: a growing population without a corresponding increase in societal means of sustenance will lead to security problems. Sustaining ingredients include basic infrastructure, social welfare, employment opportunities, a robust economy and good governance. In Africa, the basic ingredients of population sustenance are lacking, and as such its growing population is a potential source of insecurity.

ANALYSIS OF SECURITY CHALLENGES

With Africa's rapid population growth and no corresponding increase in infrastructural renewal, social security and work opportunities, the continent faces serious security challenges. These include a youth bulge, rural-urban migration, land pressures, environmental issues and a depletion of natural resources.

Youth bulge and unemployment

One of the results of a population boom is an increase in the number of young people and an eventual preponderance of youths in society, a phenomenon aptly named a youth bulge. The term was used by the UN in its 2000 report to describe the preponderance of people aged between 15 and 29 years in over 100 selected countries across the world. Of this age category, most are found in Africa, principally as a result of a high fertility rate combined with low life expectancy.[21] The number of youths in Africa is currently estimated to be about 300 million, over 20 per cent of whom are either unemployed or underemployed.[22] Population growth projections indicate that Africa's youth population will probably double before the year 2050.

Against the backdrop of insufficient means of sustenance for an ever-increasing population, massive youth unemployment can be expected. The impact of this will be self-evident. A study conducted by the World Watch Institute in 2005 commented that: 'Where economic opportunities are scarce, the predominance of young adults can constitute a social challenge and a political hazard.'[23] Also, in the words of UN Secretary-General Kofi Annan, 'A poor economic and social environment can foster conditions in which people are recruited into armed conflicts in their own and neighbouring countries'.[24] In the same UN report it was observed that: 'Over the past decade, youth unemployment rates have increased to more than double the overall global unemployment rate. In the absence of a secure livelihood, discontented youth may resort to violence or turn to insurgent organisations as a source of social mobility and self-esteem. Recent studies show that countries with large youth bulges were roughly two-and-a-half times more likely to experience an outbreak of civil conflict during the 1990s than countries below this benchmark. Yet a smaller subset of countries – mostly in sub-Saharan Africa and the Middle East – have experienced rapid growth in their populations aged 15 to 29. Until these youthful populations decline and employment prospects improve, these countries will likely continue to pose a challenge to regional development and international security.'[25]

In a follow-up research report, the UN Office for West Africa (UNOWA) asserted in 2005 that: 'Current levels of unemployment among young men and women in West Africa are a ticking time bomb for the region and also beyond. In some countries, such as Sierra Leone, the number of young people lacking proper work

exceeds 50 per cent. This is not just a social disaster and a huge wasted economic asset. Ever-rising joblessness among youth and the desperation that accompanies it undermines the possibility of progress in those countries in the region that are emerging from conflict. But it also risks destroying the political and social structures even of countries that are at present stable, especially when combined with West Africa's alarming demographic trends. In short, the future of the entire region is threatened by the growing numbers of youths who lack prospects of ever being able to work for a reasonable living. Until this situation changes, the likelihood of having genuine peace, security and development in West Africa will remain small.' [26]

What the foregoing suggests is that when a mass of youths are jobless or underemployed, their propensity for taking up arms in exchange for small amounts of money, as well as the likelihood of their being drawn into criminal gangs, is very high. In other words, unemployment, a product of unrestrained population growth, fuels conflict and crime.[27] In a study on ethnic militia movements in Nigeria, one of the causal factors of their preponderance was attributed to exclusion and shrinking employment opportunities in the country, particularly during the long years of military rule.[28]

Migration, urbanisation and violence

One of the consequences of rapid population growth is the migration of people, either within a country or to elsewhere in the world. Such migration results from the need to find work opportunities or physical security. The result of internal migration is rapid urbanisation. The insecurity that migration poses to host countries is broader than the creation of national insecurity, since it could also pose the threat of terrorism, socio-economic competition and the destruction of cultural values. In a lecture delivered at the annual Landon Lecture Series of Kansas State University, General Michael Hayden, director of the Central Intelligent Agency (CIA), drew a relationship between population boom and migration as a factor of insecurity. According to him, experts put the current world population at about 6,7 billion people, but by mid-century the best estimates point to a world population of more than nine billion. This will cause the migration of people, legally and illegally, across the globe in search of economic opportunities, security and political freedom. It will also generate significant regional and global security stresses.[29]

The problem of rapid urbanisation stares Africa in the face. The UN estimates that the rate of urbanisation in Africa stands at 3,5 per cent annually, the highest rate in the world. This will result in the rapid growth of urban agglomerations throughout the continent. By 2030, the proportion of Africa's urbanised population is expected to reach 54 per cent, compared to 38 per cent today. This will result in more migration to the European Union (EU) and other regions. While 70 per cent of Africa's urban populations have their origins in rural-urban migration, a significant number of migrants are internally displaced persons (IDPs). According to a study carried out by Cilliers, Africans are moving to urban areas at a rate of three per cent per annum. Although the continent's population is currently still dominantly rural, 50 per cent will live in urban areas before 2050. In effect, Africa's urban population will double by 2030, from the current 373,4 million to 759,4 million, a number greater than all current city dwellers in the West. By 2050, there will be more than 1,2 billion African city dwellers.[30]

In 1960, one African city had a million residents. Now, 40 cities are in this league and the rural exodus is continuing at such a pace that these are struggling to provide adequate health care services and infrastructure such as sewage treatment. Research has shown that urbanisation is a product of frustration with dire situations in rural areas, as well as the perceived attractions of cities, such as better infrastructure, job opportunities, and a more enjoyable and easy lifestyle. However, in most instances, these attractions are illusory and most migrants are worse off and more vulnerable to poverty, vice and violence. As urban populations grow, so do the levels of crime and violence. Most city centres are hotspots of ethno-religious crises, gang rape and armed robbery.

According to a recent study by the World Watch Institute, countries with rapid rates of urban population growth were roughly twice as likely as other countries to experience civil conflict during the 1990s. Disenchanted urban youth or the angry unemployed were often among the first to participate in unrest, which is likely to increase as the largest cities in the developing world extend further into the countryside.[31]

Population pressure, resource scarcity and violent conflict

In a seminal work on the nexus between population changes and security, Jack Goldstone itemises five demographic conditions necessary for a population to induce conflict, namely: [32]

- An expanding agrarian population running up against land that is controlled by or being expanded for the exclusive use of large landlords
- An expanding urban population in an economy that is not providing commensurate economic growth
- An expanding population of higher-educated youth facing limited opportunities to obtain elite political and economic positions
- A large youth bulge, i.e. an expansion of the 15 to 25 years-of-age cohort relative to the overall adult population of a society, especially where political institutions are weak
- The migration of people into a region already settled by a population group with a distinct ethnic or political identity

Contemporary evidence shows that Africa encounters all Goldstone's conditions. This is also a pointer to the dangers posed by resource wars, which an unbridled rise in population will exacerbate. There is growing concern over impending resource wars and, according to an analysis by Paul Collier, much of Africa's conflicts are in fact related to resource competition.[33] Analysts have identified water scarcity as a major impending nightmare in places like South Africa and Chad.[34] Part of the problem is also the growing occurrence of desertification and land degradation resulting from population pressures in Mali, Niger, Sudan, Ethiopia and Eritrea. Rapid desertification in northern Nigeria because of population-induced activity is resulting in the rich flora of the savannah being replaced by the Sahara's barren sand dunes, bringing with it hardship for the inhabitants who depend on the land for existence. One such group is the nomadic Bororo (Fulani), who live exclusively off cattle rearing; their desperate need for grazing prompted migration to Nigeria's lush southern region. But like locusts, the thousands-strong herds consumed everything on their way, including farm crops, causing colossal losses to farmers who mostly exist at subsistence level. In their frustration, the farmers often resorted to killing the cattle, but, culturally, killing Bororo cattle is considered a declaration of war. There are many instances of clashes between the sedentary farmers and the nomadic pastoralists of Nigeria.

THE DEMOGRAPHIC DEBATE

Population discourse has generated heated debate among scholars. In the course of the debate on population growth in Africa as part of the 5th African Population

Conference in Arusha, Tanzania, opinion was diametrically divided as to whether the population boom was a curse or a blessing.[35] Dr Patience Stephen, team leader of the UN Secretariat's Programme on Youth, argued in her speech entitled 'Population growth is a scourge in Africa' that increasing births and declining deaths depleted resources. Especially in rural areas, increasing populations resulted in more pressure on cultivatable land and more use of wood as sources of energy for cooking. This eventually affected the climate.

In a presentation entitled 'Population growth is a blessing in Africa', Professor Francis Dodoo, director of the Regional Institute for Population Studies at the University of Ghana, argued that having large families is part of African culture. The benefits included old-age security and population replenishment to offset increased mortality from HIV/AIDS. In addition, a larger population gave a country more weight in global markets.[36] Dadoo's global market advantage argument seeks to establish a nexus between large populations and market size. It is true that the greater the population, the larger the market, but the question arises of the use of a large population without economic capability.

Within the corpus of 'population boom is a blessing' it is argued that the problem with Africa is simply population distribution, not population growth. This thought is premised on the grounds that there are large swaths of uninhabited land in Africa, which makes it possible for people to be moved from overpopulated to under-populated areas. Lofty as this perspective seems to be, it raises many knotty questions. Will such resettlement be planned? If so, will it be successful? Who will coordinate such resettlement programmes? Will such resettlement be inter-state or intra-state? Who will qualify to relocate to virgin land and what will they do? The experiences of the many countries that have introduced resettlement programmes are not encouraging. It requires huge resources and planning, and, compounded by climate change, the impact of massive resettlement schemes could be very high. How will this be mitigated? Most important, this perspective fails to take into account the historical, cultural and religious attachments of African people to land. In Africa, no land is without its owners. Will such owners allow their lands to be inhabited by 'strangers'?

It is important to note that unrestrained population growth places a strain on the available resources and that this results in crises and stunted development. It should also be noted that the development achieved in the Western world has been accompanied by a lowering of fertility levels. Similarities between pre-1978 China and many African countries include high populations

with insufficient food and clothing, high levels of illiteracy, large agrarian populations and legitimate demands for public services and infrastructure. It would be expedient for Africa to tackle the issue of high population growth as part of a holistic approach to conflict prevention.

POLICY OPTIONS

There are a number of options open to Africa with regard to its rapid population growth. The first entails meeting the requirements for sustaining a growing population, namely infrastructural renewal, social welfare and the creation of employment. One of the major infrastructural challenges is electricity. Few African states generate an adequate supply of electricity. This problem should be tackled with renewed effort and political will by tapping the abundant hydroelectric resources available in many parts of the continent. It has been estimated that the Congo basin alone can supply all of Africa's electricity needs. In addition, civilian nuclear programmes, bio-technological energy solutions and the abundant sunlight available to Africa should be pursued for power generation. The improvement of electricity supply throughout the continent would remove the majority of inhabitants from the vicious circle of poverty, thus eliminating a major cause of conflict.

The second option is to reduce population growth. At independence in the 1960s, according to Sulivan Rachel, the leaders of most sub-Saharan African countries saw population growth as being congruent with cultural norms that encouraged fertility, as well as a means of achieving the economies of scale necessary to jumpstart economic development.[37] However, from the late 1980s, one sub-Saharan African country after another announced national policies aimed at reducing population growth. By 2003, the governments of 77 per cent of sub-Saharan countries viewed the rate of population growth in their states as being too high.[38] Kenya was the first country in sub-Saharan Africa to put a population policy in place in 1967, followed by Ghana in 1969. There was then a delay of almost 20 years before the next population policy announcements were made. Thirty countries subsequently adopted population policies, but the remaining 15 countries have not done so.[39]

So far, most of the population policies have not been effective for a combination of reasons, including tradition, religion, ignorance and lack of political will on the part of governments. Tradition poses a great barrier to population control

in Africa. An example is the Ibu Eze ceremony in the eastern part of Nigeria, as graphically revealed in the documentary by Ngozi Owurah.[40] The Ibu Eze ceremony honours and celebrates Nigerian women who have given birth to *nine* children. The deeply-rooted tradition brings tangible reward to the woman's family and is perhaps the only recognition a rural woman will receive for her lifetime of labour. Compounding this tradition is the influence of religion, particularly Roman Catholicism and Islam. 'Go ye and populate' is a common biblical passage and the Roman Catholic Church is antagonistic to the use of contraceptives. Islam also enjoins its followers to have as many children as they can afford.

The best option for Africa is population control. There is a need for enlightenment on limiting the number of children per woman. The policies introduced by China and India provide good examples. To stem its rising population, China embarked on a 'one-child' policy. Introduced in 1978, this policy officially restricts the number of children married urban couples may have to one. The policy is enforced at the provincial level by means of income-based taxes and fines imposed for any further child born to a couple. Population and Family Planning Commissions exist at every level of government to raise awareness, to carry out registrations and to make inspections.[41] The policy has, however, been assailed by criticism based on allegations of practices such as forced abortions, forced sterilisation and infanticide being used to enforce the policy.

While India has not limited the number of children per family, it has one of the earliest and longest attempts at population control in the developing world. It has been implementing official family planning programmes since the 1950s. But the policy of sterilisation and forced abortions did not yield the desired results. Rather, it led to a renewed population boom since the policy was considered semi-enforced and negligent of safety considerations. In 1994, India unveiled a 'New Population Plan' (NPP) under which it was hoped to reduce the fertility rate from the early 1990s figure of 3,4 to 2,1 by the end of 2010. The strategies employed by the NPP include improving reproductive health, allowing universal access to contraceptives, promoting greater education on contraception, training more people to safely assist with births, ensuring the formal registration of all marriages and births, maintaining and enforcing the minimum marriage age of 18, and providing primary education for more citizens.[42]

I would like to suggest that Africa needs to follow the Indian route. The Chinese way is to apply a forced population control mechanism, while in India persuasive tactics are employed. For cultural and religious reasons, it may be

foolhardy to enforce a limitation-of-children policy in Africa. Besides, while China is one country, Africa consists of many countries. For this reason, the best option would be to go the way of India's NPP, employing systemic and sustained persuasion, enlightenment and education. Mass education is also quite strategic to population control in Africa, because the more educated people are, the fewer children they tend to have. In particular, there is a need to ensure that girls enrol for school, for by being in school their chances of underage marriage are reduced.

Further, it is necessary to promote the use of contraceptives. In Latin America, family planning, child spacing and counselling has played a major role in the population control efforts of the governments of Brazil, Bolivia and Argentina.[43] However, the success of these initiatives, as indeed the success of all of the suggestions, depends largely on education.

One of the main reasons for the penchant for many children by African families is a fear of old age. Children are considered as social insurance. The starting point in the task of population control then is the institution of social security systems. As in many countries, there must be benefits attached to old age. The argument here is that population pressures contribute to poverty, but poverty also encourages population growth. National social security systems could break this cycle.

CONCLUSION

In the foregoing analysis it has been established that a nexus exists between rapid population growth and security, in particular violent conflict. Africa's exponential population growth, rated the highest in the world with the continent's population projected to reach two billion people by 2050, is not only engendering poverty and holding back socio-economic development, but poses a serious challenge to Africa's peace and security efforts. Specifically, it has been argued that increasing births in Africa deplete the continent's resources and raise the spectre of violent conflict. Other consequences of the population boom include a youth bulge, unemployment, migration, urbanisation and increased violence because of population pressure. In addition, rapid population growth results in food insecurity, endangers ecosystem sustainability and creates healthcare problems. It is significant that the development of the West was accompanied by a lowering of fertility levels.

However, it would be incorrect to regard a population boom as the sole factor affecting security. Goldstone contends that '[d]emographic factors are only a

part of the complex causal forces behind violent conflicts. It is generally agreed that economic development (as measured by GNP/capita or infant mortality) and regime type (autocracy, democracy or transitional/intermediate) are critical elements influencing the risks of conflict. A host of other factors – leadership, colonial experience, terrain, trade and state discrimination – has also been suggested as playing a role. Population factors may interact and overlap with other such causal forces in varying degrees'.[44]

As established by the 1994 UN Report, security is a multi-dimensional issue. For this reason there can never be a single causal factor. However, the fact remains that population pressures can exacerbate security threats. It is therefore important to consider the population dimension in any discourse on security. With regard to Africa in particular, this chapter argues for the need to control population growth to limit future conflicts and security threats.

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Part III

Policy Responses and Strategies

6 The African Union Post-Conflict Reconstruction and Development policy framework

A critical tool for conflict prevention and peace-building in Africa

Prosper Nii Nortey Addo

INTRODUCTION

Threats to both the security of the individual and the state have assumed various forms and dimensions across Africa.[1] Such threats usually manifest themselves in different categories of criminal activities and corrupt practices committed by both state and non-state actors, which eventually gravitate towards restive actions or civil wars.[2] Of particular concern, however, are intra-state conflicts and their complex and multidimensional nature, which has rendered their management and resolution difficult. The causes of these conflicts include poor governance practices characterised by corrupt or dictatorial leadership, nepotism, the marginalisation of segments of the population from decision-making processes, the promotion of ethnic or religious differences as a form of divide-and-rule tactics, the pursuit of bad economic policies and the mismanagement of state resources.[3]

Such conflicts have caused many humanitarian problems and damage to states and their body politic, leaving in their wake totally collapsed or failed and

fragile countries, and internally displaced or refugee populations desperate for care, protection and sustainable livelihoods. In cases where these conflicts are brought to an end, humanitarian problems, issues of disarmament, demobilisation and reintegration (DDR), small arms and light weapons collection and management, security sector reform/governance (SSR/G), the rule of law, transitional justice, reconstruction and socio-economic issues arise as immediate challenges and have a tendency of derailing peace efforts.[4] Countries emerging from conflict thus have difficulties in sustaining and consolidating their peace processes. According to the World Bank, the recovery and rebuilding of post-conflict states take many years, while the efforts do not always succeed since 40 per cent of post-conflict countries relapse into conflict within 10 years.[5]

Although Africa is still a conflict-prone continent, the frequency of armed conflict has greatly reduced over time. The new millennium has brought fresh hopes for a new era of peace and stability in Africa. The reason for this optimism lies in the fact that many violent conflicts, from Liberia to Angola, have ended in peace processes.[6] The African Peace and Security Architecture (APSA) of the African Union (AU) has made a significant contribution to this positive development through its peacemaking, peacekeeping, peace-building and conflict transformation efforts.[7] If the current momentum and the efforts toward resolving armed conflict on the continent are sustained, the AU has the prospect of breaking the relapse into violence, the so-called conflict trap, and consolidating human security in post-conflict societies. Such an environment would engender the observation of human rights, the rule of law, elections, democracy, good governance, disarmament, arms control, non-proliferation and good neighbourliness, among other issues, as has been noted in the AU 2009 Tripoli Declaration.[8]

Given the complex and multidimensional nature of the post-conflict challenges, which still pose inherent threats to fragile peace processes, post-conflict reconstruction and peacebuilding processes require well-coordinated and multifaceted responses to address the needs of countries and communities emerging from a civil war. The responses need to address the root causes of conflicts and consolidate the progress made towards sustainable peace, security and development.

The AU Post-Conflict Reconstruction and Development (PCRD) framework remains a credible conflict prevention tool for responding to current and future post-conflict security challenges or threats. It basically seeks to address the needs of countries emerging from conflict, including the requirements of affected

populations, prevention of the escalation of disputes and avoidance of relapses into violence, as well as focusing on the root causes of conflict and consolidating sustainable peace.[9] This policy framework, adopted at the 9th Ordinary Session of the Executive Council in Banjul, The Gambia, in July 2006, has six key indicative elements that form the basis of all PCRD efforts across different phases of action. These are security, humanitarian/emergency assistance, political governance and transition, socio-economic reconstruction and development, human rights, justice and reconciliation, and women and gender.[10]

Considering the fact that post-conflict reconstruction will constitute Africa's principal future conflict prevention mechanism, this chapter is aimed at reviewing the PCRD as the critical tool for conflict prevention and peace-building in Africa. It is argued that the AU has developed credible structures and processes to undertake future complex post-conflict peace-building and development activities. However, overcoming post-conflict security challenges should be a shared responsibility. Consequently, the AU will require the support of both its member states and international partners, including other international organisations and donors, to achieve the objectives of the PRDC policy and break the conflict trap, as well as responding to the post-conflict recovery and reconstruction challenges that lie ahead.

Case studies are used to illustrate the efforts being made by the AU to implement the PCRD programmes in countries emerging from conflict situations. The AU has ongoing post-conflict reconstruction activities in Burundi, the Central African Republic (CAR), the Comoros, Liberia, Sierra Leone and Sudan, among others. The CAR, Liberia and Sierra Leone have, however, been selected to illustrate the efforts being made by the AU Commission (AUC) in addressing post-conflict security challenges. This will not only demonstrate the AU's commitment to PCRD programmes, but also indicate the difficulties being experienced in operationalising the programmes and the need for further support to realise the set goals and objectives.

THE AU POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT POLICY

The need for the AU to establish the PCRD policy framework was reinforced by provisions in the AU's Solemn Declaration on Common African Defence and Security Policy (CADSP)[11] and the African Post-Conflict Reconstruction Policy

Framework of the New Partnership for Africa's Development (NEPAD) drafted in June 2005.[12] While the objectives and goals of the CADSP calls for the provision of a framework for post-conflict peace-building and reconstruction, the NEPAD policy framework sets out an African agenda for post-conflict reconstruction that aims, among other things, to address the nexus between peace, security, and the humanitarian and development dimensions of post-conflict reconstruction and peace-building.[13]

The initial decision by the AU to develop a PCRD policy framework was made at the 7th Ordinary Session of the Executive Council in Libya in July 2005, where Decision Ex. CL/Dec.225 (VII) on the Report of the Chairperson of the Commission on Conflict Situations in Africa was adopted. The Executive Council welcomed the significant progress made in the resolution of crises and conflict situations on the continent, and stressed the need for peace agreements to be effectively complemented by sustained efforts towards post-conflict reconstruction and peace-building to address the root causes underlying their outbreak.[14] It then urged the AUC to develop a PCRD policy framework based on relevant provisions of the Peace and Security Council (PSC) Protocol and the experience gained on the continent up to that point.

This decision was followed by the drafting of a policy framework that was subjected to a wide-ranging consultative process involving a cross-section of stakeholders active in post-conflict reconstruction activities. These included the 4th Brainstorming Retreat of members of the PSC and other member states represented in Addis Ababa, Ethiopia, and the 39th Meeting of the PSC, both of which were held in Durban, South Africa, in September 2005; a meeting of technical experts in Addis Ababa; an AU/civil society organisations meeting in Abuja, Nigeria; and a validation meeting and a meeting of governmental experts in Addis Ababa between February and June 2006 to review the document. All these proceedings fed into the 9th Ordinary Session of the Executive Council in Banjul, The Gambia, on 28 and 29 June 2006, at which the document was improved and subsequently adopted in July 2006. A decision was then taken to implement the PCRD provisions.

The PCRD policy framework is defined as: 'A comprehensive set of measures that seek to address the needs of countries emerging from conflict, including the needs of affected populations; prevent escalation of disputes; avoid relapse into violence; address the root causes of conflict; and consolidate sustainable peace.'[15] Conceived within the African vision of renewal and sustainable development,

the policy is premised on the concept of human security,[16] which gives major and significant attention to the rights, needs and protection of the individual within the state, spanning political, socio-economic, human rights, gender and environmental issues, among others. This is contrary to the traditional notion of state or regime security, which gives preference to the security of the state or the government in power. The policy operates on five major principles, namely African leadership, national or local ownership, inclusiveness, equity and non-discrimination, cooperation and coherence, and capacity-building for sustainability. These principles constitute the basic minimum values and standards that inform action across all PCRD activities and programmes.

The success of the PCRD policy hinges on effective resource mobilisation at national, regional, continental and international levels. This entails securing adequate resources and sustained support, transparent allocation and accountability in the management of resources, and putting in place processes and mechanisms for the implementation and monitoring of the programme. It is advisable to plan the mobilisation of resources for PCRD activities even before hostilities come to an end or peace agreements are signed. Doing so could create an incentive for and encourage parties to sign a peace agreement that effectively ends hostilities.

The implementation of the PCRD policy will vary according to the different contexts within which conflicts occur, the root causes, the values and norms underpinning the culture of the people, and the level of engagement of international partners in the PCRD activities.[17] The end-state of the policy is to facilitate the prevalence of peace, law and order; to stabilise the humanitarian situation in an effort to meet the basic needs of the population; to establish political mechanisms and institutions to prevent and manage conflict through peaceful means; to institutionalise equitable participation in political and socio-economic life; to put in place policies and programmes to promote broad-based sustainable development; and, finally, to ensure access to justice and to guarantee human rights.[18]

To date, the AUC has prepared a strategic plan for the implementation of the PCRD policy, translated the PCRD policy in all official AU languages, and developed a needs-assessment matrix and a needs-assessment guide for PCRD activities, as well as operational guidelines. The PCRD website is also currently under construction, while a database of African experts is being developed. The AUC has also disseminated PCRD literature to stakeholders and put in place the Inter-departmental Taskforce on PCRD (ITPCRD), which, together with other experts, undertakes assessment missions for PCRD purposes. Two senior PCRD experts

have been recruited to coordinate the PCRD programme, but the PCRD Unit, which comes under the Conflict Management Division (CMD) of the Peace and Security Department (PSD), is yet to be brought into full operation.

Based on Article 5(2) of the Constitutive Act of the AU,[19] the objectives and functions outlined in articles 3(c), 3(e) and 6 of the PSC Protocol,[20] and consistent with the AUC's Strategic Plan,[21] the PSC is given the sole responsibility to promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence, as well as to develop a common defence policy for the AU. The PSC implements the PCRD within the APSA framework, where necessary in conjunction with other international partners and organisations, including the United Nations (UN) and the European Union (EU).

The PCRD commences when the AU mechanisms, in line with the Constitutive Act, determine that a situation warrants attention, or when parties to the conflict have demonstrated their political willingness to resolve differences through political negotiations, have ceased hostilities and/or have signed a peace agreement.[22] The approach adopted is, as a first step, to dispatch a fact-finding mission to a post-conflict country to assess the security, political, humanitarian, socio-economic and other evolving situations. Based on these initial findings, the PSC, through the AUC, then dispatches a Multidisciplinary Team of Experts to the country to conduct a needs-assessment exercise. The purpose of this is to identify the needs of the country based on the six indicative elements mentioned earlier. The team will subsequently draft recommendations for possible assistance in the short-, medium- or long-term by AU member states and bilateral/multilateral partners or donors within the context of post-conflict reconstruction and sustainable development. The fact-finding mission, the needs-assessment exercise and possible future intervention in the form of resource mobilisation and support are all premised on the core principles of PCRD policy, namely that member states will take the lead and own the process by identifying and possibly prioritising various needs, quite apart from those the team will table for future assistance and support.

During the needs-assessment exercise, key government and civil society actors, as well as international partners, are consulted to enhance coordination, cooperation and coherence by ascertaining the views of development partners on the process and the assistance the AU could offer to support their activities and develop future cooperation with regard to the recommendations. It is of course necessary to ensure that the programme is carried out in a timely and effective manner so as to benefit the people in the country concerned.

Prior to the adoption of the PCRD framework in 2006, from the early 1990s to 2005, the AU undertook various post-conflict and reconstruction activities in post-conflict African countries, including in Angola, Liberia, Sudan, Burundi and the CAR. The PCRD policy framework was then established to firm up the AU's efforts in the area of conflict management and resolution, to build upon the years of investment of fiscal and human resources in these endeavours, and to sustain interventions made at both the humanitarian/emergency and stabilisation phases.

With the renewed commitment to bringing this policy into operation, an AU multi-disciplinary team of experts was dispatched to Liberia and Sierra Leone in February 2009 to conduct needs-assessment exercises following preliminary assessment missions undertaken to these countries in June 2007.[23] Other assessment missions have also been undertaken in the CAR, Sudan, Burundi and the DRC.

POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT ACTIVITIES IN THE CAR, LIBERIA AND SIERRA LEONE

The CAR, Liberia and Sierra Leone experienced devastating civil wars between and among government forces and rebel groups, all of which were characterised by spill-over effects from or into neighbouring countries. The wars resulted in loss of life; large numbers of displaced persons; the destruction of property, other assets, infrastructure and institutions; and the breakdown of civil and social order. Natural resources were exploited illegally on a large scale and the economies of all three countries were left in a fragile state.[24] The dynamics of conflict in these countries are a good reflection of the general nature of conflicts on the continent.[25] The AU took the initiative in responding to these crises and to finding solutions.

Post-conflict reconstruction initiative in the CAR

In the CAR, the sources of the conflict were, among others, traced back to more than three decades of corrupt and authoritarian rule backed by the former colonial power, as well as social and economic problems, and outside intervention in the natural resources area.[26] The conflict was characterised by internal fighting between and among the national army and rebel groups, which included the Movement for the Liberation of the Central African People (MLPC), the Popular

Army for the Restoration of Democracy (APRD) and the Union of Republican Forces (UFR). The situation was further complicated by rebel insurrections originating in neighbouring countries such as Uganda. The CAR also suffered from large spillovers of conflicts from Chad, Sudan and the DRC. Its economy, including its social and institutional setups, was affected severely, and significant numbers of IDPs and refugees were part of the humanitarian problem encountered. The state, and for that matter its sovereignty, was undermined, leaving it weak. The government in power was having difficulty in maintaining the CAR's territorial integrity.

The AU, in conjunction with other development partners, became involved in attempts to resolve the crisis in the CAR in the early days of the crisis in June 2005. In October 2004, May 2005 and March 2006, the AU also provided financial support for the renewal of the Multinational Force of Central Africa (FOMAC) within the context of the African Peace Facility (APF).[27] A fact-finding mission was dispatched by the PSC to the CAR, Chad and Cameroon in October 2005 to investigate the security and humanitarian situation in these countries.[28]

The UN Security Council (UNSC), in resolution 1778 of 2007, approved the establishment of a UN Mission in Chad and the CAR (MINURCAT), authorising the EU to deploy forces in these countries within the framework of European Security and Defence Policy (ESDP) for a period of 12 months. The mandates for these missions were subsequently extended to date. The UNSC intends to replace the EU Mission in Chad and CAR (EUFOR) with a UN mission, and has requested the UN Secretary-General (UNSG) to develop a plan for the transfer of power from the EU to the UN.[29] EUFOR was mandated to contribute to the protection of civilians in danger, especially IDPs and refugees, to facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel and, generally, to provide security for UN personnel, facilities, installations and equipment, etc. in these countries.

Although the organisation of legislative and presidential elections held in the CAR in March and May 2005 respectively brought an end to the political leadership put in place by the coup d'état of 15 March 2003 – just a decade after the holding of the country's first elections – the crisis in the CAR continued to rage on and the situation deteriorated further as the root causes of conflict were not being addressed. Given this situation, the PSC encouraged the chairperson of the AUC to dispatch a second AU Multidisciplinary Experts' Mission to take stock of the socio-economic and security situation in CAR, identify the country's needs and make recommendations on the assistance that member states and bilateral

and multilateral partners could provide within the context of post-conflict reconstruction and sustainable development. This mission took place from 3 to 15 April 2006, prior to the adoption of the PCRD Policy Framework in Banjul in June 2006.[30]

The team of experts met with government officials in various ministries, departments and agencies; the National Assembly; public institutions, including the Human Rights High Commission, the National Disarmament, Demobilisation and Integration Commission, and the National AIDS Control Committee; members of international organisations, including the UN and its agencies, the EU, the World Bank, the World Food Programme (WFP) and the Food and Agriculture Organisation (FAO); diplomatic missions; and civil society and political organisations.

The report of the mission submitted to the AUC revealed a country in a very delicate situation that needed a patriotic reawakening on the part of its elite, and urgent and sustained external help to reverse the alarming trends that had characterised developments since March 2003. The results of the crisis in the CAR were still very much evident, with the presence of rebel groups and occasional attacks on the population, the many IDPs and refugees, a weak security sector, an undiversified and poorly structured economy, signs of strong social dissension that was likely to jeopardise national unity, and external conflicts that were having a negative impact on the peace process.[31]

Post-conflict reconstruction and development activities in Liberia and Sierra Leone

The two neighbouring countries of Liberia[32] and Sierra Leone[33] experienced civil wars lasting from eight to 14 years respectively, which ended with the signing of the 1999 Lomé Comprehensive Peace Agreement (LCPA) for Sierra Leone[34] and the 2003 Accra Peace Agreement for Liberia (ACPA).[35] The Liberian civil war had been sparked by several factors, including a quest for wealth and power, ethnicity and bad governance. The intermittent war, which drew in both state and non-state factions, began in 1989 and was interspersed by elections, which brought Charles Taylor to power from 1997 to 2003.

On the other hand, the Sierra Leone conflict began in earnest in March 1991 after Taylor, who is believed to have armed a group of dissident Sierra Leonean and loyal Liberian fighters, launched an attack on the government of Sierra Leone. The immediate reasons for this were an attempt to gain control of the country's

natural resources and to make the government pay for hosting and lending support to the ECOWAS Ceasefire Monitoring Group (ECOMOG), which initially prevented Taylor from taking power from the Doe administration in Liberia.[36] The Liberian and Sierra Leonean civil wars became interconnected and occurred, largely, concurrently. They resulted in the loss of life and property, and the displacement of huge numbers of persons in each country. However, the two countries went through different phases of stabilisation and transition, and are currently both in peace-building phases under democratically elected governments.

Even so, the security situations in both countries, though stable, remain fragile, with attendant challenges revolving around socio-economic issues, security sector reform and governance, the judicial system and the rule of law, and corruption. Rising crime, mob violence, land disputes and unemployed youth or ex-combatants who roam the streets are pertinent challenges that have a tendency to disrupt the peace processes. In fact, some of the root causes or facilitating factors that caused the wars still exist despite the best efforts of ECOWAS, the AU, the UN and their international partners.

The AU has been involved in peacemaking and post-conflict reconstruction processes in Liberia and Sierra Leone, including the brokering of respective peace agreements and contributing to the emergency/stabilisation, transitional and peace-building phases. Special envoys were designated by the chairpersons of the AUC to manage the mediation and conflict management processes in both countries. This was followed by the establishment of an AU Liaison Office in Liberia (AULOL) in August 2004,[37] which had a specific mandate to monitor, observe and report to the AUC on the implementation of the peace agreements signed in these countries, as well as ongoing post-conflict reconstruction activities. AULOL also constitutes part of the AU's Continental Early Warning System (CEWS). In the case of Liberia and Sierra Leone, CEWS has the aim of preventing the recurrence of past conflict and consolidating gains made in the peace processes of the two countries.

Following the adoption of the PCRD, and in a bid to consolidate ongoing PCRD efforts, a Multi-Disciplinary Team of Experts was dispatched to the two countries from 2 to 18 February 2009 in close consultation with the UN Commission for Africa (UNECA), ECOWAS and the African Development Bank (AfDB). The team had the specific task to make concrete recommendations on the nature of assistance to be rendered by the AU and its member states within the framework of the PCRD policy. Comprising experts from Ghana and Nigeria, and representatives

from institutions such as ECOWAS, the AfDB, UNECA and NEPAD,[38] the expert team was mandated to meet with concerned authorities in the two countries in order to exchange views and to visit places and areas that were deemed relevant to the assessment. Based on its findings and observations, recommendations were to be made on possible short-, medium- and long-term assistance or support in specific areas, such as governance and the rule of law, the judicial sector, the security sector, the socio-economic sector, including livestock production and agricultural extension services, education, health and youth unemployment, and gender as a cross-cutting issue.

The team met with various government ministries and agencies and other branches of government, and members of the international community, political parties and civil society. The needs assessment exercise provided the opportunity for team members to inform the stakeholders in both countries about their activities, to familiarise themselves with what other stakeholders/international partners had done and were doing in the areas under review, identify gaps and prioritise specific responses based on the principles of coordination and coherence, and generally acquire information on ongoing PCRD efforts. In the consultation and fact-finding processes, care was taken to ascertain, in the context of local ownership and the 'do no harm' principles, the specific needs and aspirations of the citizens of the two countries in the various cluster areas identified. The processes were based on establishing consensus and engendering a fair and inclusive process at all levels of governance and decision-making for the common good of the citizens in both countries.

Based on the team's findings, observations and analyses, separate reports on Liberia and Sierra Leone were finalised and submitted to the AUC for review and onward submission to the PSC for its decision. The reports identified specific areas of concern requiring immediate responses. These include the issues of addressing the general lack of capacity in the countries, but especially in Liberia; the unemployed youth and ex-combatants that had supposedly been reintegrated into society, but had not been provided with any useful or productive source of livelihood; and the necessity of revitalising and diversifying the agricultural sector as the main stay of the economy to guarantee employment and food security. The need to strengthen the resource and logistics bases of security agencies was also raised, as was the requirement to maintain a sizeable UN Mission in Liberia (UNMIL) for peacekeeping purposes until after the 2011 elections. Recommendations were also made on strengthening the weak judicial and

correction sectors, and the empowering of civil society and opposition political parties with the principles of good democratic governance and respect for rule of law. The need to address issues of corruption in both countries also featured prominently.

Subject to the decision of the PSC, resources were to be mobilised and efforts made to support and facilitate assistance to the two West African countries. In general, the assessment mission was conducted successfully. It gave the team of experts an opportunity to assess and document the post-conflict reconstruction and development needs of Liberia and Sierra Leone. Stakeholders were informed about the team's activities and they used the opportunity to obtain information on PCRD efforts in the countries concerned. Members of the team also familiarised themselves with what stakeholders were doing in the area of reconstruction and development. They identified the gaps and prioritised specific responses based on their interaction with the governments and international partners. Stakeholders in both countries were very receptive and cooperated fully with the team.

Even so, some challenges were encountered in the dispatch of the team and during the assessment processes. Following the initial fact-finding mission, it took close to eight months to dispatch the Multi-Disciplinary Team of Experts. The delay put a lot of pressure on the AU, especially AULOL, as officials of the two governments had expected more rapid action. In a similar vein, the PSC, which has the mandate to authorise the implementation of the team's recommendations, is yet to take a decision well over a year after the needs assessment exercise was carried out.

There are also some capacity, resource and logistics constraints in AULOL, which, if corrected, could strengthen the office's role as regards the implementation, monitoring and evaluation of PCRD activities in the two countries. These bottlenecks, combined with the late release of funds for the assessment exercise and some coordination problems, have posed major challenges to the implementation of PCRD activities in Liberia and Sierra Leone.

ASSESSMENT OF APSA's CAPACITY TO UNDERTAKE COMPLEX POST-CONFLICT PEACE-BUILDING AND DEVELOPMENT

Based on the above review, it is evident that the AU, in conjunction with NEPAD and within its peace and security architecture and the PCRD policy, has put in place some credible mechanisms and specific policy measures for responding

to post-conflict security challenges. This is an indication of the AU's willingness and preparedness to undertake post-conflict peace-building and development activities. The question that remains to be answered, however, is whether the AU's policy response to identified security threats in the post-conflict context has been adequate thus far and what measures need to be put in place to strengthen its efforts in this area.

Until now, the efforts made by the AU in response to post-conflict reconstruction have generally conformed to its APSA and PCRD policy frameworks. Most of these activities have, however, remained at the level of contributing to disarmament, demobilisation and reintegration (DDR) programmes, facilitating dialogue among disputing parties, diplomatic shuttling, intervention by the Panel of the Wise, engaging in transitional justice programmes, organising and monitoring elections, and training of the police and civil society.[39]

In the case of Sudan, for instance, the AU Ministerial Committee on Post-conflict Reconstruction, established by the AU Summit held in Maputo, Mozambique, in July 2003, undertook a number of missions to that country in support of the implementation of the Comprehensive Peace Agreement (CPA) and to encourage the parties to adhere to the commitments made in the agreement. One such mission was in May 2009, when senior officials visited Sudan to assess the situation and identify areas where AU member states could be of assistance.[40] In the CAR, Liberia and Sierra Leone the efforts undertaken in connection with post-conflict reconstruction were also mainly at the level of monitoring the implementation of CPAs, and dispatching missions to assess the situation, make recommendations on how to address the root causes of conflict, offer technical assistance and undertake Quick Impact Projects (QIPs) to consolidate gains made in the peace processes.

In more concrete terms, however, the AUC offered skills-training support for ex-child soldiers in areas such as tailoring, sewing, building construction, carpentry, plumbing, vehicle, motorcycle and bicycle repair, and agricultural farming. Small loan facilities were also established to assist female heads of households to develop trading ventures. Countries that benefited from such activities between 2007 and 2009 include Burundi, the DRC, Rwanda and Uganda, with some 1 000 ex-child soldiers taking advantage of this support.[41] The AUC, through European Commission (EC) funding, has also made available funds to undertake QIPs in some post-conflict countries, including Liberia,[42] Côte d'Ivoire and the Comoros. The AU has, therefore, undertaken PCRD programmes in a piecemeal manner,

rather than as part of a well-funded, holistic or comprehensive and sustained programme to complement ongoing peace-building activities by other key international partners.

As a conflict preventive tool, PCRD cuts across various dimensions of the peace process, ranging from the emergency and stabilisation phases to the development phase. It also involves a large number of peace-building activities to be undertaken in the security, humanitarian and development spheres in order to attend to the root causes of conflict, to avoid a relapse into violence and to consolidate peace. Addressing post-conflict security challenges thus requires political will and a sharing of responsibility in terms of harnessing adequate resources and ensuring the coordination and coherence of programmes or projects aimed at benefiting citizens, in particular those with special needs. The AU will, therefore, require the support of both its member states and its international partners, including other international organisations and donors, to bring its PCRD policy framework into operation.

The magnitude and complexity of the challenges identified in countries such as Sudan, Liberia and Sierra Leone, which include weak capacities and shortages of resources, present specific limitations not only to local and national authorities, but also to other actors wishing to respond to the needs identified. Even more challenging is the task of mobilising finances and human, material and technical resources needed to respond to urgent needs.

Resource mobilisation, which depends very much upon the availability of resources and the commitment and willingness of AU member states and international partners, also presents challenges in terms of the requirement for rapid responses to some of the short to medium-term needs of post-conflict countries. Hence, in as much as the AUC has shown that it is in a position to assess the situation in post-conflict countries, it may not be able to respond as quickly as required in addressing identified needs or threats, given the general challenges of resource mobilisation and the absence of comprehensive resource mobilisation strategies in the countries in question. This situation is sometimes complicated by the unwillingness of donors and international partners to intervene in specific post-conflict security situations. Furthermore, in cases where they do assist, there is always the possibility of their determination to maintain this support waning, given the long-term nature of post-conflict reconstruction activities. As the Office of the Special Advisor on Africa to the UN has argued, regional organisations have to deal with serious human, financial, technical,

administrative and management capacity challenges. Largely, they face the same challenges in establishing conflict-prevention and peace-building instruments as does the UN. However, these challenges are often more extreme and are complicated by difficult working conditions and weak information technology infrastructures and capacities.[43]

Financial resources are of course also crucial for sustaining post-conflict reconstruction programmes. But there is more to this, namely the need for regional and/or continental organisations like the AU to have the capacity for managing donor funds. An inability to absorb and manage such funds can result in a reduction of the funding that is so essential for peace-building programmes. The AU has partly resolved this problem by using the Project Implementation Unit set up under the AU-UN Development Programme (UNDP). Working closely with departments of administration and finance, the unit has bolstered the AU's capacity to absorb and manage funds, and assisted it to recruit human resources for projects in good time.[44] Global economic or financial crises may also contribute to a reduction in funding for ongoing peace-building projects. This has been evident in the recent economic downturn, which led to a slowdown in deliverables under the Liberian Poverty Reduction Strategy (PRS) programme and a significant decrease in budgetary support from Britain to Sierra Leone.[45]

OPTIONS FOR THE IMPROVEMENT OF THE PCRD POLICY FRAMEWORK

There is an obvious need to identify options to improve and make the PCRD policy framework more effective in addressing the special needs of post-conflict countries engaged in peace-building, and in having the desired impact on security, economic growth and development. Responsibility lies with post-conflict countries, the regional economic communities (RECs), the AUC, and international friends and partners to play specific roles in concretising efforts aimed at consolidating post-conflict peace-building and reconstruction efforts. As clearly spelt out in the AU policy document on PCRD, countries emerging from conflict must try to mobilise national resources by attracting investment and seeking the return of resources that may have been moved out of the country in an inappropriate manner. Such efforts must, however, benefit all sections of society to avoid dissension that may truncate the development process,[46] and must be complemented by the prioritised creation of transparent financial systems and controls

to manage resources effectively for post-conflict reconstruction. In addition, government/private sector partnerships and civil society organisations (CSOs) that contribute to the mobilisation of resources, capacity-building, and the provision of expertise in specific areas of recovery and reconstruction will be crucial to the collective success of the peace-building process.[47]

At the regional level, technical support, especially in the areas of training and the sharing of best practices, could be provided by means of effective coordination between the regional organisation and the post-conflict country in question. Such cooperation could be crucial for the integration of the region's economies. In the case of Liberia, for example, ECOWAS maintained an office in that country headed by a Special Representative of the President of the ECOWAS Commission. He co-ordinated activities and relations between ECOWAS and the Liberian government concerning various aspects of post-conflict reconstruction, including security.

At the continental level, the AU should in the first instance create a congenial and credible environment for possible bilateral or multilateral assistance for PCRD activities. In addition, the AU should, based on its credible experience over the years, facilitate support from its member states and encourage donors to convert commitments and pledges promptly into concrete support for the provision of short-term and humanitarian needs. Success in this regard could result in the timely implementation of PCRD programmes.

Another area that offers significant PCRD opportunities is the AU's NEPAD programme, which has the specific responsibility of fostering pre-conditions for sustainable development in countries emerging from conflict. This is in line with NEPAD's vision and objectives, in which the AUC and NEPAD structures are tasked with the responsibility of providing support services to the AU, African leaders and AU member states for realising the implementation of the overarching socio-economic goals of NEPAD.[48] There is thus a need to reinforce the synergies between the AUC and the NEPAD Secretariat in the pursuit and implementation of PCRD programmes in post-conflict countries in a comprehensive and sustainable manner. This initiative will become much more relevant after the PSC makes decisions on the implementation of recommendations contained in needs-assessment mission reports before it. AU field offices will have major roles to play in this regard.

The cancellation of the international debt of post-conflict countries, while lifting a huge financial burden off post-conflict countries striving to meet Highly Indebted Poor Country (HIPC) initiatives and Millennium Development Goals (MDGs),[49] would also assist greatly with the implementation of PCRD

programmes. So would the provision of capacity-building expertise in specific intervention areas, especially to government ministries, departments and agencies, and to the primary agricultural sector in the form of extension services. More importantly, the AUC needs to strengthen its PCRD unit in order to monitor and facilitate the implementation of decisions taken by the PSC, especially in relation to priority actions in the short to medium term.

At the international level, the issues of recognition and support to cater for the special needs of countries emerging from conflict become paramount. However, any such support must be in line with the identified national needs and be directed, first, at priority needs of a humanitarian nature and at providing economic relief to the people, and, secondly, at consolidating medium- to long-term needs. This will assist in building a level of confidence and stability to undertake other post-conflict peace-building activities.

Another critical area that is crucial to the sustenance of PCRD is the issue of capacity-building within government institutions, especially in ministries, departments and agencies, and the country's private sector. Governments and development partners have often had to bring in expatriates and nationals from the diaspora to fill the gaps created by long years of civil war. These experts often depart with their skills and know-how upon completion of their contracts. Although this system has a positive impact, it does create a lot of dissension among local people, who feel left out of the peace-building process. The involvement of locals in the development process and the fostering of their capacities promote a sense of ownership and also retain capacities for sustained growth and development.

Another area of intervention that requires specific attention has to do with sustaining investments and generating improved resource flows over longer periods of time. Assistance in the form of grants, debt relief, official development assistance (ODA) and the improvement of conditions for trade go a long way in benefiting a country and its people. Sierra Leone provides a good example of donor commitment and engagement. The British government's role, in particular, has proved extremely useful, especially in the emergency, transitional and early developmental phases of its post-conflict peace-building efforts.

The coordination of programmes and activities among donors or international partners is also crucial to enhance living standards in accordance with special and prioritised needs, especially at the socio-economic level. This minimises the duplication of effort and avoids the waste of scarce resources, while specific

gaps in the economy and the development process can be addressed much more rapidly. Partnerships between government and its international partners are enhanced, creating a good environment for building trust and confidence. The AU's relations with the EU through the APF and the European Development Fund (EDF) offer a good opportunity, based on existing mechanisms, for the mobilisation of resources and funding peace-building programmes in post-conflict countries.

At the level of the UN, the UN Peace-building Commission,[50] together with its Peace-building Support Office and its Peace-building Fund, has a major role to play beyond the traditional peacekeeping role of the UN by addressing the root causes of conflicts and implementing post-conflict recovery and reconstruction programmes. In the report of the UNSG on peace-building in the immediate aftermath of conflict,[51] the significant role of the Commission in advising the UNSC on the coordination of international peace-building activities and resources mobilisation was highlighted. The Commission was urged to promote innovative approaches to mobilising resources for peace-building, especially for countries that receive inadequate attention and funding; to advance aid effectiveness and mutual accountability between donors and programme countries around national peace-building compacts and priorities; and to encourage donors to provide faster, more flexible and more risk-tolerant funding to address the specific-funding challenges and gaps that arise when conflict ends.[52]

Considering these aims, the AU, within the PCRD policy framework, can work with the UN to mobilise resources and fund peace-building programmes. The fourth High-Level Meeting (HLM) convened by the UNSG to strengthen mutual cooperation, particularly in the area of peace and security in the context of Chapter VIII of the UN Charter, identified a number of peace-building units and focal points, systematic exchanges, working-level visits and joint training exercises.[53] These arrangements could also serve as useful mechanisms to intensify cooperation between the AU and the UN in the implementation of their respective peace-building programmes.

Finally, to implement an effective PCRD programme, the vital component of mutual monitoring and evaluation must not be overlooked. As rightly suggested in the NEPAD African Post-Conflict and Reconstruction Policy Framework, a mutual and inclusive evaluation process, based on predetermined standards and indicators, can serve as a meaningful tool not only to stimulate dialogue among internal and external actors, but to ensure that the desired objectives of addressing the root causes of conflict and consolidating the gains of peace are fulfilled.[54]

The AU, NEPAD and the RECs should assist AU member states that are emerging from conflict, especially those that are already in their developmental phases, with the establishment of national monitoring and evaluation systems.

CONCLUSION

The vision of the AU is that of an integrated, prosperous and peaceful Africa, an Africa driven by its own citizens and serving as a dynamic force in the global arena.[55] Though AU member states aspire for a renewed, united and integrated continent by the year 2030, with the possibility of achieving at least some of the MDGs,[56] both inter-state and intra-state conflicts still pose great security and development challenges. The root causes of some of these conflicts still persist, with countries caught in a conflict trap, especially where they are emerging from civil wars. The reason for this is the complex and multidimensional nature of the conflicts, which have rendered the management and resolution of the root causes difficult. This and many other threats to peace and security on the African continent have undermined the integration and development efforts embarked upon, initially by the OAU and currently by the AU. Notwithstanding these challenges, the PCRD as a conflict prevention tool for APSA holds great promise for stabilising post-conflict security situations on the continent within two decades from now if the AUC intensifies and strengthen its peace-building efforts.

The AU has the structures and processes by virtue of its APSA and PCRD policy/NEPAD programmes to undertake complex post-conflict peace-building and development activities, as reflected by its efforts to date. But these activities must be based on shared responsibilities and thus require the support of both member states and international partners, including other international organisations and donors, in order for the PCRD to be brought into effective operation and to withstand the challenges that lie ahead.

As clearly stated in the CADSP, the causes of intra-state conflict necessitate a new emphasis on human security that is based not only on political values, but also on social and economic imperatives.[57] This newer, multi-dimensional notion of security embraces such issues as human rights, the right to participate fully in the process of governance, the right to equal development, and the right to have access to resources and the basic necessities of life. It also highlights the right of protection against poverty, the right to a situation conducive to education and health conditions, the right to protection against marginalisation on the basis of

gender, and the right to protection against natural disasters and ecological and environmental degradation. The PCRD policy framework, based on its six indicative elements of security, humanitarian/emergency assistance, political governance and transition, socio-economic reconstruction and development, human rights, justice and reconciliation, and women and gender, serves as a credible conflict prevention tool for guaranteeing the human security of citizens in post-conflict countries and the continent as a whole.

There is a need to disseminate and popularise this policy framework in post-conflict countries through the various RECs so that the root causes of conflict can be addressed, a relapse into violence can be avoided and peace can be consolidated. These initiatives must, however, be based on collective efforts to make possible the implementation of PCRD programmes in countries emerging from conflict. Such action will enhance sustainable peace and development in AU member states and lead to a secure African continent by the year 2030.

NOTES

1   For further details see B Buzan, *People, state and fear: Agenda for international security studies in the post-Cold War era,* 1991 (2nd edit.), New York: Harvester Wheatsheaf. Also see K Booth (ed.), *Security, strategy and critical theory*, 1999, Boulder and London: Lynne Rienner Publishers.

2   Under the Common African Defence and Security Policy (CADSP), common internal threats to Africa are considered to include inter-state conflicts, intra-state conflicts and tensions, unstable post-conflict situations, grave humanitarian situations and other factors that engender insecurity. The other factors include the plight of refugees and internally displaced persons (IDPs) and the insecurity caused by their presence; landmines and unexploded ordinances; human, drugs, and small arms and light weapons trafficking; and violent and other crimes, including cross-border crimes. See Solemn Declaration on a Common African Defence and Security Policy, 2004. Available at http://www.africa-union.org/News_Events/2ND%20EX%20ASSEMBLY/Declaration%20on%20a% 20Comm.Af%20 Def%20Sec.pdf (accessed 18 July 2009).

3   For more details on African conflicts see C Clapham (ed.), *African guerrillas*, Oxford: James Currey, 1998.

4   For more on security governance, the rule of law and transitional justice in post-conflict peace-building, see A Bryden and H Hänggi (eds), *Security governance in post-conflict peacebuilding*, Münster: LIT Verlag, 2005.

5   The World Bank, Fragile and conflict-affected countries, 13 September 2009. Available at http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/STRATEGIES/EXTLICUS/0,,menuPK:511784~pagePK:64171540~piPK:64171528~theSitePK:511778,00.html (accessed 25 September 2009).

6   See Africa conflict prevention pool: The UK sub-Saharan strategy for conflict prevention, 2004, 1. Available at http://www.operations.mod.uk/africa/ACPPstrategy.pdf (accessed 30 September 2009).

7   In a special session of the Assembly of the AU on the Consideration and Resolution of Conflicts in Africa held in Tripoli in August 2009, the Heads of State and Government (HSG) acknowledged in a declaration the significant strides made in the resolution of conflicts in Africa in countries such as Burundi, the Comoros, the Democratic Republic of Congo (DRC), Liberia and southern Sudan, but reiterated their recommitment to accelerating the full operationalisation of APSA and to addressing the root causes of conflicts in a holistic and systematic manner. For further details see African Union, Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace, SP/Assembly/PS/DECL.(1), Addis Ababa, 2009. For more on ending civil wars, see SJ Stedman, D Rothchild and EM Cousens (eds), *Ending civil wars: The implementation of peace agreements*, Boulder and London: Lynne Rienner Publishers, 2002.

8   Ibid.

9   African Union, Conflict Management Division (CMD), Policy on post-conflict reconstruction and development, Addis Ababa, Ethiopia, 2006, 4.

10   Ibid.

11   Article 13(x).

12   New Partnership for Africa's Development, Africa's Post-conflict Reconstruction Policy Framework, NEPAD Secretariat, South Africa, 2005. Available at http://www.nepad.org (accessed 10 March 2010).

13   Ibid., 2.

14   African Union, Policy on post-conflict reconstruction, 2006, vii.

15   Ibid., 4.

16   In the PCRD policy, human security is considered a multi-dimensional notion of security that goes beyond the traditional notion of state security to encompass the right to participate fully in the process of governance, the right to equal development, and the right to have access to resources and the basic necessities of life. It also includes the right to protection against poverty, the right to access basic social services, such as education and health, the right to protection against marginalisation on the basis of gender, and the right to protection against natural disasters, and ecological and environmental degradation. It aims to safeguard the security of individuals, families, communities and the state/national life in its economic, political and social dimensions.

17   For more information on this, see the AU background paper on the implementation of the PCRD policy for the AU Stakeholders' Workshop held from 17 to 19 July 2007 in Lusaka, Zambia. Available at http://www.unhcrrlo.org/Post_Conflict_Reconstruction/Docs/Implementation%20of %20 the%20African%20Union%0s%20Post%20Conflict%20Reconstruction%20and%20Development. pdf (accessed 5 October 2009).

18 African Union, Policy on post-conflict reconstruction, 2006, 5.

19 Article 5(2) of the Constitutive Act makes provision for the establishment of organs the Assembly may decide upon. See Constitutive Act of the African Union, Lomé, Togo, July 2000. Available at http://www.africa-union.org/root/au/AboutAU/Constitutive_Act_en.htm (accessed 26 June 2009).

20 See African Union, Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Addis Ababa, 2002. Available at http://www.africa-union.org/root/AU/organs/psc/Protocol_peace%20and%20 security.pdf (accessed 18 July 2009).

21 African Union, Strategic Plan of the African Union Commission, Vol. 1: Vision and Mission of the African Union, Addis Ababa, 2004. Available at http://www.africa-union.org/root/au/AboutAu/Vision/Volume1.pdf (accessed 10 March 2010).

22 African Union, Policy on post-conflict reconstruction, 2006.

23 The preliminary assessment of the situation in both Liberia and Sierra Leone undertaken by the AU Liaison Office in Liberia (AULOL) in June 2007 resulted from a directive of the AUC requesting the implementation of a decision by the 9th Ordinary Session of the AU Executive Council at its meeting in Banjul, The Gambia, in June 2006. The scope of consultations included governance, youth unemployment, service delivery, agriculture, security sector reform, national security, and law and the judicial system.

24 For more on the economic causes of conflicts, see M Berdal and DM Malone (eds), *Greed and grievance: Economic agendas in civil wars*, Boulder and London: Lynne Rienner Publishers, 2000.

25 For more details, see P Addo, The nature of conflict in Africa, in the African Civil–Military Coordination Course Training Manual, 2004/2006, African Centre for the Constructive Resolution of Disputes (ACCORD), Durban, South Africa.

26 For more on causes of conflict in the CAR, see Human Rights Watch Background, The varied causes of conflict in CAR, in State of anarchy, 2006. Available at http://www.hrw.org/en/node/10680/section/5 (accessed 5 October 2009). Also see Human Rights Watch World Report 2009, Central African Republic: Events of 2008, and UNHCR Country Assessment Report for CAR. Available respectively at http://www.hrw.org/en/node/79150 and http:// www.unhcrrlo.org/Post_Conflict_Reconstruction/Docs/central%20african%20republic%20Exe%20summary.pdf (accessed 5 October 2009).

27 The European Commission (EC) established the APF in 2004 to support African peacekeeping operations. In 2007 the AU and the EU decided to broaden the scope of the APF to cover conflict prevention and post-conflict stabilisation. About 740 million have been channelled through this instrument. For further details, see African Peace Facility. Available at http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm (accessed 10 April 2010).

28 African Union, Report of the Multidisciplinary Experts' Mission to the Central African Republic (CAR), 3–15 April 2006. Available at http://www.ausitroom-psd.org/Documents/PSC2006/67th/Report/ ReportmultidisciplinariesCAREng.pdf (accessed 17 July 2009).

29   UNSC Resolution 1834 of 2008.

30   Report of the Multidisciplinary Experts' Mission to the CAR, 2006.

31   Ibid.

32   For more on post-conflict Liberia, see TV Gienanth, T Jaye, L Carlowitz, T Pietz and EA Lartey, Post-conflict peace-building in Liberia: Much remains to be done, Report of the 3rd ZIF/KAIPTC Seminar, Accra, Ghana, Germany: Zentrum für Internationale Friedenseinsätze, 2007.

33   For more details and literature on Sierra Leone, see Lansana Gberie (ed), *Rescuing a fragile state: Sierra Leone 2002–2008,* Ontario: LCMSDS Press (Wilfrid Laurier University), 2009.

34   Comprehensive Peace Agreement between the Government of Sierra Leone and Revolutionary United Front of Sierra Leone, Lomé, Togo, 7 July 1999.

35   Peace Agreement between the Government of Liberia (GOL), Liberians United for Reconciliation and Democracy (LURD), Movement for Democracy in Liberia (MODEL) and the Political Parties, Accra, Ghana, 18 August 2003.

36   Addo, Prosper, Peace-making in West Africa: Progress and prospects, Accra: Kofi Annan Peacekeeping Training Centre, 2005.

37   See Decision PSC/PR/Comm.(v) of 13 April 2004 on the established the AU Liaison Office in Liberia taken at the 5th Ordinary Session of the PSC.

38   The objective of NEPAD in terms of post-conflict reconstruction was defined at the second meeting of the Heads of State and Government Implementation Committee (HSGIC) held in March 2002 in Abuja, Nigeria. The HSGIC specifically requested the NEPAD Sub-committee on Peace and Security to support post-conflict reconstruction and development in all affected countries. The AU/NEPAD programme is also aimed at eradicating poverty in Africa and placing African countries on the path of economic growth and sustainable peace and development. See New Partnership for Africa's Development, 2005.

39   Interview with Dr Moshood Olatokunbo, expert on post-conflict reconstruction and development at the AUC, 10 March 2010.

40   Press release, Meeting of the AU Ministerial Committee on Post-Conflict Reconstruction and Development in the Sudan, Addis Abba, 30 January 2010. Available at http://www.africa-union.org/root/ua/Actualites/2010/jan/ Press%20Release%20PCRD%20Meeting%20JAn%2030%202010-Eng.pdf (accessed 10 March 2010).

41   Interview with Dr M Olatokunbo.

42   AULOL, for example, received an amount of US$ 100 000 in March 2010 to fund some QIPs in health and education. These areas were identified by the Liberian government for the benefit of some communities in Monrovia. Over 30 000 residents, with women in the majority, are expected to benefit from these projects.

43   UN Office of the Special Advisor on Africa, The emerging role of the AU and ECOWAS in conflict prevention and peace-building, background document for expert group meeting. Available at

http://www.un.org/africa/osaa/ reports/Emerging%20Role%20of%20AU%20and%20Ecowas%20 2007.pdf (accessed 10 March 2010).

44 Ibid.

45 African Development Bank Group, Ministerial table discussion and high-level seminars, Dakar, Senegal, 2009. Available at http://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/AMS_Fragile%20States %2010%20April%202009-Final.pdf (accessed 10 March 2010).

46 African Union, Policy on Post-conflict Reconstruction, 2006, 31–32.

47 For more details on such partnerships and alternate responses to post-conflict reconstruction challenges or threats, see Committee on Human Development and Civil Society (CHDSC), Countries emerging from conflict: Lessons on partnership in post-conflict reconstruction, rehabilitation and reintegration, 2nd meeting of the CHDSC/UNAIDS Regional Conference, 26–27 May 2003, Addis Ababa, Ethiopia. Available at http://www. uneca.org/chdcs/second_meeting_countries_emerging_from_conflict.htm (accessed 5 October 2009).

48 New Partnership for Africa's Development, 2005, 4.

49 See United Nations, Millennium Development Goals, 2008, New York, UN Department of Public Information. Available at http://www.unis.unvienna.org/pdf/MDG_2008_Overview.pdf (accessed 17 July 2009).

50 The UN Peace-building Commission was established in late 2005 through Security Council Resolution 1645 of 2005 and General Assembly Resolution 60/180.

51 UN General Assembly Resolution A/63/881 and UN Security Council Resolution S/2009/304 on the Role of the Peacebuilding Commission.

52 Ibid., 23–25.

53 UN Office of the Special Advisor on Africa, 35.

54 See New Partnership for Africa's Development, 2005, 24.

55 African Union, Strategic Plan of the Commission of the African Union, Vol. 1: Vision, and Mission of the African Union, 2004, Addis Ababa, African Union Commission, 26.

56 The Global Poverty Report of 2002 revealed that most African countries faced major difficulties in achieving the MDGs. Even so, the possibility exists of achieving the goals if African countries can address three main areas, namely deepening macroeconomic reforms, strengthening democratic institutions and investing adequate resources in human development. In post-conflict countries these goals can be met effectively through post-conflict reconstruction and development programmes that aim to create a stable and peaceful environment for meeting the MDGs. See Global Poverty Report at http://www.undg.org/archive_docs/2799-Achieving_the_ MDGs_in_Africa_Progress_Prospects_and_Policy_Implications_-_Africa.pdf (accessed 10 April 2010).

57 Solemn Declaration on a Common African Defence and Security Policy, article 6, 2004, 3.

7 The African Standby Force

Its role and potential as one of the AU's response mechanisms

Solomon A Dersso

INTRODUCTION

During the post-Cold War era, fundamental changes occurred with regard to the peace and security scene of Africa. Shifts were noticeable in both the nature of conflicts and the focus of the discourse on security, which led to Africa's ambitious initiative to institutionalise an effective peace and security regime. This involved the establishment of the African Peace and Security Architecture (APSA) by the African Union (AU). One of the ambitious institutional tools that form a key aspect of APSA is the African Standby Force (ASF).[1] The ASF will serve as one of the mechanisms through which the AU's Peace and Security Council (PSC) will seek to facilitate 'timely and efficient' responses to conflict and crisis situations on the continent.[2]

This chapter looks at the role and potential of the ASF to serve as an effective AU mechanism for conflict management and resolution. It is argued that despite its importance and potential for realising the AU's peace and security agenda, there are considerable challenges and limitations that could militate against the ASF becoming an effective mechanism for conflict management and resolution. How the AU addresses these challenges and limitations will determine the efficacy of the ASF.

The chapter is divided into seven sections. The next section briefly outlines the nature of conflicts and threats the continent needs to contend with and which may require the deployment of the ASF.[3] Then the normative and institutional framework within which the ASF is being institutionalised and will operate once it is ready for operation is discussed. This is followed by an examination of the role and place of the ASF within APSA. In the subsequent section, the focus will be on examination of the ASF concept and plan, and the work currently under-way to bring it into operation. The requirements for the successful operationali-sation of the ASF and the issues that pose a serious challenge for it to serve as a critical tool in the AU's endeavour for conflict prevention and management are considered, before the chapter closes with some conclusions.

THE TRENDS AND NATURE OF CONFLICT IN AFRICA

Despite the fact that conflict on the continent has declined since the 1990s,[4] many post-colonial African states continue to be vulnerable to violent conflict,[5] which often results in complex emergencies of a political as well as a humani-tarian nature. During the past two decades, the Democraric Republic of Congo (DRC), Liberia, the Central African Republic (CAR), Uganda, Burundi, Sierra Leone, Sudan, Somalia, Angola, Mali, Niger, Guinea Bissau, Senegal, Congo Brazzaville and the Comoros have witnessed conflicts. New conflicts erupted in other countries, including Côte d'Ivoire, Sudan (Darfur), Chad, Nigeria and Kenya. As Richard Jackson noted, '[m]any other African states face instability, high levels of domestic political violence, or burgeoning secessionist or rebel movements'.[6] Over the course of the past two years, tension of varying gravity has occurred in about half of Africa's 53 countries.[7]

Although violent conflicts, particularly those of an internal nature,[8] are ex-pected to decline in the 21st century, they will most likely continue in the short to medium term and pose as great a threat, if not greater, as in the past.[9] These predictions are based on several factors. The first is the continued fragility or weakness of many states in Africa.[10] Existing and deepening inequalities among members of different groups and regions, religious and ethnic grievances, and repression will also ferment violent conflicts. A related factor will be the lack of effective institutionalisation of good governace and democracy, the decline of constitutionalism and the associated rise of authoritarian tendencies.[11] Related to the above is the rise of political instability in many countries in the form of

post-election conflict, as witnessed already in Kenya,[12] Zimbabwe,[13] Nigeria,[14] Lesotho[15] and Ethiopia.[16]

The persistence of high levels of poverty and a rise in the vulnerability of many parts of Africa to drought because of climate change further accentuates the vulnerability of many African states to conflict.[17] Other factors that will shape the trend and dynamics of insecurity, if not conflict, in Africa include a struggle over scarce resources, the exploitation of natural resources, external intervention from either within the region or outside, terrorism and organised crime.

As noted above, most of these conflicts are and will continue to be intra-state conflicts and they bear certain characteristics that have to be taken into account in the development of effective responses. The first is that these conflicts are relatively persistent and complex, particularly when ethnic and religious armed movements are involved. Another is the multiplicity of actors involved.[18] Such conflicts are also not conducted according to traditional methods of war. Various unconventional means of warfare are employed, including deliberate mutilation, terrorism, rape and forcible conscription. Such methods often target civilians and affect women and children disproportionately.[19] As deliberate targets, civilians suffer more casualties than combatants.[20] Serious violations of human rights and humanitarian law are thus often committed.[21] Internal conflicts also result in large-scale displacements of people and in refugee flows.[22]

In many countries suffering from conflict, the state machinery has collapsed or is very weak. National administrative and decision-making structures, such as the parliamentary process, the security sector, the justice system and public administration, as well as local structures, are dysfunctional or totally non-existent. In other cases, conflict itself leads to the collapse of state institutions and law and order. Equally important, conflicts create and entrench divisions and animosity among different sections of society. It is therefore imperative that initiatives for conflict resolution and peace-building incorporate comprehensive projects to support both state-building and national reconciliation processes.

The nature and effects of such internal conflicts necessitate the existence of a security regime that is capable of deploying robust and effective responses that can contain conflicts and eventually address them fully. The mechanism should be flexible enough to handle different kinds of conflict situations.[23] If the mechanism is also to be effective in preventing a relapse of post-conflict societies, it should not stop short of dealing with the factors that triggered the conflict in the first instance. It should go beyond the silencing of the guns and undertake

peace-building, reconstruction and reconciliation activities that cover the whole range of political, economic, humanitarian, human rights, transitional justice and security factors that led to or was occasioned by the conflict. The existence of the necessary legal norms, mandating institutions, appropriate mandates and resources, as well as technical and administrative capacity is a pre-requisite for all peacekeeping and peacebuilding demands of African conflicts.

TOWARDS THE PEACE AND SECURITY REGIME OF THE AU

The transformation of the Organisation of African Unity (OAU) into the AU was not a change in form only.[24] It actually constituted regime change involving substantive normative and institutional changes that were totally unthinkable under the OAU.[25] On the normative level, the change is represented by the introduction of new norms in the areas of peace and security, human rights and intervention.[26] At the institutional level, the transformation most notably saw the emergence of the admittedly ambitious APSA, of which the ASF forms a part.[27] To provide an overview of the normative and institutional framework within which the ASF is to operate, I will briefly discuss the norms and principles on the one hand and the institutions on the other.

Normative framework of the AU's peace and security regime: implications for the ASF

The normative framework of the AU peace and security regime is founded on a number of the organisation's legal and policy instruments. The Constitutive Act is the principal and the founding of such instruments.[28] The other instruments *principally*[29] include the AU Protocol on the Establishment of the Peace and Security Council (PSC Protocol)[30] and the Common African Defense and Security Policy.[31] The normative framework of the AU peace and security regime comprises the norms/values and principles enunciated in these instruments. In what follows, I provide a brief overview and analysis of these norms and principles, with the focus on those norms introduced under the AU.

The starting point is to note that peace and security constitute the main agenda of the AU.[32] As enunciated in the preamble to the Constitutive Act, one of the factors underlying the establishment of the AU was recognition of 'the

fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a pre-requisite for the implementation of our development and integration agenda'.[33] In line with this, the Act provides that one of the objectives of the AU is to 'promote peace, security, and stability on the continent'. The ASF is one of the mechanisms that will enable the organisation to implement conflict management and resolution, as well as peace-building.

The Act enunciates under Article 4 the founding principles underlying the AU's legal and institutional framework. Of the 18 principles listed, eight 'form the central planks of the AU security regime'.[34] These are the sovereign equality of states;[35] non-intervention and peaceful co-existence;[36] peaceful resolution of conflicts and non-use of force;[37] *uti positidetis*;[38] respect for human rights, sanctity of human life and democratic principles, and good governance;[39] rejection of impunity and unconstitutional changes of governments;[40] and the right of the AU to intervene in a member state in case of grave circumstances.[41]

While some of these principles reflect continuity from the OAU, the new ones introduce a paradigmatic change. Respect for democratic principles, human rights, rule of law and good governance is the first of these new principles. Highlighting the importance of this principle, the Constitutive Act in its preamble affirms the determination of member states 'to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and ensure good governance and the rule of law'.[42] The two objectives relevant in this context, as set out in the Act, are to 'promote democratic principles and institutions, popular participation and good governance', and to 'promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments'.[43] Another but related principle is respect for the sanctity of human life and the rejection of impunity. These principles together represent a response to the serious violations of human rights and the disregard for democratic principles that characterise many of the violent conflicts and security problems on the continent. The mandate and responsibilities of the ASF are founded on and directed to the achievement of the values these principles represent.

Of the new principles, the ground-breaking one is the right of the AU to intervene, which marks a sweeping break from the OAU. It most eloquently illustrates the fundamental change in the field of peace and security. This principle provides for 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'. This clause not only creates the legal basis for intervention, but also imposes an obligation on the AU to intervene to prevent or stop the perpetration of heinous crimes anywhere on the continent.[44]

This provision, together with the emphasis on ending conflicts and promoting peace and security, reverses the primacy that the OAU accorded to the state and its state-centric principles over the rights and interests of citizens. As such, sovereignty and non-interference will no longer shield states from external scrutiny and even military intervention, not only in situations where they endanger the lives of people on an unacceptable scale, but also where they are unable to protect their citizens from such grave threats.[45] Nor can member states justify inaction on the part of the AU in the face of such threats.[46]

Indeed, the ASF is being established primarily to meet the requirements that arise from this new principle. It is imperative in this regard that the ASF is organised with the necessary capabilities and that the AU is equipped with the required mandating processes and management structures to allow the timely deployment of the ASF in the unfortunate event of the occurrence of such 'grave circumstances'. Although the ASF is mandated to undertake intervention in such cases, in terms of the operationalisation of Article 4(h) of the AU Constitutive Act issues such as authorisation by the UN Security Council (UNSC), the legality of use of force vis-à-vis the United Nations (UN) Charter and the required doctrine relating to the use of force specific to intervention need to be clarified.

Consistent with the paradigm shift within the framework of the Constitutive Act from state security to human security, the PSC Protocol[47] reaffirms and elucidates the norms and principles under the Act. This is expressed first in recognition of 'the fact that the development of strong democratic institutions and culture, observance of human rights and the rule of law, as well as the implementation of post-conflict recovery programmes and sustainable development policies, are essential for the promotion of collective security, durable peace and stability, as well as the prevention of conflicts'.[48]

Secondly, it envisages that one of the objectives of the PSC is to 'promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect the sanctity of human life and humanitarian law'.[49] Among the principles that underpin the PSC Protocol are the following:

- An early response to contain crisis situations in order to prevent them from developing into full-blown conflicts[50]
- Undertaking peacemaking and peace-building to resolve conflicts
- Respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life and international humanitarian law[51]
- The right of the AU to intervene in a member state in respect of grave circumstances as defined under Article 4(h) of the Constitutive Act[52]

The normative basis for the AU's peace and security regime is further elaborated in the Solemn Declaration on a Common African Defense and Security Policy (CADSP).[53] This agreement identifies human security as an important basis and measure of the continental collective security system. Accordingly, it draws attention to the need to focus on human rights, good governance, democracy, and equitable social and economic development. The policy also identifies as common security threats not only inter-state conflicts or tensions and external threats, but also intra-state conflicts or tensions. Given the high incidence of intra-state conflict, these pose the greatest danger to peace and security of the continent. The threats identified under this category include the following:

- The existence of grave circumstances, namely war crimes, genocide and crimes against humanity
- Lack of respect for the sanctity of human life, impunity, political assassination, acts of terrorism and subversion
- Coups d'état and unconstitutional changes of government, as well as situations that prevent and undermine the promotion of democratic institutions and structures, including the absence of the rule of law, equitable social order, population participation and electoral processes
- Improper conduct of electoral processes
- Absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, and equitable opportunity for all, including women, children and ethnic minorities
- Poverty and inequitable distribution of natural resources
- Corruption

Building on the Constitutive Act and the PSC Protocol, CADSP reaffirms the right of the AU to intervene in a member state in respect of war crimes, genocide and

crimes against humanity. Apart from restating the principles relating to respect for democratic principles, human rights, the rule of law and good governance, it envisions in addition 'early action for conflict prevention, containment, management, resolution and elimination, including the deployment and sustenance of peacekeeping missions and thus promote initiatives that will preserve and strengthen peace and development in Africa'.[54]

An important implication of the various principles is that concern for human rights and democratic principles, as well as the achievement of sustainable peace, should inform not only the development of the ASF and the mandate and composition of ASF missions, but also tasks and activities that ASF missions design and implement. They also indicate that the ASF should be developed and organised in such a way as to make it possible for the force to prevent, manage and resolve conflicts in a timely and efficient manner. The experience of recent and on-going AU missions, such as those in Sudan and Somalia, indicate that thus far there has been little link between the normative concepts and the actual operation of missions. This was most noticeable in areas such as the formulation of mission mandates and directives, the composition of the missions and, in the case of the AU Mission in Somalia (AMISOM), the conduct of the mission, particularly while engaging in armed confrontation.[55]

The institutional dimension of the peace and security regime and the place of the ASF

Apart from the norms and principles, the peace and security regime of the AU comprises institutions involved in making decisions on peace and security matters, and in modelling and implementing initiatives for conflict prevention, management, resolution and post-conflict reconstruction, and peace-building within the framework of the set norms. These APSA institutions are elaborated under the PSC Protocol. According to Article 2 of the Protocol, the PSC, which comprises 15 AU member states, is 'a standing decision-making organ for the prevention, management and resolution of conflicts', and operates as 'a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa'. Article 7 stipulates the mandate of the PSC as follows:

■ Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity

- Undertake peace-making and peace-building functions to resolve conflicts where they have occurred
- Authorise the mounting and deployment of peace-support missions
- Recommend to the AU Assembly intervention in a member state in the light of grave circumstances, as provided for in Article 4(h) of the Constitutive Act
- Support and facilitate humanitarian action in situations of armed conflict or major natural disasters

By virtue of this mandate, the PSC is the strategic decision-making body of APSA and is responsible for conceptualising, modelling and overseeing the implementation of initiatives for conflict management and resolution. It thus constitutes the mandating authority for the deployment and termination of ASF missions, whether these are intended as peace support operations or interventions (with authorisation from the AU Assembly), or humanitarian actions.

Article 2 of the PSC Protocol defines the components of APSA that will provide support to the PSC. These are the AU Commission,[56] a Panel of the Wise,[57] a Continental Early Warning System (CEWS),[58] the ASF and a Special Fund. Articles 8 and 16 provide for a Military Staff Committee and Regional Mechanisms for Conflict Prevention, Management and Resolution as additional components of APSA.

Within the framework of APSA, the ASF comes into play in cases where violent conflicts are about to erupt, or have already erupted after peacemaking efforts have failed, or when intervention is required in cases of grave circumstances, as determined in article 13 of the PSC Protocol:

> In order to enable the Peace and Security Council to perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established.

As depicted in Fig. 1, under normal circumstances the AFS is involved at the end of the chain of APSA components and processes. However, depending on the situation, it can be deployed alongside other APSA components involved in the peacemaking process, such as the Panel of the Wise or the chairperson of the AU Commission. Flexibility thus exists to deploy the ASF at any stage of a conflict situation, and includes preventative deployment and post-conflict reconstruction.

Figure 1 Interaction and processes of the various components of APSA
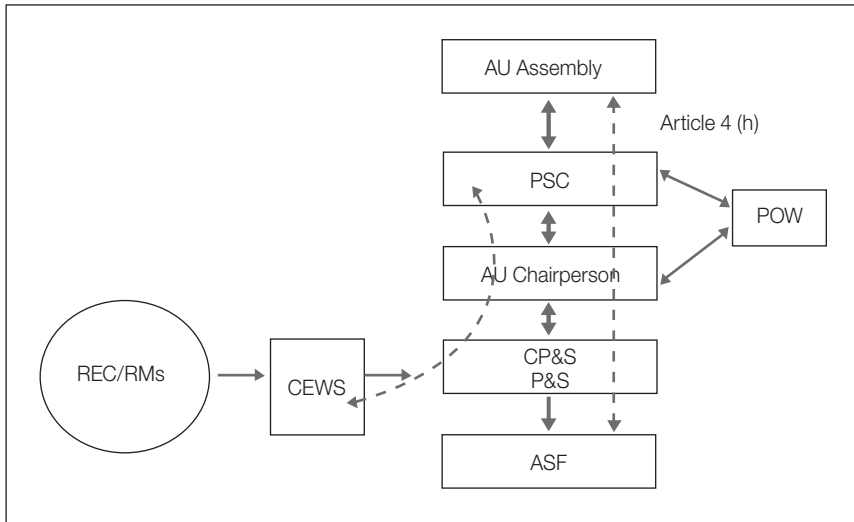
It seems that thus far each of the components is still at the learning stage and discovering its role. There is thus little synergy between the various components of APSA, while at the operational level the necessary linkages and interfaces between them have yet to be established.

The PSC Protocol envisages that the ASF is prepared for rapid deployment in a range of peacekeeping operations, including the following:[59]

- Observation and monitoring missions
- Other types of peace support missions
- Intervention in accordance with articles 4(h) and (j) of the Constitutive Act
- Preventive deployment to hinder a conflict from escalating, or an ongoing conflict from spreading to neighbouring areas or states, or the resurgence of violence after peace agreements have been achieved
- Peace-building, including post-conflict disarmament and demobilisation
- Humanitarian assistance in situations of conflict and major natural disasters

It is evident that the ASF is one of the most critical elements of APSA in that it will enable the AU to deliver on its promise of intervention to protect people against grave circumstances, and to provide prompt and robust responses for the

management and resolution of conflicts and crisis situations on the continent. It will enable the PSC (a) to prevent and manage conflicts by containing their spread or escalation, (b) to support its peace processes, (c) to enforce its decisions in cases of grave circumstances, (d) to support peace-building activities, and (e) to undertake humanitarian action and disaster management. Its mandate thus addresses almost the full range of Africa's conflict dynamics and security challenges, covering the complete spectrum of the conflict continuum, from prevention to peace-building and reconstruction. In its scope, this is broader than the mandate for peacekeeping at the UN currently.

Against this, the Policy Framework for the Establishment of the ASF and the Military Staff Committee (MSC) identifies six possible conflict and mission scenarios likely to be faced by the ASF (see Table 1).

One aspect of the mandate of the ASF as spelt out in the PSC Protocol that seems to be overlooked in the ASF scenarios is humanitarian action for conflict or natural-disaster emergencies. This is also an area for which the AU has not eleborated any policy framework.

It is clear from the foregoing that at the normative and institutional level the peace and security regime of the AU contains comprehensive and robust norms and decision-making mechanisms for the effective operationalisation of the ASF. There is, however, a need to ensure that these norms and mechanisms are made to have their bearing on the organisation and operation of the ASF.

Table 1 ASF mission scenarios

Scenario	Description
1	AU/Regional military advisor to a political mission
2	AU/Regional observer mission co-deployed with a UN mission
3	Stand-alone AU/Regional observer mission
4	AU regional peacekeeping force for Chapter VI and preventive deployment missions
5	AU peacekeeping force for complex multidimensional mission – low level spoilers
6	AU intervention in cases of grave circumstances

THE ASF CONCEPT AND PLAN

According to Article 13(1) of the PSC Protocol, the ASF 'shall be composed of *standby multidisciplinary contingents with civilian and military components in their countries of origin* and ready for rapid deployment at appropriate notice'. As the word 'standby' indicates, the ASF is not like a national army. Accordingly, it is not a standing force, but operates on a standby basis only. It is institutionalised based on pledges by member states and with co-ordination by Regional Economic Communities/Regional Mechanisms (RECs/RMs). To this end, member states identify and earmark military, police and civilian personnel, and forward their names and details to their REC or RM. Based on the pledges, each REC/RM raises and prepares a regional force and develops a standby roster for the civilian and police components, and the military observers. They then forward to the AU full data on the capabilities raised and the standby roster developed.

The personnel identified (contingents) remain in their country of origin while on the ASF standby arrangement. Only after a decision has been made to deploy an ASF mission will they be called upon, assembled at a specific point and deployed to the theatre. While on standby the contingents participate in various pre-deployment activities, such as training and joint exercises, to prepare them for ASF tasks and maintain their preparedness for deployment. These exercises are to be organised by each REC/RM on a regular basis.

The ASF is a multidimensional force. As noted earlier, since most conflicts on the continent are complex and have deep roots, this calls for a multifaceted approach and the need for capabilities able to address not only the security and military aspects, but also the political, humanitarian, developmental and legal dimensions of conflicts. Hence the need not only for military but also for police and, importantly, civilian components. For this reason the Policy for the Establishment of the ASF and the MSC, and the Road Map for the Operationalisation of the ASF (Roadmap I) made allowance for the ASF to consist of the military, police and civilian components.

The ASF is also organised into five regional forces, as follows (see Fig. 2):

- The Southern Africa Development Community (SADC) Standby Force
- The East African Peace and Security Mechanism (EAPSM) 23 brigade, which goes under the name Eastern Africa Standby Force (EASF)
- The Economic Community of West African States (ECOWAS) Standby Force (ESF)

- The North African Regional Capability (NARC) brigade, which goes under the name North African Standby Force (NASF)
- The Economic Community of Central African States (ECCAS) Standby Force, or Multinational Force of Central Africa (FOMAC)

According to the plan set out in Roadmap I, each REC/RM should establish a small, full-time planning element (PLANELM), a Brigade Headquarters (HQ), pledged Brigade Units (contingents), police and civilian units, a logistics depot and an integrated rapid deployment capability. The PLANELM is responsible for raising and maintaining the pledged units, for developing the police and civilian rosters, and for making the necessary arrangements for deployment. The RECs/RMs also have a duty to provide mission-level planning and an operational HQ during ASF operations, at least for Scenario 4 missions.

Figure 2 The five regional forces of the ASF

It is envisaged that by 2010 every REC/RM will have prepared a multidimensional capability of about 5 000 personnel, giving an overall ASF contingent of some 25 000 or more.[61] If one considers the nature of African conflicts, it is clear that the proposed force strength of the ASF will only be adequate for a maximum of two missions at a time. The question is what is to be done if in a given time period, as is usually the case, there is a Darfur, a Somalia and a DRC? How will the ASF respond adequately to multiple conflicts? Paul Williams maintains that in such situations, 'the PSC may well provide political support and legitimacy, but will inevitably play a secondary role to the UN'.[62] It is clear that the AU not only needs to assess and clearly define its level of ambition in terms of multidimensional missions, but must also accept a need for the deployment of UN or European Union (EU) troops either independently of or alongside those of the ASF.

According to the Policy Framework for the Establishment of the ASF and the MSC, the strategy is for the ASF eventually to hand over mandates and responsibilities to the UN, as has been the case in Burundi and Sudan. It is thus assumed that the ASF will be deployed for a period of 12 to 24 months, during which time it is expected to stabilise the security situation to such an extent that a UN mission is in a position to take over.

This assumption is obviously not consistent with reality. The expectation that an ASF mission will be able to stabilise the security situation in a country within a period of two years to a point where a comprehensive peace agreement can be signed, which will then permit a UN mission to deploy, is very unrealistic. If an ASF mission is to have a durable impact on the establishment of peace and stability in the host society, it needs to be deployed for not less than five years. The assumption about a UN takeover from an ASF mission within one or two years should thus be re-evaluated.

Different timelines have been identified for the deployment of ASF missions under various scenarios. These are grouped into three. In the case of mission scenarios 1 to 4 (see Table 1), it has been recommended that deployment should take place in 30 days. For scenario 5, complete deployment should occur in 90 days, with the military component being able to deploy in 30 days. In the case of scenario 6, which relates to grave circumstances such as genocide, deployment should take place in 14 days.

The question is, given that the ASF is a standby rather than a standing body, how it will be possible to meet some of these deployment timelines. The following observations by Cilliers are very instructive:

The deployment timelines, already ambitious by any standard, are made particularly demanding by the multinational and standby character of the ASF. As a general rule, the more multinational a force, the more difficult it is to train and operate. Multinational forces also take longer to deploy if not pre-assembled at a staging area. Forces based on a single lead (or framework) nation, or forces largely consisting of one country's armed forces, are much easier to maintain at high readiness than multinational forces that require substantial periods of collaboration and joint exercises over several years, but do not enjoy the legitimacy and trust that multinational forces engender. For example, the Scenario 6 deployment of a military component within 14 days can only be performed by forces that are ready, assembled, fully equipped and exercised with transport available on immediate call and with logistic supplies pre-packed and ready for delivery by air. A force at such a state of readiness cannot take leave or be used for other duties, with the result that it cannot be maintained at this level for very long and has to be rotated at regular intervals.[63]

While the existance of a timeline for speedy deployment is crucial, the practicability of the timelines set needs to be re-determined in the light of the nature and organisation of the ASF and the infrastructural capability available for its deployment.

Notwithstanding the fact that some of the details and plans need further refinement, it is clear that the ASF fills an important void. It endows the AU with an established structure for its peace support and peace-building initiatives, albeit that it may not fit all cases. With the ASF, the AU is developing the necessary doctrinal frameworks, concepts, planning and management processes, decision-making structures and personnel capabilities for the proper and timely development and conduct of peace support missions and intervention.

REQUIREMENTS FOR THE SUCCESSFUL OPERATIONALISATION OF THE ASF

The 2003 Policy Framework for the Establishment of the ASF and the MSC, and the 2005 Roadmap for the Operationalisation of the ASF, as supplemented by Roadmap II, envisage the development of the ASF in two phases until 2010. At the end of Phase II, the ASF is to be operationally ready for deployment. This includes its readiness

for complex peacekeeping operations (scenario 5) and intervention in grave circumstances as defined under Article 4(h) of the Constitutive Act (scenario 6).

Practically speaking, this means that the AU in conjunction with the RECs/RMs should, at the technical level, have developed all policy documents, doctrine, technical concepts and institutional structures, have prepared the pledged units for deployment through training and joint exercises, and, importantly, have a reasonable level of the required infrastructural capability by the end of 2010.[64] At the political/strategic level, one would also expect the finalisation of detailed legal or policy frameworks, and guidelines on the mandating authority and process of decision-making for ASF deployment, at both the AU and REC/RM levels.[65]

Political and legal requirements: mandating authority and processes

In order for the ASF to serve as the mechanism that deploys the required responses, both qualitatively and in terms of timeous and efficient decision-making, it is essential that the AU is vested with the legal authority and commands the necessary political backing of member states for deploying the ASF in any conflict or crisis situation. In other words, the AU needs to have a legally established mandating authority and the political will of its member states.

Under Article 13 of the PSC Protocol, two cases are envisaged with regard to which the ASF is to be deployed. The first relates to peace support missions and the other to intervention under Article 4(h) of the Constitutive Act. There are important legal distinctions between the two. Whereas peace support missions are deployed in respect of conflicts of varying gravity, as illustrated by ASF mission scenarios 1 to 5, intervention applies only in specifically defined circumstances, namely in the case of war crimes, genocide and crimes against humanity, as covered by ASF mission scenario 6. Peace support missions are generally deployed with the support and consent of the host country. Intervention deployment is by its nature forceful. While the purpose of peace support missions, as spelt out in the UN Charter, is 'the maintenance or restoration of international peace and security … [t]he grounds for intervention by the ASF under mission Scenario 6 are what the Constitutive Act called grave circumstances, namely war crimes, genocide and crimes against humanity. The aim of such intervention is also specifically preventing or stopping perpetration of such gross international crimes as opposed to maintenance of international peace and security as

understood within the framework of the UN Charter'.[66] The AU needs mandating authority both for deployment of peace support missions and for intervention.

With regard to mission scenarios 1 to 5, the AU's mandating authority derives from at least two sources. The first is Chapter VIII of the UN Charter. Article 52(1) authorises 'regional arrangements' or 'agencies' to deal with 'such matters relating to the maintenance of international peace and security as are appropriate for regional action'. Within the framework of this provision the AU may take such measures as it deems necessary to achieve the peaceful settlement of disputes in accordance with Chapter VI of the UN Charter. This may include the deployment of peace-support missions (scenarios 1 to 4). Article 53 envisages that with the authorisation of the UN Security Council (UNSC), 'regional arrangements' or 'agencies' may also take 'enforcement action' in accordance with Chapter VII of the UN Charter (scenario 5). The Policy for the Establishment of the ASF and MSC also affirms this by stating that the AU, or more specifically the PSC, 'is a legitimate mandating authority under Chapter VIII of the UN Charter'.[67]

The other and main sources of the AU's authority are the Constitutive Act and the PSC Protocol. Article 9(1)(g) of the Act provides that one of the functions of the AU Assembly 'shall be to give directives to the Executive Council on the management of conflicts, war and other emergency situations and the restoration of peace'. The PSC Protocol establishes the mandating authority of the PSC in more straightforward terms. Article 7(1) stipulates that the PSC, in conjunction with the chairperson of the Commission, 'shall … c) authorise the mounting and deployment of peace support missions [and] (d) lay down general guidelines for the conduct of such missions, including the mandate thereof, and undertake periodic reviews of these guidelines'. Since the PSC Protocol, as a protocol to the Constitutive Act, is an elaboration of the Act, its designation of the PSC in conjunction with the chairperson of the Council as the sole authority for mandating, revising and terminating peace support operations, indicates that the PSC is the authority that decides on the use and deployment of the ASF for mission scenarios 1 to 5.

One issue that arises with regard to the mandating authority is the question of whether or not the AU should seek authorisation of the UNSC when deciding to deploy an ASF mission. Looking at the relevant documents, in particular the PSC Protocol, it is clear that the AU recognises the UNSC as the authority with primary responsibility for maintaining international peace and security. Although the need for the AU to obtain authorisation is not established as a legal requirement,

the Policy for the Establishment of the ASF and the MSC provides that 'the AU will seek UN Security Council authorisation for its enforcement action'.

Indeed, not only in cases of 'enforcement action', but generally as a matter of practice, the AU has sought the support of the UNSC for all its missions. By doing so, the mission is endowed with global legitimacy.[68] This practice has also been established in part to enable the AU to access financial resources from the EU's African Peace Facility (APF).[69] Arguably it is only when the AU deploys an ASF mission with authorisation from the UNSC that it may also have its legally anticipated recourse 'to the UN to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and mainte- nance of peace, security and stability in keeping with the provisions of Chapter VIII of the UN Charter'.[70]

However, notwithstanding the above policy and practice, it is possible that there may be circumstances in which the AU may deploy an ASF mission without the authorisation of the UN. This would be the case, for example, when the UNSC declines to give authorisation on request of the PSC, or fails to respond within a reasonable period of time. In such cases, except for scenario 5, for which the AU may legally need to get UNSC authorisation, the AU can deploy missions on its own based on the authority vested in it by the Constitutive Act and the PSC Protocol.

With respect to scenario 6, it seems that there is only one source for the AU's authority to deploy the ASF. This is Article 4(h) of the Constitutive Act. This clause vests the AU with the legal authority beyond and above what the UN Charter under Chapter VIII grants regional organisations.[71] In so providing, 'the AU Constitutive Act and the PSC Protocol broke a new legal ground under international law. They are the first legal instruments to codify the right of an intergovernmental organisation to intervene for preventing or stopping the perpetration of such serious internation- al crimes that go beyond those provided for under Article 33 of the UN Charter.'[72]

Seen from this perspective, it would be curious if the AU were to have to request UNSC authorisation when acting under Article 4(h). It seems that the answer to this question hinges on the interpretation of the phrase 'enforcement action' under Chapter VII of the UN Charter. Since the Charter requires prior au- thorisation by the UNSC, if intervention under Article 4(h) is considered to fall under 'enforcement action', this provision would have questionable legal validity if applied without UNSC prior authorisation. Given the Rwandan experience, the question arises whether AU member states cannot be considered as intending to use Article 4(h), even without UNSC authorisation.

Related to the mandating authority is the AU mandating process. If the ASF is to serve as an effective means for managing and resolving conflicts, it is necessary for the AU to implement an efficient decision-making process for its deployment. This requirement will of course have to be reconciled with the need for the timeous deployment of an ASF mission, if such a mission is to be effective in its response. The PSC Protocol does in fact provide for 'a timely and prompt response to conflicts and crisis situations'.[73]

A template that attempted to elaborate the AU mandating process was proposed in April 2009.[74] According to this, the process starts with the determination of an emerging or existing crisis in a member state by the CEWS, which alerts and keeps the chairperson and the PSC informed through the Commissioner of Peace and Security. As the crisis becomes more serious, the chairperson initiates peacemaking initiatives through the Panel of the Wise or a special envoy as part of an initial effort to resolve the crisis. At the same time the AU initiates a Conflict Management Task Force (CMTF) in preparation for the possible deployment of a peace-support operation (PSO).

Following a decision by the PSC on the option to be taken after considering the CMTF's strategic analysis and the chairperson's recommendations, the chairperson issues a directive that translates the decision of the PSC into a strategic planning guideline for the development of the operational objectives. This results in the Commissioner of Peace and Security issuing a planning guideline to the CMTF, which develops the initial draft mission plan by translating the broad strategic objective into operational objectives in the form of a planning matrix. This is followed by the deployment of a technical assessment mission, whose report on the situation on the ground serves to produce the draft mission plan.

The CMTF will then draft the chairperson's report to the PSC, which, inter alia, outlines a draft mandate. If the PSC approves the mandate with or without adjustments, it will issue a summary of its decision in a communique that provides the legal authorisation for the deployment of the mission and the approval of the funds required for the implementation of the decision.

In the case of scenario 6, time may not allow for all these steps of the decision-making process to be followed. Most importantly, however, in this scenario the process does not end with the PSC. As provided under Article 7(1)(e) of the PSC Protocol, following the PSC's determination that grave circumstances as envisaged under Article 4(h) of the AU Act have arisen, or there is an imminent threat of such circumstances arising and warranting intervention, the PSC submits its

proposal for intervention to the AU Assembly, which is the authority to approve intervention.

An important issue that arises with regard to intervention missions, but which is not addressed in the template, is the question of the legal determination of whether a potential or actual case of genocide, crime against humanity and war crime has occurred or exists.[76] Such a determination cannot be made by the PSC or any of the other political or expert bodies of APSA, such as CEWS, the chairperson of the Commission or the Panel of the Wise, although they may contribute by supplying information that will enable the relevant body to make such a determination. Legal determination requires the application of appropriate international norms to the factual situation in question, and hence legal expertise. Other than the establishment of an ad hoc commission of inquiry composed of legal experts, a good option would be to make use of a human rights institution such as the African Court on Human and Peoples' Rights.

As the PSC is the sole mandating authority, its decision-making procedures and practices have a direct bearing on the deployment of the ASF. Article 8(1) of the PSC Protocol provides that the PSC, like the UNSC, is to be organised in such a manner as to be able to function continuously. For this purpose, each PSC member state shall at all times be represented at the headquarters of the AU. The PSC should meet at three levels, namely at the ambassadorial level, the ministerial level and the level of heads of state and government. While the PSC is required to meet as often as necessary at ambassadorial level, but not less than twice a month, it is required to meet at least once a year at the ministerial and heads of state and government levels.[77] According to the Report of the African Union Audit, '[i]t is doubtful whether, given the incidence, complexity, diversity and variety of peace and security issues on the continent, the occasional Ministerial and Heads of State/Government meetings allow them sufficient time to delve into issues, take informed decisions and provide the leadership required'.[78]

PSC decisions are generally taken by consensus. In case of failure to reach consensus, decisions on procedural matters are by a simple majority and decisions on substantive matters by a two-thirds majority of members eligible to vote.[79] The provisional agenda of the PSC is determined by its chairperson on the basis of proposals submitted by the chairperson of the Commission and member states. The inclusion of any item in the provisional agenda may not be opposed by a member state.[80] From the practice so far, the agenda has not been set by the PSC chairperson ahead of the meeting. When an agenda has, in fact, been set ahead

of time, the AU Commission has taken the lead. The Commission seems to have taken a principal role in shaping the proceedings of the PSC.

To the extent that the PSC, like the UNSC, is a political body composed of member states that pursue their respective national interests, the speed with which the PSC decides to deploy an ASF Mission, if at all, is something that depends, among other things, on the interest and political dynamics of PSC members and the strength and diplomatic skill of the chairperson of the PSC. The higher the degree of agreement among PSC members on deployment of an ASF mission, the greater the chance of a speedy decision, and the higher the legitimacy of such a decision and the mission.

Although the decision-making process is clear, how well it will work in practice has yet to be tested. It also remains to be seen whether the amount of work involved in the process and the time it takes will make the timely deployment of the ASF possible. Other factors that will impact upon this process include the decision-making approach and dynamics of the AU Commission and the degree to which all relevant actors, namely civilian and police experts, the relevant RECs/RMs, AU departments and in particular its political, administration and finance departments, and outside players such as the UN, the EU and major donors are fully integrated in the planning process. In the light of the above, it is fair to say that perhaps the decision-making process is more complicated and wider than what is envisaged in the template.

Finally, there is the issue of political will or commitment. One of the requirements for successful peace support operations is the degree of political support and commitment they receive or command from the mandating authority and member states. During the process of elaborating the norms and establishing the institutions for the effective response to conflict situations, and more particularly at the time the decision was taken to establish the ASF, African states expressed a shared political and legal commitment to take the lead in responding to conflicts. This general commitment aside, however, the AU will have to work at sustaining the ongoing commitment of member states to ensure that a credible ASF mission is deployed timeously when required. Such commitment is necessary not only in terms of political support for the deployment of a mission, but also as regards funding and logistical or material support. Without the commitment of member states, the deployment of the ASF and its efficacy will face serious legitimacy issues. Issues that could prevent AU member states from mobilising the necessary political will include a lack of required capacity and resources, political and

national governance problems and the level of consensus among states concerning the deployment of an ASF mission to a particular country.

If the track record of the PSC in terms of its bold engagement with many situations is anything to go by, there is no reason to believe that the AU is not committed to addressing conflicts on the continent.[81] However, this does not necessarily translate into practical action by member states to commit personnel, material and finance to enable the PSC to deploy an ASF mission. Experience with AU missions deployed to date attest to this. All of the larger missions did not reach their authorised or intended troop levels, and it has yet to be seen whether the ASF concept will address this.[82]

Given the political and socio-economic situation of many African countries, and their military and personnel capabilities, it can be anticipated that the ASF concept will not overcome these challenges. However, the ASF concept does have the potential to address aspects of the problem of force generation since ASF forces are pledged by states ahead of any decision for deployment. But even here a lot will depend on the establishment of the necessary legal arrangements between the AU and the RECs, between RECs/RMs and member states, and the adoption of the necessary laws at national level to facilitate the timely release of pleged troops and personnel.

The situation various RECs/RMs find themselves in varies considerably, while their roles and how they fit into the decision-making process is not clear. There needs to be a common understanding of the types of missions that may be conducted by RECs/RMs and the role of the PSC in those instances. There is also a lack of clarity in some of the RECs/RMs regarding their internal mandating authority. It is not even clear if RECs/RMs are developing a clearly defined decision-making process for an ASF deployment. Given that RECs/RMs may deploy in cases of scenario 4-type missions, they need to develop the capacity and specify the decision-making processes for such deployment. In terms of the role of RECs/RMs in preparing regional forces, another important issue is whether they are using the same standards and approaches in developing and preparing the forces.

Technical requirements for the ASF

The technical requirements for the success of the ASF involve, among others, the development of various policy instruments and technical concepts, including the PSO doctrine etc., the institutionalisation of corresponding structures and

systems at both AU and RECs/RMs levels, training and the establishment of the necessary infrastructural capacity, and operational capability such as funding.

Policy and structural development

In terms of the development of policy documents and concepts, the AU has made great progress in the time available. During Phase I of the operationalisation of the ASF, five major policy documents were finalised.[83] These cover doctrine; training and evaluation; logistics concept; command, control, communication and information system (C³IS); and standard operating procedures (SOPs). These documents, which define the necessary policy frameworks that set the technical and conceptual basis as well as the regulatory setup for the operation of the ASF, were adopted by the African Chiefs of Defence and Security (ACDS) and the African Ministers of Defence and Security (AMDS) at their meeting in March 2008.

The AU also recognised the need to elaborate and refine additional operational concepts. One of these is the Rapid Deployment Capability (RDC) concept. Following a series of workshops conducted during 2009 in the various RECs on the preparation of RDC at REC level, the AU held a harmonisation workshop in April 2010. Although the workshop recommended the adoption of the concept, it also revealed that various questions needed to be addressed if the RDC was to take off. These include the establishment of the necessary structures, staffing and logistics requirements, legal arrangements at the national level and between RECs and the AU, and eleboration of the required operational doctrine, in particular on the use of force and SOPs. Other areas highlighted included a maritime capability, FPUs, the sea and air-lift capability, medical and legal matters, procurement, reimbursements to troop-contributing countries (TCCs), etc.

In the light of the new maritime security challenges as witnessed off the coast of the Horn of Africa and in the Gulf of Guinea, the inclusion of a maritime capability into the ASF is a critical development. Given the gravity of the problem, it is important that the concept on maritime development includes a comprehensive framework on which RECs/RMs can build as their specific requirements demand. Obviously, this will involve a further need for technical expertise, maritime logistics and infrastructural capability.

In terms of structures and systems, the Framework for the Establishment of the ASF and the MSC envisaged the development of a strategic-level management capability at the AU and in each of the RECs/RMs. The AU and the RECs/RMs have established a 15-person Planning Element (PLANELM). Currently, this

permanent strategic-level management capability does not have the required level of multidimensionality, nor does it meet the necessary structure or capability for planning, managing and supporting ASF missions.[84] These functions are still in a build-up phase. In terms of the operationalisation of the ASF, the need for a permanent and expanded capability at AU Commission level has been identified. Such capacity would serve to develop a new structure for the AU Peace Support Operations Division (PSOD) and would, when fully implemented, expand the staff of the PSOD manyfold.

Concerning structure, there is also a need for having a mechanism for developing lessons learned and facilitating the integration of such lessons into the planning of future missions and the management of existing ones. No provision is made in existing documents for such a structure.

At both the AU and the RECs/RMs levels, the proposed rostering system for maintaining civilian and police capabilities from which the AU can recruit personnel for various ASF missions needs to be implemented. The contribution and role of existing non-governmental rostering systems should be harnessed appropriately.

The command and control system

An important requirement in terms of structure and systems for the ASF is the development of an effective command and control system, as is required by Phase I of the operationalisation of the ASF. The policy framework envisages that at the strategic level command and control is shared between the PSC and the AU Commission. While the PSC holds the ultimate strategic decision-making authority with respect to formulating and revising a mandate and terminating a mission, the AU Commission, through its chairperson and the special representative, who is also the Head of Mission, has political command and control, and is responsible for strategic planning and management.

The policy framework envisages, however, that the RECs/RMs will provide the planning and operational HQs for ASF missions. The relationship between the different levels of command, particularly in terms of their respective functions and responsibilities, needs to be defined. While the policy framework deals with the operational framework for the military, it has not addressed these in terms of the civilian and police components. The vertical relationship between the various components also still has to be clarified, and this has to be reflected in ASF training. The role of TCCs also needs to be clarified and properly stated in the MoU with them.

Clearly, to institutionalise an effective command and control system requires more than developing a model. As part of the continental HQ capability in Addis Ababa, the AU should employ experienced experts. It is not clear, however, whether the existing recruitment mechanism will enable the AU to attract and retain such people. Currently, the peacekeeping management capability is still being developed, and in the short term the existing structure will at best permit the control and command of small missions. For larger missions the AU may need to resort to putting together an ad hoc strategic management capability, as was done for AMIS and AMISOM.

The AU and the RECs/RMs also need to put in place the infrastructure that will enable the different actors to exercise and enforce strategic command and control on ASF missions. As Cilliers has pointed out, this in particular entails 'the installation of an appropriate Africa-wide, integrated and interoperable command, control, communication and information system (C³IS) infrastructure that would link deployed units with mission headquarters, the PLANLEMs and regions'.[85] This is another area that yet has to be operationalised fully.

Finally, the official language for missions at the regional and continental levels should be determined to facilitate effective command and control.

Training

Another important technical requirement is training, which is a prerequisite for the operational readiness of the ASF. Given that ASF brigades are constituted of multidimensional contingents based in their countries of origin, cultural, material and know-how diversity necessitate that continuous and standardised training is institutionalised at different levels. Not only should personnel earmarked for the ASF by member states acquire the necessary foundation training for peace support operations, but they should also have enough opportunities for joint training and exercises, both within the RECs/RMs and at continental level. As the lessons from AMIS and AMISOM show, there is a critical gap both in senior and, most glaringly, in middle-level management capability. Many African troops also lack skills in a variety of important technical fields and, given their background, they also need substantive training in the areas of human rights and international humanitarian rules. Accordingly, targeted training needs to be provided as well.

This is not an easy task to accomplish. It requires the availability of an adequate number of well-equipped, well-resourced and staffed training centres

with a regional and continental vocation. Although there are training centres in different parts of the continent, not all of these have the capacity to meet the training needs of the ASF. Many of them will have to improve their existing infrastructural and personnel capacities, and will also have to revise their training curricula to suit the needs of the ASF. Suitable training institutions are not even situated in all the RECs/RMs and it is therefore important to establish institutions in those regions that require them. A region that needs particular attention is ECCAS, not only because it does not have any training facilities, but also because there are insufficient training institutions in francophone Africa as a whole.

A lot of work also needs to be done to standardise ASF training in the RECs/RMs. This is essential if the various brigades are to adhere to the same standards and to be at the same level of technical preparedness. It would also facilitate the interoperability of troops coming from different brigades.

To assess the operational readiness of the regional forces, the AU has been implementing the continental training plan, known as the Exercise Amani Cycle.[86] Supported by the EU's Eurorecamp, an EU training and evaluation exercise, this culminated in a command-post exercise in October 2010, which was originally planned for March 2010. Since its launch in late 2008, the activities implemented as part of the cycle include a contributors' conference (February 2009), an initial planning conference (March 2009), a strategic decision-makers' seminar (April 2009) and a map exercise (August/September 2009). It is expected that the lessons identified through the Command Post Exercise (CPX) offer an opportunity to identify both general and specific gaps in the readiness of troops so that relevant training can be developed and implemented.

Infrastructural capability

The deployment and maintenance of effective peace support operations also depend on the availability of the necessary infrastructure, both for the deployment of brigades and the effective and successful execution of their mandates. If the ASF is to be an effective mechanism for responding to conflicts and other crises, it is imperative for it to have at its disposal all the necessary equipment, air and sea-lift capabilities, ground transportation, information systems, etc.[87] Inadequate infrastructure will not only prevent a mission from implementing its mandate effectively, but will also undermine its ability to respond to crises. This is aptly illustrated in the experience of the UNAMID mission in Darfur, as detailed by its former force commander, General Martin Luther Agwai. He put it as follows:

> The minimum, not the ideal but the minimum … is 18 utility helicopters and about 12 to 18 combat helicopters that can go to do reconnaissance and other things. As of today there is no country in the world that has volunteered to give us that capability – zero. … You must have heard about the attack we had on our camp in Haskanita [in September 2007], when we lost ten of our peace-keepers. After the attack we wanted to go to the area … to move the injured. It took us about eight hours because the civilian pilots could not take the risk … if we had military helicopters we would have been able to arrive very much, much earlier, and we may have been able to save maybe one or two lives.[88]

These types of problems have been common in all peacekeeping operations undertaken by the AU and RECs such as ECOWAS. To date, the AU and its regional economic communities have mounted peacekeeping operations in Burundi, the Comoros, Côte d'Ivoire, Guinea-Bissau, Liberia, Sierra Leone, the Sudan and Somalia. While these missions have indicated the value of a quick response in containing violence and contributing to the resolution of conflicts, 'the ability to implement their respective mandates has often been constrained by a lack of military capabilities, insufficient resources and inadequate institutional capacity to plan, manage, deploy and liquidate operations'.[89]

The AU has developed a logistics concept paper that proposes one continental logistics base (CLB) and five regional logistics depots. The CLB is intended to provide logistics support with the aim of establishing and/or equipping mission headquarters, sector headquarters and troop- and police-contributing countries in case of critical shortfalls, as well as non-military equipment and material for military observers (MILOBS), police, and international and local civilian staff. However, this concept paper has yet to be translated into reality. Although possible locations for the CLB have been identified, for political rather than technical reasons AU member states have not yet been able to finalise a location. Because of this, it was decided at the May 2009 ACDS meeting to give priority to developing the five regional logistics depots and to postpone the decision on the CLB.[90]

The feasibility, let alone the necessity, of having or establishing six logistics depots for the ASF needs to be addressed, with particular attention being given to the financial and administrative requirements. Whatever the outcome of the deliberations, eventually the AU will have to mobilise the funds to establish the depots and to implement the necessary administrative arrangements for their

management. Another questions that may need to be looked at is, 'who should take ownership of the bases – international partners, the region, the AU or the UN? Or should it be outsourced?'[91]

The maintainance of an effective strategic-level management system at AU HQ and at the RECs/RMs level is also critical. As the expected role of the PSOD expands and its staff size increases correspondingly, there is a need to provide for suitable office accommodation, an operations room and IT communications equipment.

As the various regions are at different levels of development and integration, it is only natural that some regions are more resourced and better equipped than others. The issue that confronts the AU is whether it will be possible to use the resources and equipment of one brigade to deploy another region's brigade. This, of course, forms part of the larger problem of ownership of the regional forces and hinges upon the question of whether or not the AU can, for example, use the SADC brigade for deployment in, say, the ECOWAS region. This, however, is more of a political than a legal problem. As far as the law is concerned, the PSC Protocol is clear that despite its organisation along five sub-regions, the ASF is one force with the PSC as its primary, if not the only, mandating authority.

Operational requirements

Funding

As the nature of peacekeeping operations has undergone substantial change over the course of the past two decades, costs have also skyrocketed. The UN experience in Africa has established sufficiently that peacekeeping is a very expensive enterprise. For example, from July 2009 to June 2010 an estimated US$5,7 billion was to be spent on the seven UN missions in Africa.[92] This implies that the UN spent an average of about US$814 million on each of the missions and US$475 million per month on peacekeeping operations in Africa.

Clearly, even if the ASF was to be operationally ready by 2010, it would not be able to conduct operations if the necessary funding was not available. As demonstrated by the AU's limited experience with AMIS and AMISOM, one of the challenges for an AU mission is to obtain the necessary funds to deploy and sustain the mission. This was highlighted in a recent report of the UN Secretary-General as follows:

> [T]he absence of predictable and sustainable funding has been linked to a number of critical operational limitations, including:

(a) The inability to reach mandated troop levels.

(b) Limited operational effectiveness owing to a short-term focus on the availability of funding, as opposed to a longer-term strategic focus on achieving the mandate.

(c) In the case of the African Union Mission in the Sudan (AMIS), a difficult transition from an under-resourced African Union operation to a hybrid peacekeeping operation (the African Union–United Nations Hybrid Operation in Darfur (UNAMID).

(d) An unsustainable administrative, coordination and financial management burden placed on a limited African Union capacity by multiple donors' reporting and oversight mechanisms.[93]

The AU faces a similar if not greater problem in terms of financial administration than in terms of the availability of funds for its operations. The AU just does not have the necessary absorption capacity to shoulder the administrative burden that comes with donor funding. Most importantly, as indicated by the AMIS experience, the AU does not have an effective and transparent financial administration system. On the side of donors there is legitimate concern over allegations that a large sum of money that was meant to finance AMIS has not been accounted for. The challenge for the AU is therefore not just one of mobilising the required resources for funding future ASF missions, but of developing the necessary financial administration and regulatory framework for the efficient and transparent management of funds.

In addition, it is not expected that African countries will on their own raise the necessary funding for maintaining and deploying the ASF. External funds will continue to be a dominant feature of ASF operations, at least in the short to the medium term. Whether such external funding will be predictable, sustainable and flexible will depend on how current negotiations and partnerships between the AU and the UN, and between the AU and the EU, will unfold in the coming years. A positive outcome seems to depend on, among others, the extent to which political and military synergy is achieved between the AU and these key partner organisations.

Organisational coordination

Since the ASF is organised on the basis of five regional forces, the capabilities of the ASF are raised and developed by the RECs/RMs, which, according to Article 16 of the PSC Protocol, are the building blocks of APSA. This gives rise to important political and organisational issues.

First, notwithstanding the Memorandum of Understanding (MoU) signed between the AU and RECs on their general relationship, there is nothing that specifically regulates their respective roles and authorities concerning the use and authorisation of ASF capabilities. As a result, there is lack of clarity as to whether the AU needs to negotiate with the RECs/RMs about the use of the forces prepared by them. Such negotiation would obviously complicate matters.[94] It also begs the question whether the necessary national legislations allowing the release of pledged contingents are put in place.

Secondly, there is the question of AU leadership of the different RECs/RMs to ensure that they adhere to the same standards and achieve the same levels of readiness. Given that some of the RECs have considerable experience and have developed advanced capabilities, it is not clear whether the AU is in a position to provide such leadership. Most importantly, however, no effective framework or structure has been developed as yet to bring about effective AU-REC engagement on ASF issues. 'The result is that,' writes Cilliers, 'the development of the different ASF components has not adhered to a single coherent concept.'[95]

CONCLUSION

The decision to build an African peacekeeping capability could not have come at a better time. Not only had there been more than a decade of international disengagement and UN inaction, or lack of effective involvement, in Africa, but the global agenda was also dominated by the fight against terrorism and the operations in Iraq and Afganistan. Despite increased UN involvement in international conflicts, troop contributions to UN missions in Africa were mainly being made by developing countries. In many cases the deployment of UN missions was preceded by African peacekeeping operations aimed at settling down the conflict.[96]

A further complicating factor was a new UN policy of abstaining from deploying peacekeeping operations until such time as comprehensive peace agreements had been signed.[97] Notwithstanding the fact that violence continued to rage, resulting in a loss of life, mass displacements and refugee flows, Blue Helmets would not intervene where there was no peace. This left a huge peacekeeping and security gap that resulted in great tragedy at times. Beyond this, the political process in the UNSC of reaching agreement on the deployment of UN missions and the UN's technical/bureaucratic planning procedures for the deployment of forces would take a minimum of six months to complete. As

the experience of Darfur has shown, even after agreement was reached by the UNSC, it took a very long time for a UN mission to achieve its mandated troop and logistical strength.

There was therefore a need, if not for any other reason, of at least filling the gap between the outbreak of hostilities and the deployment of UN forces. The ASF, beyond its role of overcoming the limitations of the international peacekeeping regime, will endow Africa with its own mechanism for timely response to conflicts and for intervention in grave situations.

This chapter examined the role and potential of the ASF as one of the AU's strategic response mechanisms to conflicts and crises that Africa may face in future. The normative and institutional framework of the ASF was discussed comprehensively. A main conclusion was that although the ASF could be a critical tool for the AU, the limitations that militate against its success are considerable.

To start with, the nature and possible future trend of conflicts in Africa were examined. This demonstrated that African conflicts warrant the deployment of robust peace support operations that not only address the security and humanitarian dimensions, but also the political, human rights and development aspects of a conflict. It emerged from the discussion on the AU peace and security regime that APSA had the necessary norms and institutions to permit the ASF to be developed and deployed. An important observation was that it is necessary for the PSC to ensure that the structures have the necessary bearing when formulating mission mandates, developing ASF structures and planning operations.

The ASF, as envisaged by the PSC Protocol and supplementary documents, is to be organised in the form of a modern multidimensional peacekeeping force to undertake a wide range of tasks, from monitoring ceasefire agreements to protecting civilians and building peace. It is noteworthy that the PSC will ordinarily deploy the ASF at the end of the APSA processes in order to stabilise a conflict that has already erupted, to arrest its escalation and to create the conditions for restoring peace and security. The PSC Protocol also lays down that the ASF is the mechanism through which the AU will implement its revolutionary norm enunciated under Article 4(h) of the Constitutive Act.

In terms of the operationalisation of the ASF, it is clear that the shape of the ASF has now been set. This is reflected by the organisation of the ASF, its composition, the strategic and operational structures under development, and the concepts relating to logistical and other infrastructural requirements. An important point that arises from this is that the ASF is being developed to constitute a significant

mechanism for the management and resolution of Africa's conflicts. Given the increasing attention that even previously reluctant regions, such as NARC, are giving to the development of the ASF, it seems that there is a strong, albeit uneven will among AU member states and the RECs to succeed with the ASF.

Finally, the limitations that militate against the success of the ASF were discussed. It was noted that there is a need for the AU and its member states to consider and clearly determine the level of ambition for the ASF framework in terms of the deployment of large multidimensional peace support operations. The envisaged force strength of the ASF, as well as the AU's resource and logistics capabilities, seems to be inadequate for such operations. It would appear that in such instances the AU will need to partner with the UN and the EU, as was the case with Dafur and Somalia respectively.[98]

At the political level there are also issues to be resolved. The deployment of the ASF is not merely a technical matter. In important respects it is a political affair. There is a need for clarity on the role of troop-contributing countries, the RECs/RMs, and the AU with respect to the use of the ASF capability. Decisions on the deployment of the ASF should not be dictated by political considerations and the advancement of certain national interests. To avoid possible difficulties as far as the release of national contingents and regional brigades for deployment by the AU, it is essential that clear guidelines on decision-making are agreed upon between the AU and RECs/RMs, that the necessary legal instruments are adopted between them and also at national levels.

There is also the important issue of the AU's ability to mobilise the necessary political will of its member states for a timely and efficient response to conflict. Although in recent years African countries have been more willing to exercise political will and to commit to addressing conflicts on the continent, there have been shortcomings. The existing will among AU member states must not only be maintained, but needs to be enhanced so that all members commit their personnel and resources to AU missions in a timely manner.

In terms of developing ASF brigades in the various regions, it is necessary to address divergent interpretations and applications of the ASF framework and concepts. Variations in the levels of development and military capabilities, as well as the lack of standardised training across the regions, also require attention. Concerning the development of the different ASF components, the AU and the RECs/RMs need to articulate clearly the role of the civilian dimension and the mode of its organisation and institutionalisation as part of the ASF.

At the level of the AU Commission and the RECs/RMs there should be greater commitment, professionalism and leadership in the process of operationalising the ASF and in managing and coordinating international support. Without this the ASF will not have coherence and effective strategic-level management. The AU may also need to improve its recruitment process and working environment to attract qualified personnel and retain existing expertise. Another area that requires work, both at AU and RECs/RMs levels, is the development of the necessary technical expertise in areas such as finance, contracting, communications, engineering, medical, aviation, fuel and mobility management, etc. This would reduce the level of dependence on external partners and enhance African ownership.

Given the political reality of the continent and its capacity and resource limitations, the major challenge for the ASF will be to ensure that it has the required funding, logistics, and administrative and strategic management support. This is critical, because were the ASF to be deployed to undertake complex and multifaceted mandates without the necessary capacity, readiness, logistics and funding, it would run the risk of failure. 'A failed intervention,' warn Cilliers and Sturman, 'can do as much damage as failing to intervene at all.'[99] The problem with failure is that it can worsen a situation. As they rightly note, 'an inappropriate response to a complex emergency situation can lead to another Somalia, where intervention took the situation from bad to worse'.[100]

To address these problems, there is a need for greater and more formalised collaboration between the AU and its international partners. The framework for AU support that is currently being developed by the UN is a commendable development and will potentially address some of the AU's financial as well as institutional capacity woes.[101] It is expected that the UN will provide some level of funding and technical support to the AU for AU-led, UN-authorised peacekeeping operations. In the context of partner relationships, it may well be advisable for the ASF to define a framework both for engaging external partners and for coordinating relationships with such partners.

In addition, AU member states should commit more resources for the implementation of the peace and security agenda that was set by them within the framework of APSA. A notable development in this regard is a recent decision of the AU to double the funds to be transferred from the AU's regular budget to the Peace Fund. On 31 August 2009, in its Tripoli Declaration on the elimination of conflicts in Africa and the promotion of sustainable peace, the Special Session of the AU requested 'the Commission to take the necessary preparatory steps

for the increase of the statutory transfer from the African Union regular budget to the Peace Fund from six per cent to 12 per cent'.[102] In addition, the Assembly requested member states to make voluntary contributions to the Peace Fund.

These proposed measures are especially important in addressing the challenges the AU may face in financing the ASF and its peace support operations. It would express in real terms the commitment of African states to the peace and security agenda of the AU, and increase African ownership of the AU's efforts to achieve its objectives.

Without a doubt, the ASF will form an important part of the AU's strategic response mechanisms for conflicts and crisis situations on the continent. It needs to be emphasised, however, that the ASF should not be seen as the AU's main response mechanism. It is only one of a number of different tools available to the PSC for conflict prevention, management and resolution. Ordinarily the ASF is to be used only as a last resort. As UN Secretary-General Ban Ki-Moon aptly observed, 'it is important to recall that peacekeeping is part of a political solution, not an alternative. Efforts must continue to be made in parallel to enhance and support preventive diplomacy, early warning, and conflict resolution and mediation. Peacekeeping operations should only be embarked upon after careful consideration of all available response options and must be accompanied by a viable political strategy and a set of clear objectives'.[103] It should be added that when the ASF is deployed, it is important that its mandate involves peace-building and reconstruction tasks for it to be effective in establishing sustainable peace as the situation requires.

NOTES

1   See the AU Protocol on the Establishment of the Peace and Security Council adopted in Durban, South Africa, on 9 July 2002. This entered into force on 26 December 2009.

2   PSC Protocol, article 2.

3   This is important because as Kwesi Anning has rightly pointed out, '[i]n order to analyse the performance of APSA, the background contemporary African security challenges against which it will be tested needs to be clear'. Kwesi Anning, The African Peace and Security Architecture. Available at www.paul-gabriel.de/wordpress/wp-content/ uploads/.../Essay-APSA.pdf (accessed on 4 April 2010).

4   See Monty G Marshall, Conflict trends in Africa: 1946–2004. Available at http://africacenter. org/2005/07/conflict-trends-in-africa-1946-2004conflict-trends-in-africa-1946-2004/ (accessed 5

April 2010); Human Security Report Project (UBC), *The Human Security Report 2005: War and peace in the 21st century,* 2006, New York: Oxford University Press. Also available at http://www.humansecurityreport.info/index.php?option=content&task =view&id=28&Itemid=63; and Jakkie Cilliers, *Africa in the New World: How global and domestic developments will impact by 2025,* ISS Monograph 151 (2008), 99–101.

5   PD Williams, Thinking about security in Africa, *International Affairs* 83(6) (2007), 1028. He observes that armed conflict remains a prevalent feature of the African landscape.

6   Richard Jackson, *Violent internal conflicts and the African state: Towards a framework of analysis,* available at http://cadair.aber.ac.uk/dspace/handle/2160/1953 (accessed 6 May 2009). Williams also observed that 'Although peace made some progress in Africa between 2002 and 2006, the continent still suffers from more than its fair share of armed conflicts'.

7   In 2008, 27 countries were affected by one kind of tension or another. See Alert 2009: *Report on conflicts, human rights and peace-building,* Barcelona: School for a Culture of Peace, 2009, 52–61.

8   Most of the conflicts that erupted during the post-Cold War period were of an internal nature, rather than between states, and involved a variety of state and non-state actors. See Report of the Secretary General of the UN, The causes of conflict and the promotion of durable peace and sustainable development in Africa, para. 4; C Clapaham, The United Nations and peacekeeping in Africa, in Mark Malan (ed.), *Wither peacekeeping in Africa,* ISS Monograph No. 36 (April 1999), 29; Cilliers, *Africa in the New World,* Pretoria, ISS (2008), 99; and Festus Aboagye, Introduction: Motivations and dynamic issues of post-Cold War security issues in Africa, in Festus Aboagye (ed.), *Complex emergencies in the 21st century,* ISS Monograph 137 (2007), 1–3.

9   Anning, The African Peace and Security Architecture.

10 See B Davidson, *The black man's burden: Africa and the curse of the nation-state,* London: James Currey, 1992; Jackson, *Violent internal conflicts and the African state;* Makwa Wa Mutua, Why redraw the map of Africa: A moral and legal inquiry, *Michigan Journal of International Law* 16 (1995), 1113; Makwa Wa Mutua, Putting humpty dumpty back together: The dilemmas of the post-colonial African state, *Brooklyn Journal of International Law* 21 (1995), 505; OC Okafor, 'Righting.' Restructuring and rejuvenating the post-colonial African state: the case for the establishment of an AU Special Commission on National Minorities, *African Yearbook of International Law 2005,* 13 (2007), 43; AM Abdullahi, The refugee crisis in Africa as a crisis of the institution of the state, *International Journal of Refugee Law* 6(4) (1994), 562; OC Okafor, Re-defining legitimate statehood: International law and state fragmentation in Africa, The Hague: Kluwer Law International, 2000; Richard Jackson, Africa's Wars: Overview, causes, the challenges of conflict transformation, in Oliver Furley and Roy May (eds), *Ending Africa's wars: Progressing to peace,* Aldershot: Ashgate Publishing, 2006, 15.

11 Since the adoption of the AU's Lomé Declaration on Unconstitutional Changes of Government in 2000 there have been some 11 coups and unconstitutional government changes in Africa. This figure includes attempted coups in Niger and Madagascar in 2010. See David Zounmenou, Coups d'etat in Africa between 1958 and 2008, *African Security Review* 18(3) (September 2009),

72–73; Issaka K Souare, *The AU and the challenge of unconstitutional changes of government in Africa,* ISS Paper 197 (August 2009), 5–6; and Jackson, *Violent internal conflicts and the African state*, 19. According to a 2006 Freedom House report, nine countries in Africa became more repressive during that year to the extent that they shifted to a new Freedom House category. This trend has continued unabated.

12 See Electoral violence and post-electoral arrangements in Africa, *Journal of African Renaissance* 5 (2008 - special edition).

13 See Human Rights Watch, *Bullets for each of you: State sponsored violence since Zimbabwe's March 29 elections,* 2008.

14 See O Nwolise, Electoral violence and Nigeria's 2007 elections, *Journal of African Elections* 6 (2007), 155.

15 See K Matlosa, Managing post-election conflict in Lesotho, *Global Insight* 70 (2007), 1.

16 See Terrence Lyons, Ethiopia in 2005: The beginning of a transition? *CSIS Africa Notes* 25 (January 2006). Available at www.csis.org/media/ csis/pubs/anotes_0601.pdf (accessed 17 May 2008).

17 See Oli Brown and Alec Crawford, Climate change and security in Africa, Monitoba, Canada: International Institute for Sustainable Development, 2009.

18 Apart from regular government forces and armed rebel groups, they can also involve other irregular groups, such as clans, guerrilla forces, armed groups that oppose one another, and militias from ethnic or religious communities, as well as mercenaries and warlords. See Jackson, *Violent internal conflicts and the African state.*

19 The figures on forced child conscription by armed groups is staggering. Of the 300 000 child soldiers presently fighting in over 30 countries around the world, more than 120 000 of them are in Africa. Annup Shah, Children, conflicts and the military, 2003. Available at http://www. globalissues.org/Geopolitics/Children.asp (accessed 23 October 2009). Also see Rachel Stohl, Under the gun: Children and small arms, *African Security Review* 11(3) (2002).

20 See *The responsibility to protect,* Ottawa: International Development Research Centre, 2001, para. 1.19 at 4.

21 See Osita Agbu, Human rights implications of African conflicts, *African Journal of Political Science* 5(1) (2000), 92–104.

22 Africa is among the regions of the world that is most affected by the internal displacement of people and refugee flows. According to the UNHCR, by the end of 2008 there were 2,1 million refugees in Africa, accounting for 20 per cent of the world's refugees. Renewed armed conflicts and human rights violations in the CAR, Chad, the DRC, Somalia and Sudan account for most of the refugee flows in recent years. Of these Somalia and Sudan are among the major source countries of refuges in the world. Other African states with large numbers of displacements include Côte d'Ivoire, Uganda, Burundi and Kenya. See UNHCR, Global trends: Refugees, asylum

seekers, returnees, internally displaced and stateless persons, 2008. Available at http://www. unhcr.org/ 4a375c426.html (accessed 29 April 2010).

23   While in some cases it requires the restoration of state authority and the ending violence, as in Somalia, in other cases it requires addressing the root causes of conflicts, as in Darfur and Burundi, by focusing on support for the development and implementation of policies aiming at addressing inequalities in all spheres of public life by the inclusion of provisions to that effect in peace agreements.

24   Transformation in this context is used to refer to fundamental changes in norms and values and connotes regime change as understood in institutional theory. The nature of this change is summed up by Kwesi Anning when he speaks of the transformation of the continental or- ganisation 'from a "club of dictators" into an ambitious regional security regime', K Anning, *The African Peace and Security Architecture.* In institutional theory, 'regime' is defines as 'sets of im- plicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations'. S Krasner, Structural causes and regime consequences: Regimes and intervening variables, in S Krasner (ed.), *International Regimes*, London: Cambridge University Press 1983, 185. In international law, a 'legal regime' refers to a body of law involving norms and institutions that regulates a certain field or subject of international relations.

25   The OAU operated within the framework of and in strict adherence to its state-centric prin- ciples of sovereignty of states and non-intervention. As such, paradigmatic changes of this nature could not be accommodated without the OAU's transformation to the AU.

26   See Ben Kioko, The right of intervention under the African Union's Constitutive Act: From non-interference to non-intervention, *International Review of the Red Cross 807* (2003), 85; and A Abass and MA Baderin, Towards effective collective security and human rights protection in Africa: An assessment of the Constitutive Act of the new African Union *NILR* 49(1) (2002), 1.

27   On APSA see K Anning, The African Peace and Security Architecture, and Solomon Dersso, Tim Murithi et al (eds), *The African Peace and Security Architecture: A Handbook,* Frederich Eberts Stifftung (2010).

28   For literature on the act see Kristiana Powell and Thomas Kwasi Tieku, The African Union's new security agenda: Is Africa closer to a Pax Pan-Africana? *International Journal* 60(4) (2004-2005), 947; and KD Magliveras and G Naldi, The African Union: A new down for Africa? *International and Comparative Law Quarterly* 52 (2002).

29   The listing of the instruments is not exhaustive. Those instruments referred to in the pream- ble to the PSC Protocol and the 2005 AU Non-Aggression and Common Defence Pact also form part of the peace and security regime.

30   African Union, The AU Protocol Relating to the Establishment of the Peace and Security Council, 2002.

31   African Union, The AU Solemn Declaration on the African Common Defence and Security Policy, 2004.

32   See Alpha Omar Konare, Security is the African Union's priority, *African Geopolitics* 13 (Winter 2004).

33   See Constitutive Act of the African Union (adopted 11 July 2000, entered into force 26 May 2001).

34   This expression is borrowed from Anning, The African Peace and Security Architecture.

35   Constitutive Act, article 4(a).

36   Ibid., article 4(g) and (i).

37   Ibid., article 4(e) and (f).

38   Ibid., article 4(b).

39   Ibid., article 4(m) and (o).

40   Ibid., article 4(0) and (p)

41   Ibid., article 4(h).

42   Ibid., Preamble, Para. 10.

43   Ibid., Articles 3(g) and (h) respectively.

44   This principle represents more than an agenda for interventionism. Seen from the perspec-
     tive of the emerging norm of the responsibility to protect, as espoused by the AU under the
     Ezulwini Consensus of 2005, article 4(h), Para. 10, it also expresses the aspect of the sover-
     eignty of states, which involves the underlying principle that the first and primary respon-
     sibility of protection lies with the state. (I would like to thank the external reviewer who
     directed me to note this primary dimension of the principle under article 4(h).)

45   As Cilliers and Sturman put it: '[t]he absence or disappearance of a functioning government
     can lead to the same kind of human catastrophe as the presence of a repressive state. In
     Africa, intervention will be needed in as many cases where a weak state is unable to protect
     its citizens, as when a repressive state is unwilling to do so or itself the cause of the abuse'. J
     Cilliers and K Sturman, The right intervention: Enforcement challenges for the African Union,
     African Security Review 11(3) (2002), available at http://www.iss.co.za/PUBS/ASR/11No3/Cilliers.
     html (accessed on 20 July 2010).

46   In this, the Constitutive Act became a pioneer in leading what has come to be characterised
     as a 'systemic shift in international law, namely a growing tendency to recognise that the
     principle of state sovereignty finds its limits in the protection of "human security"'. Carsten
     Stahn, Responsibility to protect: Political rhetoric or emerging legal norm? *American Journal of
     International* Law 101 (2007), 99, 100-101.

47   Adopted in Durban, South Africa, on 9 July 2002 and entered into force on 23 December 2003.

48   PSC Protocol, Preamble.

49   Ibid., article 3(f).

50   Ibid., article 4(b).

51   Ibid., article 4(c).

52   Ibid., article 4(j).

53   Adopted at the 2nd Extraordinary Session of the AU Assembly of Heads of State and Government held in Sirte, Libya, on 27 and 28 February 2004.

54   Common African Defence and Security Policy (2004), Para. 13(j).

55   On lessons from AMIS and AMISOM, see Catherine Guicherd, The AU in Sudan: lessons for the African Standby Force, International Peace Academy (March 2007); Arvid Ekengard, The African Union Mission in Sudan (AMIS): Experiences and lessons learned, Stockholm: Swedish Defence Research Agency (August 2008); Cecilia Hull and Emma Svensson, African Union Mission in Somalia: exemplifying AU peacekeeping challenges, Stockholm: Swedish Defence Research Agency, October 2008.

56   According to article 10 of the PSC Protocol, the chairperson of the AU Commission is tasked to take initiatives for conflict prevention and is also responsible for following-up on the implementation of such PSC decisions, management, resolution and peace-building.

57   The Panel of the Wise has peacemaking and advisory roles, and has an important function at the stage of conflict prevention. See Jamila El Abdellaoui, *The Panel of the Wise*, ISS Paper No. 193 (August 2009),

58   The Continental Early Warning System (CEWS) supplies the information and analysis that alerts the chairperson of the Commission and through him the PSC of the existence of an emerging crisis. See PSC Protocol, article 12.

59   Ibid., article 13(3).

60   Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee, adopted by the African Chiefs of Defence and Security (ACDS) on 14 May 2003 in Addis Ababa, Ethiopia (EXP/ASF-MSC/2(1).

61   This will rise to about 40 000 following the decision of the May 2009 ACDS and Heads of Security Meeting to increase the police standby arrangement from 240 individual police officers (IPOs) per REC/RM to 720, and the formed police units (FPUs) from two to six. See Johan Potgieter, Peacekeeping forces for peace support operations in Africa, *ISS Today* 4 (August 2009). Available at http://www.issafrica.org/history.php (accessed 4 August 2009).

62   Paul D Williams, The Peace and Security Council of the African Union: Evaluating an embryonic international institution, *Journal of Modern African Studies* 47(4) (2009), 603 & 622.

63   Jakkie Cilliers, The African Standby Force: An update on progress, ISS Paper No. 160 (March 2008), 4.

64   See Peace and Security Council Report No. 2, Addis Ababa: Institute for Security Studies, September 2009, 9–10.

65   For a discussion on AU mandating authority and processes see Solomon A Dersso, The African Union's mandating authority and processes for deploying an ASF mission, *African Security Review* 19(1) (March 2010), 73–86.

66 Solomon A Dersso, The legality of intervention by the AU in case of grave circumstances, *ISS Today*, 24 June 2009. Available on www.issafrica.org (accessed 24 June 2010).

67 See Chapter II of the Policy for the Establishment of the ASF and MSC.

68 Dersso, The legality of intervention.

69 Cilliers, An update on progress, 8.

70 PSC Protocol, article 17(2).

71 Dersso, The legality of intervention.

72 Ibid.

73 PSC Protocol, article 2.

74 African Union Mandating Process for Peace Support Operations, draft aide memoire adopted in April 2009.

75 The draft mission plan translates the operational objectives into an action plan for the mission as a whole and its constituent components.

76 Dersso, The African Union's mandating authority, 83.

77 PSC Protocol, article 8(2).

78 African Union Audit, 98. Available at www.pambazuka.org/actionalerts/images/uploads/AUDIT_REPORT.doc (accessed 26 March 2009).

79 PSC Protocol, article 8(13) and Rule 28 of the Rules of Procedure of the AU Peace and Security Council.

80 Ibid., article 8(7).

81 See PSC Report No. 2, Addis Ababa: Institute for Security Studies, September, 2009. 18; AU Audit Report, 98.

82 See E Svensson, The African mission in Burundi: Lessons learned from the African Union's first peace operation, Stockholm: Swedish Defence Research Agency, 2008; A Ekengard, The African Union Mission in Sudan (AMIS) – experiences and lessons learned, Stockholm: Swedish Defence Research Agency, 2008; and C Hull and E Svensson, The African Union Mission in Somalia (AMISOM) – exemplifying African Union peacekeeping challenges, Stockholm: Swedish Defence Research Agency, 2008.

83 See Roadmap I for the Operationalisation of the ASF, 2003.

84 The operationalisation of the civilian component started much later than the military one, both at the AU and the RECs/RMs levels. No significant progress has been made with regard to the operationalisation of the civilian component both at AU and RECs/RMs, although the policy framework defining the roles and structures of the civilian component has been elaborated.

85 Cilliers, *Africa in the new world*, 2.

86 Charles Debrah, Developments and challenges in the operationalisation of the ASF, presentation at the APSTA seminar held on 8 April 2009, slide 33–34.

87 See, for example, J Peter Pham, Too few good men – and even fewer supplies: The challenge of peacekeeping in Africa. Available at http://worlddefensereview.com/pham12067.shtml (accessed 3 December 2009).

88 Ibid.

89 United Nations, Support to African Union peacekeeping operations, Report of the UN Secretary General Ban Ki-moon submitted to the UNSC on 18 September 2009. Available at http://daccess-ods.un.org/TMP/ 7682574.9874115.html (accessed on 20 September 2009).

90 Declaration of the 6th Meeting of African Chiefs of Defence Staff and Heads of Safety and Security, Addis Ababa, Ethiopia, 11 to 15 May 2009.

91 Cilliers, An update on progress, 7.

92 See UN background note on peacekeeping operations, June 2009. Available at http://www.un.org/ Depts/dpko/dpko/ bnote.htm (accessed 15 September 2009).

93 UNSG report, Support to the AU peacekeeping operations.

94 Cilliers, An update on progress, 17.

95 Ibid., 18.

96 Ibid., 7, where Cilliers argues that '[i]n a reversal of thinking at international level, it has now become accepted that the AU can and should deploy in advance of the UN'.

97 See Report of the Panel on the United Nations Peace Operations.

98 On 7 April 2010 the EU deployed a military force to Uganda to train Somali troops. See PSC Report 10, Addis Ababa: ISS, May 2010, 10.

99 Cilliers and Sturman, The right intervention.

100 Ibid.

101 See UNSG Report, Support to the AU peacekeeping operations.

102 See AU Doc SP/ASSEMBLY/PS/DECL(I). Available at www.african-union.org.

103 UNSG Report, Support to AU peacekeeping operations.

Part IV

Strategic Partnerships

8 Envisioning a future African Union

Exploring collaborative ventures with the European Union and the United Nations

Kwesi Aning and Ferdinand Kwaku Danso

INTRODUCTION

Although the proximate causes of Africa's security threats are numerous and diverse, the challenges being encountered generally have their roots in the internal dynamics of the state. Aside from a few instances of inter-state conflict, such as Tanzania's invasion of Uganda in 1986 and the 1998 to 2000 border war between Ethiopia and Eritrea, the continent's crises have invariably emanated from the internal nature of African states. Yet, for nearly four decades the Organisation of African Unity (OAU), emasculated by its uncritical adoption of the principles of sovereignty and non-interference in the internal affairs of its member states, hardly criticised the domestic conduct of its members, even in cases where their behaviour was contrary to the ideals of the OAU.[1] Consequently, while African states succumbed to pervasive levels of political misrule, economic mismanagement, appalling human rights violations and civil wars, the OAU consigned itself to the position of a silent spectator that provided the political imprimatur of legitimacy to the actions of its members.

The transformation of the OAU into the African Union (AU), with its perceived interventionist philosophy and a protocol establishing a Peace and Security

Council (PSC) was, therefore, significant in many respects. A cardinal feature of this transformation is the evolving African Peace and Security Architecture (APSA), which is intended to function as a multi-dimensional security apparatus for conflict prevention, management and resolution. With this institutional mechanism in place, Africa seems to have been presented with a potentially credible opportunity to close the security-political gap. Conceptually, the establishment of the AU radically alters Africa's political and security landscape by broadening the scope of security issues to cover both state (territorial) and human security.[2] Under the AU's Non-Aggression and Common Defence and Security Policy (CADSP), human security is defined as follows:

> The security of the individual in terms of satisfaction of his/her basic needs. It also includes the creation of social, economic, political, environmental and cultural conditions for the survival and dignity of the individual, the protection of and respect for human rights, good governance and the guarantee for each individual of opportunities and choices for his/her full development. [3]

It is clear that the individual has been placed at the centre of the human security concept. While there is a perception that the ability of a state to fulfil these critical needs of its citizens during periods of instability is difficult, this is not necessarily the case. Even so, state inability or unwillingness to protect its citizens from violence in Africa is widespread.[4] The reason for this is that states generally become engaged in regime protection and survival, if not the protection of the state as a whole. Even in cases where the state, especially in Africa, is not at war, the security of citizens is denied routinely, or the state is simply incapable of meeting those needs. Often, especially in fragile and conflict areas, it is those responsible for the protection of the population who have been known to undermine the security of the civilian population by committing acts of violence.

Despite the financial and logistical constraints that threaten to undermine the AU's peacekeeping and peace-building capabilities, the organisation continues to do battle with one of the key challenges that contributed to the failure of the OAU, namely the question of how to exert influence on and elicit compliance by member states, and to have maximum impact on the nature and domestic politics of African states.

Against this backdrop, we examine in this chapter the key sources of Africa's future security threats and how APSA can be capacitated to address the threats.

In doing so, we argue that the extent to which APSA can promote peace, security and stability in Africa depends largely on its ability to affect the internal dynamics of African states creatively. However, considering the capacity constraints faced by APSA, collaborative engagement with the United Nations (UN) and the European Union (EU) is critical for APSA's ability to respond effectively to and impact on particular conflict theatres. As such, there is discussion on the evolving partnerships with the UN and the EU in order to understand how such partnerships can be enhanced to strengthen the efficacy of APSA.

To fully appreciate the context within which we present our arguments, we begin with a discussion of the significance of the concept of human security within the emerging African security framework. This is followed by a brief review of the nature and causes of security threats in Africa, and the new continental peace and security architecture being designed to address them. We then proceed to analyse the manner in which identified shortcomings within the emerging architecture are being remedied through deepening AU partnerships with the UN and the EU. To test the practical ability of such partnerships, their operational effectiveness and the lessons learnt, we look at the processes and mechanics of such partnerships as they have affected the crises in Darfur and Burundi.

MAKING SENSE OF AFRICA'S FUTURE SECURITY THREATS

From sovereignty to human security

One of the most important features characterising the transition from the OAU to the AU is the shift from the idea of state and regime security to that of human security. The AU's new approach resonates with King and Murray's assertion that '… territorial security [does] not necessarily ensure the security of citizens within a state'.[5] The new emphasis on human security is reflected in norms and values that form the parameters within which political interaction is to take place. These include respect for fundamental human rights and democratic principles, and the promotion of the rule of law, social justice and balanced economic development.[6]

By having adopted such principles, the AU has taken cognisance of the fact that political structures exist primarily to ensure the wellbeing of citizens. For that matter, state sovereignty only takes on meaning to the extent that it ultimately promotes human security. If this is granted, it stands to reason that

human security represents a superior quality when placed side-by-side with state security. As such, human security should prevail over state security in the event of the two interests clashing with one another.[7] Consequently, Article 4(h) of the Constitutive Act of the AU grants it the right 'to intervene in a member state … in respect of grave circumstances, namely war crimes, genocide and crimes against humanity'.

At the same time, however, the Constitutive Act also contains OAU principles, such as the sovereign equality of members (Article 4(a)) and non-interference by members in the internal affairs of others (Article 4(g)). While articles 4(h) and 4(g) may appear contradictory, this paradox may be resolved if the philosophy behind the decision to enshrine both principles in the Constitutive Act is appreciated. Given that Africa's conflicts are largely intra-state in nature, any auspicious framework for conflict prevention, management and resolution must be endowed with the authority to intervene in what Wheeler terms 'supreme humanitarian emergency'.[8] That is, the situation in which 'the only hope of saving lives depends on outsiders coming to the rescue'. As pointed out earlier, insistence by the OAU on the inadmissibility of interference in the internal affairs of state without a countervailing provision being adopted to allow for humanitarian intervention led to the enfeeblement of the OAU.[9]

The AU's right to intervene is directed at remedying this fundamental defect and hence making it possible for it to intervene in situations of genocide, war crimes and crimes against humanity. It should, however, be noted that any form of intervention in the internal affairs of another state must receive prior authorisation from the AU, or at least from the Regional Economic Communities (RECs), as the case may be. Put differently, an intervention, whether by an individual state or a group of states that lacks the approval of the AU amounts to a contravention of the Constitutive Act. Therefore, just as the diminution of sovereignty (through the right to intervene) constitutes an indispensable prerequisite for enhancing human security in Africa, it would be equally catastrophic to abandon the principle of non-intervention altogether, since it is crucial for protecting weak states against the aggressive tendencies of strong ones.

The AU's emphasis on the idea of human security through the re-conceptualisation of sovereignty was reinforced by the adoption of an international Responsibility to Protect (R2P) norm by the UN at the 2005 World Summit. This principle justifies and legalises humanitarian intervention whenever a state is unwilling or unable to protect its citizens from gross and fundamental human rights

violations, or when the government itself becomes the perpetrator of extreme violence against the civilian population. According to Gareth Evans, a co-chairperson of the International Commission on Intervention and State Sovereignty (ICISS), which drafted the R2P report, the essence of sovereignty 'should now be seen not as *control* but as *responsibility*'.[10] While, the provisions of the R2P norm are clear and specific, there is no assurance that its application will be equally smooth. The disagreement between the AU and the International Criminal Court (ICC) over the latter's arrest warrant against President Omar Al Bashir of the Republic of Sudan for alleged atrocities committed against the civilian population of Darfur, is a case in point. Aning and Atuobi conclude that 'the ICC appears to be pursuing justice and not peace, while the AU is pursuing peace and not justice'.[11]

Such impediments notwithstanding, there is no doubt that the AU has developed a strong aversion towards impunity and despotism in Africa. Even though the club of African heads of states continues to exist, the entry requirements have been sanitised dramatically. In the first place, accession to political power is now to be made only through democratic procedures of free, fair and transparent elections.[12] Secondly, issues of human security are to take precedence over regime and territorial security. Yet, the simple definition of security in human and continental terms is not considered sufficient. The AU has therefore taken important steps to implement its human-centred norms and values.

NATURE AND SOURCES OF AFRICA'S FUTURE SECURITY THREATS

As much as civil wars and their associated human rights violations continue to plague African countries, the phenomenon is certainly not the only security threat confronting the continent. Contemporary African security concerns include the proliferation of small arms and light weapons; the prevalence of sub-state (military) actors, including child soldiers and mercenaries; trans-national criminality such as drug trafficking and money laundering; internal displacement and refugee flows; increasing environmental stresses and strains; demographic pressures on resources; international terrorism; excruciating poverty; and pandemics such as HIV/AIDS.[13] Depending on the type of remedies these threats may require, Aning and Atta-Asamoah categorise them into two major groups, namely threats that 'require military responses' and threats that 'do not require direct military involvements'.[14]

At the same time, it is possible to discern a common thread running through these security challenges. They are essentially endogenous in nature. Put differently, these problems are largely the consequences, and at times the causes, of state-capacity weakness in Africa. Even the effects of threats such as climate change or global warming, which seem far removed from the control of the state, can be minimised by governments, which can reduce their impacts on populations by ensuring that functioning institutions steer appropriate mitigation and adaptation strategies. If this is granted, then MacQueen is right when he argues that '[the] issue of the state in Africa lies somewhere in each of the conflicts in which the UN has been called to intervene, whatever their specific origins or outcomes'.[15]

 The immediate question that arises is exactly what explains the phenomenon of weak-state capacity in Africa. It is important to point out, however, that we do not discount the impact of international political, economic and strategic forces on domestic politics. Rather, international forces mostly tend to exacerbate frail internal structures, which is an indication that an inverse relationship may exist between the nature of the domestic structure and the impact of external factors on it. In other words, the more fragile the structure of a state, the higher the likelihood that it will yield to external pressure, and vice versa. A good understanding of the factors accounting for state weakness in Africa and the best approaches for tackling them could therefore be vital for mitigating the negative impacts of international politics.

Writing on the structural weakness of African states, Englebert argues that 'African states suffer on average from greater legitimacy deficits than other regions'.[16] He traces the problem to the continent's colonial history and contends that African states were born lacking legitimacy because their governments were largely 'exogenous institutions superimposed over pre-existing political structures'. Unlike countries elsewhere, he says, African states could not assimilate the divergent pre-colonial polities and institutions as they were also based on patrimonialism, or patron-client relationships. This situation has resulted in 'clashing and mismatched institutions, contested sovereignty and disputed allegiance'. Englebert's conclusion on the legitimacy-security/development nexus echoes Lipset's proposition that the stability of any given democracy depends, among other things, on the legitimacy of its political system.[17]

Advancing similar views, MacQueen locates Africa's structural weakness in a combination of 'cultural inflexibilities and contradictions', and changes in

international political and economic environments. He argues that the emergence of the post-colonial African state did not necessarily result in the disappearance of the underlying culture, 'which remained enduringly patrimonial'. Rather, patrimonialism gave way to 'neo-patrimonialism' as post-independence African leaders tried to align the new state with pre-existing patrimonial political cultures. As a system based on the distribution of resources by the holders of political power, or by patron(s) to their subjects in return for support and loyalty, the system had no place for democratic principles.

With time the size of available resources for disbursement began to diminish as the capacity of the state to generate wealth was destroyed. The reduction in internal viability resulted in states becoming more susceptible to global currents, such as the 1973 oil crisis and, in particular, the end of the Cold War, as a result of which African leaders could no longer influence and obtain supplies from their superpower backers. With no resources for inducement, the inevitable result was for leaders to resort to coercion. Consequently, 'the condition rapidly developed for both intra-state and, in certain circumstances, inter-state conflicts, which local resources were wholly insufficient to resolve'.[18]

Yet another variant of the above arguments is the idea of the 'big man', as used in the sense of its neo-traditional, paternalistic and autocratic sense where African elites, intellectuals, elders, rulers, wealthy people and traditional kingpins believe they are the only ones destined to rule or to have a monopoly over ideas. As a rule this obstructs the popular will of a people and reduces self-expression by creating opportunities for the 'big man' to lord it over people by at times invoking outdated traditions and divinity.

Neo-patrimonialism, on the other hand, is an offshoot of Weber's patrimonial-charismatic-legal-bureaucratic model of administration, which is often employed to explain the nature of politics, economics and socio-cultural practices.[19] Part of the argument is that Africa's problems stem predominantly from the confused nature of domestic political systems in Africa.[20] Bratton and van de Walle argue that 'while patrimonial practices can be found in all polities, it is the core feature of politics in Africa … (which) constitutes [both] the foundation and superstructure of (African) political institutions'.[21] For Chabal and Daloz, inherent in such politics is the 'violence of everyday life'.[22] This violence can be both structural and physical. The context within which 'violence' is applied generally refers to its structural, indirect sense to connote the emerging behaviour of 'big men' within AU structures. Patrimonialism therefore provides a

causal explanation of politics in the developing world at both the domestic and the multilateral level. Increasingly such dynamics characterise politics within the AU.

While there is a general trend towards the promotion and consolidation of a democratic culture in Africa, the problem of structural incapacity deriving from state and governmental 'illegitimacy' and neo-patrimonialism continues to pose a major challenge. This is evident in the ethnic, regional and religious dimensions of recent violence in parts of Africa, including Kenya, Sudan and Nigeria. Crises such as those in Sudan and Côte d'Ivoire flowed from the exclusionary policies followed by the leaders of these countries, where the distribution of political and material resources was run along ethnic and regional lines.

Therefore, as much as it is necessary for the AU to build a robust mechanism for undertaking high-intensity peace support operations (PSOs), it is equally important for attention to be paid to the building of viable national structural and institutional arrangements based on 'rational legal authority'. It can be argued that while all Africa's political systems are theoretically based on rational legal bureaucratic models, the actual practice of governance hardly follows the mechanisms and dynamics of the decision-making processes envisaged by the model. Governance, political negotiation and decision-making are usually based on personal networks that also function as a means of cooptation and control.

This argument, as it relates to the AU, is captured well by Morten Boas, who applies such interpretational patrimonialist approaches to Africa and then relates it to internal African politics, as well as to international politics.[23] According to Boas, the manner in which Africa carries out its international politics reflects that of a marginal site, and therefore the policy processes and outputs may be different and beyond the strict institutional regulation in a Western bureaucratic sense. In return for rewards, he argues, beneficiaries of such patronal systems mobilise both bureaucratic and political support, and the referral of decision-making higher up the political chain out of respect.[24] Under such a system, politics basically turns into 'spoils politics', comprising corruption, bureaucratic inertia and mismanagement.[25] To fully appreciate how 'big men' through their patronage politics influence the functioning of the AU, Boas' paper discusses what he perceives as (a) the contestation for bureaucratic power among some of the AU Commission's institutions, and (b) the manner in which such institutional politics impact on the work of its most powerful institution, namely the PSC.[26]

The capacity vacuum of African states continues to serve as the primary security threat on the continent. The absence of strong, ordered, participatory and predictable institutions in African states has often resulted in their inability to discharge the basic functions of providing law and order and the baseline conditions under which citizens can obtain broader material needs. The establishment of credible and enduring institutions, together with a leadership whose conduct and determinations are informed by democratic principles and values, therefore remains the best strategy for addressing the specificities of security threats. For so long as Africa continues to suffer from structural and leadership crises, so long will the numerous problems listed above continue to linger, and so long will peacekeeping remain inevitable.

THE AU'S EVOLVING PEACE AND SECURITY ARCHITECTURE

To discharge its responsibility fully and thus give meaning to the paradigm shift from state to human security, the AU has put in place, and is still forging, structural and institutional arrangements necessary for tackling Africa's complex emergencies. While action in this regard appears to be slow and scattered, developments can be rolled into one under a broader APSA, which represents a multidimensional collective security arrangement for the promotion and consolidation of peace and security in Africa. At the heart of APSA is the AU's PSC.

This institution came into being in 2004 by virtue of the AU Protocol Relating to the Establishment of the Peace and Security Council. The 15-member Council is a 'standing decision-making organ' grounded on a collection of key norms, values, principles and intents of the AU. The PSC has extensive objectives, functions and powers that make it the most crucial structure of the security architecture. In conjunction with the chairperson of the AU Commission, the PSC has the power, among other things, to:

- Anticipate and prevent disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity
- Institute sanctions in events of unconstitutional changes of government

The broad range of the powers of the PSC and its deterrence authority in particular differentiates it from the erstwhile OAU Mechanism for Conflict Prevention,

Management and Resolution. The PSC is generally designed to function along the lines of the UN Security Council (UNSC). Yet, the two bodies are distinct in fundamental ways. For instance, unlike the UNSC, the PSC has no permanent members. Also, in contrast to the UNSC's permanent members, PSC members have no veto power. In view of the scale of the Council's mandate and the considerable range of challenges that can be expected, the PSC is able to call on auxiliary bodies to provide support for its work. These include the Panel of the Wise, which is composed of highly distinguished African personalities to advise and engage in quiet diplomacy; the Continental Early Warning System (CEWS), which has the role of facilitating 'timely and efficient response to conflict and crisis situation in Africa'; and the African Standby Force (ASF), which serves as the operational arm of the PSC.[27]

In fact, there was a turning point to this process during a PSC meeting in late 2006 on the Ethiopian intervention in Somalia.[28] This intervention contravened AU policy of neighbouring states never being permitted to act as 'peacekeepers' if they are perceived to be potentially biased by any party to the conflict. The policy paper prepared by the PSC's analysts argued that the Ethiopian intervention infringed on the rights of Somalia and that a policy of rapprochement with the Islamic Court Union (ICU) was a better option. But both the Commissioner of Peace and Security and the chairperson of the Commission, as well as PSC members, rejected this analysis. Following a heated debate, the PSC decided to support Ethiopia's intervention. Even more interesting was the fact that there was a split between the two senior leaders of the Commission. While the former deputy chairperson, Patrick Mazimhaka, was in support of the intervention, the chairperson, Alpha Oumar Konare, publicly distanced himself from the decision and reprimanded his deputy. This is a clear indication that cognitive processes hardly informed the positions taken by the PSC.

Further examples of the difficulties being encountered in the decision-making processes of the PSC were provided by political developments in Togo in February 2005, the coup d'état in Mauritania in 2006 and Niger's President Mamadou Tandja's referendum for a third term in office in 2009. The PSC's decision in each of these instances was to suspend the countries immediately for breach of protocol. Again, these decisions indicate an emerging duality in the body's decision-making processes.

Decisions by the PSC in connection with political upheavals in member states are fundamentally decisions of a legal nature. For instance, the condemnation of coups d'état by the Declarations of Heads of State and Governments at the Algiers

(1999) and Lomé (2000) summits, or the principles of the Constitutive Act relating to unconstitutional changes of government, have relatively little impact on the authorities in the countries concerned and indicate only that the AU is facing up to its responsibilities. It is becoming clear that such statements have a declaratory intent only. The cause is the fact that the 'big man' syndrome is basically still part of Africa's political culture and is beginning to re-emerge.[29]

Because of these developments there is growing concern among outside observers, especially development partners, about the ability of either the PSC or its secretariat to follow through with the implementation of decisions taken.[30] The concerns are strengthened by the fact that after 201 meetings of the PSC there is still not a definitive procedure in place to examine whether the states that have been sanctioned are complying with the Council's decisions. There are no evaluation or feedback mechanisms that permit PSC members or the Secretariat to evaluate the implementation of their decisions. If there is any follow-up at all, it is on an ad hoc basis only. There appears to be no interest among PSC members to follow through.

Despite its impressive security architecture, the AU still lacks the wherewithal to underwrite peacekeeping and peace-building missions in Africa. As the UN has observed, 'the full deployment of African Union missions has been often limited by lack of equipment, inadequate transport capacities, and other operational weaknesses'. For example, while the AU Mission in Burundi (AMIB) and the AU Mission in Darfur (AMIS) have demonstrated commendable political will on the part of the AU to address Africa's multi-dimensional conflicts, the lack of adequate financial and other resources has often deprived the AU of the staying power to effectively execute its missions. Since its inception, the organisation has been confronted with the problem of getting its security mechanism into shape while at the same time having to respond to crises. For instance, no sooner had the AU completed the transfer of AMIB to the UN in 1994, than it was called upon to intervene in Darfur.

There is no doubt, however, that the AU and the UN share a common peace and security objective. Both organisations possess unique strengths and suffer unique limitations.[31] The AU and the UN have, therefore, adopted an eclectic approach to conflict prevention, management and resolution in Africa that seeks to build on the respective strengths of the two organisations. It is appropriate to examine here the kind of security threats that confront the AU and its partners, and the principal causes of these threats.

THE UN-AU PEACE AND SECURITY PARTNERSHIP

Since the Rwandan genocide of 1994, a realisation has grown in Africa that it is simply imprudent to rely exclusively on the UN for the continent's peace and security needs. Yet the building of autochthonous African peace and security machinery through APSA has not been accompanied by a corresponding capacity for conflict prevention, management and resolution. While the AU seeks to play a more prominent role on the continent, the primacy of the UN in the maintenance of peace and security internationally can hardly be disputed. And since the two organisations share a common objective, partnership between them appears to be a more prudent and desirable option for tackling Africa's myriad security challenges. This point was succinctly articulated by the AU-UN panel on support to AU operations when it noted that '[t]he complexity of modern peacekeeping means that no single organisation is capable of tackling the challenge on its own'. [32]

In the light of this, there have since the 1990s been increasing calls for deeper co-operation between the two organisations under the Chapter VIII provisions of the UN Charter. Aning, for instance, makes the following observation:

> … in 1989 there were no reference[s] in Security Council resolutions to regional organisations, and in 1990 there was only one such reference. From 1991, however, references to regional organisations' engagement in conflict became common … It is clear that since 1989, and especially since 2004, the Council's practice with respect to approving actions undertaken by regional organisations has increased. [33]

The foundations of the UN-AU partnership

Aside from the common objective of ensuring peace and security, the basic assumption underlying the UN-AU partnership seems to be that 'regionalism as a component of multilateralism' constitutes a superior strategy for peacekeeping and peace-building in Africa. The UN and the AU possess unique strengths and shortcomings. A common partnership between them can therefore facilitate the creation of a platform by which they can 'maximise the comparative advantages of each body and ensure the complementarity of roles'.[34]

While the UN has the primary responsibility for maintaining international peace and security, the organisation was originally not designed as a peacekeeping

body. Indeed, there is no reference to the concept of peacekeeping in the UN Charter. The organisation was established to serve as a collective security arrangement to handle conflicts between states. The intra-state nature of Africa's conflicts, or those situations in which the state simply ceases to exist, seems to overwhelm the UN.

Three key reasons have been identified by the UN for the desirability of a UN-AU partnership. These include the AU's proximity to a crisis that develops in Africa, its interest in resolving conflicts in its backyard, and its familiarity with the actors and issues involved in specific conflicts. UN-AU peace support operations have so far followed a sequence in which 'the AU, or one of the RECs, first deploys a stabilisation operation, followed by [a more enhanced UN] peace operation within approximately 90 to 120 days'.[35] The AU and UN missions in Burundi and the hybrid UN-AU mission in Darfur represent the AU's flagship missions so far.

The AU Mission in Burundi

To restore lasting peace to war-torn Burundi, the AU authorised the deployment of AMIB on 2 April 2003 for the purpose of implementing the Arusha Peace and Reconciliation Agreement for Burundi signed on 28 August 2000. The mission was to last for an initial period of one year pending the deployment of a UN peacekeeping force to be mandated by the UNSC. Being the first wholly executed mission by the AU, AMIB's mandate included the following tasks:

- To establish and maintain liaison between the warring parties
- To monitor and verify implementation of the ceasefire agreement
- To facilitate the activities of the Joint Ceasefire Commission (JCC) and the Technical Committee for the establishment of a new national defence force and police force
- To facilitate safe passage for the parties during planned movement to the designed assembly area
- To facilitate and provide technical assistance to disarmament, demobilisation and reintegration (DDR) processes
- To facilitate the delivery of humanitarian assistance to refugees and internally displaced persons

AMIB had the responsibility of ensuring the stability of Burundi while at the same time creating the conditions necessary for the subsequent deployment of the UN

mission. Since the 1993 debacle in Somalia, in which 18 US soldiers lost their lives, the UN has been rather reluctant to deploy troops from Western countries in cases where the potential for a relapse into conflict is high. By the end of its mission, AMIB had succeeded in establishing relative peace in Burundi and had paved the way for UN deployment. The AMIB troops were incorporated into the UN Peace Operation in Burundi (ONUB), which was established by UNSC Resolution 1545 of 2004. AMIB has since become the prototype of UN-AU collaboration on peace and security. Its experience was later to be replicated in Darfur on an even larger scale.

Useful as AMIB was in establishing the precedent for the division of responsibility between the UN and the AU, in which the comparative advantages of the two organisations could be exploited in the search for international peace and security, it failed to develop a standard operating procedure for UN and AU joint action. Consequently, even though the sequence was later repeated in Darfur, the operation could not have commenced on a less auspicious note.

UN-AU hybrid mission in Darfur

There is no doubt that the UN-AU Mission in Darfur (UNAMID) represents the most important joint security collaboration the two organisations have engaged in so far. The mission, established by UNSC Resolution 1769 of 2007 to implement the Darfur Peace Agreement (DPA), comprised a blend of AU and UN personnel.[36] It was authorised under Chapter VII of the UN Charter with a mandate that included the following:

- To contribute to the restoration of necessary security conditions for the safe provision of humanitarian assistance, and to facilitate full humanitarian access throughout Darfur
- To contribute, within its capabilities and areas of deployment, to the protection of the civilian population under imminent threat of physical violence, and to prevent attacks against civilians
- To monitor, observe compliance with and verify the implementation of various ceasefire agreements signed since 2004, and to assist with the implementation of the Darfur Peace Agreement and any subsequent agreement
- To assist the political process in order to ensure its inclusivity and to support the AU–UN joint mediation aimed at broadening and deepening commitment to the peace process

UNAMID formally commenced its operations in December 2007, four years after the crisis had developed. In 2005 the crisis was labelled a 'genocide' by Colin Powell, then US Secretary of State.[37] It is for these reasons that the AU occupies a strategically important position when it comes to dealing with conflicts on the continent.

Indeed, the AU was the first international organisation to intervene in the Darfur crisis. With the UN divided as to exactly how to deal with Darfur, the AU was confronted with the task of providing protection for the civilian population and working towards the restoration of lasting peace and security in Darfur. The AU brokered the Humanitarian Ceasefire Agreement in 2004 and the Darfur Peace Agreement in 2006 with support from the UN and other international actors. It subsequently deployed the AU Mission in Sudan (AMIS) to implement the peace accords. The capacity of AMIS to deliver effective civilian protection was hampered by serious problems stemming from inadequate financial, personnel and logistical resources. Even with the 2007 transition from AMIS to UNAMID, resource problems continued to persist. To address these, the AU-UN Panel on the Modalities for Support to AU Operations, established by the UN Secretary-General, recommended that a multi-donor trust fund be established based on the EU-funded African Peace Facility (APF). The panel furthermore recommended the release of UN funding to support UN-authorised AU peacekeeping operations.

AU-EU partnership

There is a deepening relationship between the AU, the EU and the UN in their efforts to collectively respond to Africa's security challenges, in particular when it comes to collaborative multi-dimensional peace support operations. While the AU's collaboration on peacekeeping with the UN has been useful, it is the EU, by virtue of its provision of consistent funding options via the APF, that has permitted the AU to sustain its flagship peacekeeping engagements, particularly in Darfur. The EU has also been instrumental in its support for the emerging APSA. The APF was established by the EU in 2003 to support the AU and its RECs in their peacekeeping and peace-building initiatives.

The UN, EU and AU have different internal structures, levels of experience and resource levels for peacekeeping operations. Despite these diverse comparative advantages for peace operations in Africa, there is a genuine political willingness to deepen the relationship. The EU strategy for engaging with Africa

emphasises true collaboration among equals, which represents a shift away from the previous '*by* the EU *for* Africa' and moves beyond the traditional top-down uni-directional relationship.[38]

DIVISION OF RESPONSIBILITY AND THE FUTURE OF THE APSA

Given the AU's capacity constraints and judging by the positive achievements of the AU-UN collaborations in Burundi and Darfur, there is no doubt that the partnership represents an effective strategy for addressing Africa's security challenges. Yet the future viability of APSA, in terms of acquiring the necessary capacity to perform its functions as set out in the Constitutive Act and the Protocol Establishing the Peace and Security Council, requires a two-pronged approach. First, there is need for the necessary political will on the part of African leaders not only to adhere to the democratic norms and values they have adopted for themselves, but also to sanction colleagues who defy such tenets.

Secondly, the emerging AU-UN partnership has to be formalised and transformed from the current ad hoc and unpredictable arrangement into a more sustainable process that is well defined and coordinated. The advantages of such an outcome for the long-term viability of the AU and its security system seem to be enormous. Apart from aiding the AU to build its capacity for effective peace support operations, such a partnership would result in greater accountability on the part of African leaders as the UN engages more closely with the continent. Leaders have a responsibility to protect, both under the Constitutive Act of the AU and the Charter of the UN.

CONCLUSION

While the AU's shift from state and regime security to human security represents an indispensable prerequisite for addressing Africa's myriad peace and security challenges, the ultimate solution to the continent's security threats seems to lie in the extent to which the AU's new norms and principles translate into credible and viable structural and institutional arrangements in individual African states. For this situation to come about it is important that the AU commits its efforts not only to operational conflict prevention, but to structural conflict prevention as well. Given the congenital resource constraints of the AU, there is also

a compelling need for improvement in the emerging AU–UN partnership, which has so far been of an ad hoc and unpredictable nature. Not only do the AU and the UN share common peace and security objectives, they also possess unique attributes that make for the crafting of eclectic peacekeeping and peace-building strategies.

NOTES

1   Organisation of African Unity, OAU Charter, Addis Ababa, 25 May 1963.

2   According to the 1994 UN Development Programme's Human Development Report, 'human security' has two main meanings. First, it means 'safety from such chronic threats as hunger, disease and repression'. Second, it means 'protection from sudden and hurtful disruptions in the patterns of daily life'. The Conflict Prevention Framework of the Economic Community of West African States (ECOWAS) also defines human security as 'the creation of conditions to eliminate pervasive threats to people's and individual rights, livelihoods, safety and life; the protection of human and democratic rights and the promotion of human development to ensure freedom from fear and freedom from want'.

3   African Union, African Union Non-aggression and Common Defence Pact, Abuja, 31 January 2005, article 1(k).

4   Global Centre for the Responsibility to Protect, Atrocities in Nigeria's Plateau State and responsibility to protect, *Policy Brief*, March 2010, 3

5   G King and C Murray, Rethinking human security, *Political Science Quarterly* 116(4) (Winter 2001–2002), 585–610.

6   African Union, The Constitutive Act, Addis Ababa, 2000.

7   Sub-regional organisations in Africa, such as ECOWAS, also recognise the primacy of human security. For instance, the ECOWAS Conflict Prevention Framework ultimately aims to 'strengthen the human security architecture in West Africa'.

8   NJ Wheeler, *Saving strangers: Humanitarian intervention in international society,* Oxford: Oxford University Press, 2000, 34.

9   Organisation of African Unity, The OAU Charter, Addis Ababa, 1963.

10   Gareth Evans, From humanitarian intervention to the responsibility to protect, *Wisconsin International Law Journal* 24 (2006), 708.

11   K Aning and S Atuobi, The responsibility to protect in Africa: An analysis of the African Union's peace and security architecture, *Global Responsibility to Protect* 1(1) (2009), 111.

12   Article 4(p) of the Constitutive Act condemns and rejects unconstitutional changes of government.

13   C Ukeje, Rethinking Africa's security in the age of uncertain globalisation, paper submitted to the 11th Council for the Development of Social Science in Africa General Assembly, Maputo, 6–10 December 2005.

14   K Aning and Andrews Atta-Asamoah, Military challenges and threats in West Africa, in Hans Günter Brauch (ed.), *Coping with global environmental change, disasters and security: Threats, challenges, vulnerabilities and risks,* New York: Springer-Verlag, 2010, 126.

15   Norrie MacQueen, *United Nations peacekeeping in Africa since 1960,* New York: Longman, 2002, 17.

16   According to Englebert a state is deemed legitimate 'when it has evolved endogenously to local social relations of power and authority or when, having originally been imported, it is then absorbed by such pre-existing endogenous institutions'. P Englebert, *State legitimacy and development in Africa,* Boulder, CO: Lynne Reinner, 2000, 71.

17   Saymour Lipset, cited in Pierre Englebert, *State legitimacy and development in Africa,* Boulder, CO: Lynne Reinner, 2000, 90.

18   Norrie MacQueen, *United Nations peacekeeping in Africa since 1960,* 2002, 22.

19   Max Weber, *Economy and society,* New York: Bedminster Press, 1968, 49.

20   Examples of how patrimonial politics is played out in several African countries may be found in the following publications: Richard Joseph, *Democracy and prebendal politics in Nigeria: The rise and fall of the Second Republic,* New York: Cambridge University Press, 1987; Christopher Clapham (ed.), *Private patronage and public power,* New York: St Martins Press, 1989; R Lemarchand, *Burundi: Ethnic conflict and genocide,* Cambridge: Cambridge University Press, 1996; Michael Bratton and Nicholas van de Walle, Neo-patrimonial regimes and political transitions in Africa, *World Politics* 46 (July 1994), 453–89.

21   Bratton and van de Walle, Neo-patrimonial regimes and political transitions in Africa, 127.

22   Patrick Chabal and Jean-Pascal Daloz, *Africa works: Disorder as political instrument,* Oxford: James Currey, 1999, 38.

23   Morten Boas, Liberia and Sierra Leone – dead ringers? The logic of neopatrimonial rule, *Third World Quarterly* 22(5) (2001), 148.

24   Bratton and van de Walle, Neopatrimonial regimes and political transitions in Africa, 102.

25   Chris Allen, Warfare, endemic violence and state collapse in Africa, *Review of African Political Economy,* 26(81) (1999), 47.

26   For a detailed explanation of an emerging culture of 'big men' and neo-patrimonialism within the AU undermining the development of Weberian legal-rational authority, see K Aning, in *Africa Programme Report,* Swedish National Defence College 13 (January 2010), 5.

27   See the Protocol Relating to the Establishment of the Peace and Security Council, Durban, 9 July 2002.

28 An AU mission was eventually sent to Somalia in 2007 with 1 400 Ugandan troops. Ghana, Nigeria, Malawi and Burundi, which had promised troops, failed to deliver.

29 See Roger Bate, Africa cannot afford regression to big man leaders, 2004, http://www.aei.org (accessed 10 August 2009); M Wrong, The big men have tightened their grip, *New Statesman*, 10 July 2006; and Tandja and the big man syndrome, http://myjoyonline.com (accessed 10 August 2009).

30 Interview with several development partners in Addis Ababa, 1 to 5 November 2008.

31 See UNSC, The relationship between the UN and regional organisations, particularly the African Union, in peace and security, United Nations, 2008.

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34 T Ajayi, The UN, the AU and ECOWAS – a triangle for peace and security in West Africa, *Friedrich Ebert Stiftung, Briefing Paper* 3 (September 2008).

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36 The Darfur Peace Agreement was signed between the government of Sudan and the Minni Minawi faction of the Sudan Liberation Army/Movement. The agreement was to bring about a cessation of hostilities leading to a systematic process of power and wealth sharing. However, the fact that only one of the rebel factions signed the document meant that its impact would be negligible.

37 K Powell, The African Union's emerging peace and security regime: Opportunities and challenges for delivering on the responsibility to protect, *ISS Monograph Series No. 1999*, May 2005.

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9 The African Peace and Security Architecture
The nature and consequences of European Union support

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ABSTRACT

The African Peace and Security Architecture (APSA) is evidence of a commitment by the African Union (AU) to address Africa's evolving security challenges. At the heart of this commitment is the need for common African ownership, yet a differentiated and appropriate response at various levels. APSA is a central focus of the current strategic dialogue between the European Union (EU) and Africa on peace and security issues, with the EU being the largest financial backer of APSA through the African Peace Facility (APF). The difficulty the AU would have had in mounting peacekeeping operations in Sudan through the AU Mission in Darfur (AMIS), or Somalia through the AU Mission in Somalia (AMISOM) without EU financial support through the African Peace Facility (APF) is openly acknowledged by the AU Commissioner for Peace and Security, as well as by independent African analysts (African Union 2009a; Cilliers 2008). It should be noted that other partners such as the United Nations (UN) and the United States (US) are also playing their role in supporting APSA (Assanvo and Pout 2007). While these other partners, particularly the UN and the G8 countries, are extremely important for APSA, the focus of this chapter is the EU's relationship with APSA.

A shared and at times troubled history in relation to peace and security between Africa and Europe forms the backdrop to current African–European relations in this regard. While the EU, and more specifically the European Commission (EC), is not the only non-African supporter of APSA, there are consequences concerning the level and nature of EC support as far as Africa's strategic challenges to the year 2030 are concerned. This chapter will analyse the strategic background to the EU's support of APSA and then focus on the central concept of capacity development and the issue of ownership in relation to this. It will also explore the relevance to Africa of the three elements of engagement on peace and security that have been jointly agreed as priority areas in the Africa–EU Partnership for Peace and Security. This partnership is directly related to the Joint Africa–EU Strategy (JAES), which was endorsed by African and European heads of state at the Lisbon Summit in 2007. The three elements are the enhancement of dialogue on peace and security issues, full operationalisation of APSA and predictable funding for African-led peace support operations.

The chapter then summarises strategic and operational questions that arise from the analysis of EU support to APSA, and suggests areas of further research and engagement. This chapter is based mainly on desk analyses and an overview of institutional and higher-level policy responses, rather than providing details of human security challenges in the context of conflicts, specific missions or the perspectives of those working at the 'front line'. The initial analysis is of a more political nature in line with the remit of purpose of the monograph, yet many of the issues require further research, analysis and reflection, given their significant implications. Hence this chapter is deliberately more provocative than one written strictly for a policy or academic audience.

INTRODUCTION

Since the start of the millennium when the first Africa–European Union (EU) Heads of State Summit took place in Cairo in April 2000, a more specific Africa-EU political dialogue on peace and security has continued. Also in 2000, the Cotonou Partnership Agreement between the EU and the African, Caribbean and Pacific (ACP) group emphasised conflict prevention and peace-building in Article 11 as a key area of cooperation and action. Importantly, this provided much more latitude for the European Commission (EC), in consultation with the ACP, to provide financial support for the promotion of peace and security in Africa.

With the advent of the African Union (AU) in 2002, the EU gained a more formal and institutional interlocutor with a specific and enlarged peace and security mandate. During the Maputo Summit of July 2003, the AU made a specific request to the EU for support with regard to its peace and security initiatives. This request was acknowledged and adopted in the final communiqué of the EU-Africa Dialogue in Rome in November 2003. Specifically, it was agreed to 'fund peace support and peacekeeping operations in Africa and to strengthen capacity in this field …' (European Union and African Union 2003). At this meeting both sets of ministers also noted 'with satisfaction the progress made in the establishment of the AU peace and security architecture' and 'the efforts made [in peace and security] to enhance dialogue' (European Union and African Union 2003). Most tangibly and controversially among the European development community was the joint decision to use the European Development Fund (EDF) in a specific African Peace Facility (APF) towards this end (Box 1).

Eligible costs under the APF include, among others, allowances, communications equipment, peacekeepers' per diem, medical facilities, civilian equipment,

Box 1 The African Peace Facility

Objective: *To support Africa, and in particular the AU and regional African organisations, in tackling African conflicts by increasing these organisations' capacities in the planning and conducting of peace support operations, and by supporting the conduct of African peace support operations, for which this project will provide a share of the finances.*

The European Commission (EC) is the largest donor to African-led peace support operations through the financial instrument of the APF under the European Development Fund (EDF). An amount of €440 million was committed under the 9th EDF and a further €300 million under the 10th EDF for the 2008 to 2010 period.

The APF funds peace support operations (PSOs) launched by the AU and authorised by the UN Security Council (UNSC), conditional on the political approval by unanimity of the EU Council.

The APF also finances capacity-building activities to reinforce African capabilities in the prevention, management and resolution of conflicts.

transportation and logistics. Under no circumstances can APF funding be used to buy arms and ammunition, or to cover military expenditure.

This required not only the agreement and buy-in of European governmental and intergovernmental stakeholders, but also of ACP government ministers, since part of the financing was coming directly from budgets originally designed for economic and social programmes at the intra-ACP level and for ACP countries in general. These resources are governed by the principle of 'joint decision-making' under the Cotonou Agreement. The fact is that the main resources associated with the Peace and Security Partnership of the Joint Africa-EU Strategy (JAES) are taken from the EDF, since the Joint Africa-EU Strategy is neither a legal framework, nor does it have a dedicated system of financial resource allocation and management. This is a structural weakness and a constant threat to the long-term sustainability and predictability of EU support to JAES.

Yet, it is generally acknowledged that funding through multilateral mechanisms, such as the EDF, are more predictable and stable than bilateral forms of support. Thus, while the procedures of the EDF, as a short-term political instrument, are structurally weak, they do hold certain advantages. This is because once the objectives of EDF support have been agreed and programmed, as in the case of the APF, they are somewhat structurally immune from short-term political pressures aimed at a change of focus. This permits a medium to long-term approach to peace and security issues, in particular with reference to the African Peace and Security Architecture (APSA).

In addition to funding through the APF, the EU supports various aspects of conflict prevention in Africa indirectly through the provision of EDF allocations at the level of African countries and regions. Adding the APF funding and the support for relevant shares of national and regional indicative programmes under the EDF, the EU estimates that its total support to APSA amounted to €1 billion over the approximate period of the first JAES Action Plan from 2008 to 2010.

The impetus behind the EU's enthusiasm for and its investment of financial resources in APSA has to be seen within a wider strategic context. The EU's attempt at developing its own 'peace and security architecture', more commonly known as the Common Foreign and Security Policy (CFSP) and the European Defence and Security Policy (ESDP), has itself been a difficult process.[2] Much of the original impetus for the ESDP came about because of the EU's perceived failure to respond to the conflicts in south-eastern Europe in the early 1990s. Yet despite having developed specific EU rapid-deployment forces in specific formations, 'no battle group has actually been

deployed in an operation, even though EU member states have invested significant amounts to build the capability, and in spite of calls for deployments in several specific situations' (International Institute for Strategic Studies 2009). The problems of APSA mirror in certain aspects the problems of the ESDP in that it requires a political decision and political agreement across member states to deploy.

As the strategic environment changed following the terrorist attack on the US on 11 September 2001, the EU for the first time developed a European Security Strategy (ESS) (European Union 2003). The ESS, which was launched in 2003, emphasised the link between security and development in both Europe and Africa, the existence of regional conflicts in Africa and the EU's interest in energy security, counter-terrorism and migratory movements. Europe's strategic interests in Africa did, of course, extend beyond conflict prevention and peace-building to migration, with EU interest in counter-terrorism and access to energy in Africa only likely to become more pertinent in the future (Keohane and Valasek 2008). More specifically, the ESS made mention of the need to work with regional partners, including the AU, to counter such threats.

Yet the EU collectively has had difficulties maintaining a genuine CFSP when it comes to Africa. In addition to APSA, the EU has mounted limited ESDP military and civilian missions in Africa.[3] The rationale for each of these missions has been different and they require strong engagement from EU member states to actually occur. The first mission, 'Artemis' in Bunia, Democratic Republic on Congo (DRC), in 2003 seemed to come about more for wider strategic considerations, with the EU wishing to show that it can mount a joint and cohesive EU military mission 'out of area' (Kingebiel 2005). The EU has also undertaken its first naval ESDP mission 'EU NAVFOR ATALANTA' to respond to piracy off the coast of Somalia. The EU thus retains its ability to engage in military and civilian crisis management missions in Africa, yet these missions to date have only ever been mounted in clear reference to a United Nations Security Council (UNSC) resolution. This pre-condition is likely to be maintained in the near future, since the neutrality status of some EU member states, including Ireland, Sweden and Austria, require the existence of a UNSC decision before their involvement in any armed mission.

The interests of individual EU member states, particularly those of former colonial powers, are in practice not always aligned with a common European position. At times the translation of a collective EU interest into clear action is hard to discern. It has been noted that the existence of a genuine collective European strategic interest in sub-Saharan Africa, as against this being the expression of

individual member states, is currently unclear (Helly 2009). Yet, enthusiasm for APSA in the EU would seem to stem from four considerations.

First is the genuine desire to support the concept of 'African solutions to African problems', and to support this in the long term to ensure that the African response is faster and more effective. Second is the perception that African solutions would cost less than direct European or even UN intervention. Third, while the EU has already intervened directly on the African continent militarily, enthusiasm by the European public and policy-makers for causalities or the long-term deployment of European troops is doubtful (Olsen 2008). This has led some European analysts to talk of Europe 'exiting Africa' in terms of dedicated European peacekeeping missions (Gowan 2008). Europe has other strategic interests, for example in Afghanistan and the Middle East, where it sees more pressing strategic reasons for deploying troops (but has the same difficulties in maintaining a genuinely common European front as regards troop deployment).

Finally, Europe is keen to see Africa being stabilised as a means of promoting an environment more likely to result in the achievement of the Millennium Development Goals (MDGs). Greater stability of African states would be positive for European investment and be a counter to global terrorism. These four considerations have resulted in the EU placing the ability of Africa to respond to peace and security issues closer to the heart of its approach, hence the dominant place of peace and security within JAES. The jointly agreed objectives and priority actions of EU-Africa cooperation on peace and security under the JAES Action Plan 2008–2010 are summarised in Box 2.

ENHANCED AU-EU DIALOGUE ON PEACE AND SECURITY

The first agreed shared objective of the JAES Action Plan 2008–2010 is 'enhanced dialogue' on peace and security. This is not a new objective since it forms part of almost all joint AU–EU communiqués since the Cairo Summit of 2000. However, JAES has provided the impetus for the reinvigoration of some existing dialogue forums and has resulted in the creation of some new joint forums. One of the most innovative of these is the joint meeting between the African Peace and Security Council (PSC) and its European equivalent, the Political and Security Committee (COPS). These two bodies also have another role, namely the approval of the use of APF funds, although the approval process has not taken place at joint meetings.

Box 2 The Peace and Security Partnership under the Joint Africa-EU Strategy

Overall objective: To cooperate in enhancing the capacities of Africa and the EU to respond timeously and adequately to security threats, and also to join efforts in addressing global challenges.

Priority action 1: To enhance dialogue on challenges to peace and security with the objective of reaching common positions and implement common approaches on challenges to peace and security in Africa, Europe and globally.

Priority action 2: To achieve the full operationalisation of APSA to ensure its effective functioning so that peace and security challenges in Africa may be addressed.

Priority action 3: To ensure predictable funding for African-led peace support operations to enable the AU and regional mechanisms to plan and conduct peace support operations.

The funding sources are the Africa Peace Fund of the AU, the European Commission (the Africa Peace Facility and other instruments, such as the Stability Instrument), and bi-lateral contributions from EU and AU countries.

At the first and second joint meetings held in 2008 and 2009, not only African but also European peace and security issues were discussed (African Union and European Union 2009). The institutionalisation of this new forum has been seen as living up to the 'enhanced dialogue', 'beyond development' and 'partnership of equals' principles associated with JAES. The forum will now be a yearly event and alternate between Brussels and Addis Ababa. This development has been hailed as an achievement of the JAES process, but since the PSC has also met in joint session with the UNSC on a number of occasions this does not make the EU-AU joint meeting a unique development.

The second new forum for dialogue is the Joint Expert Groups (JEGs), which are related to the Partnership on Peace and Security associated with the Action Plan 2008–2010 of JAES. JEGs are envisaged for all eight partnerships associated with JAES. To date, three JEGs have taken place and a 'road map' detailing particular actions has been developed. JEGs are co-chaired by an African representative (the Algerian ambassador to Addis Ababa for the first two meetings and the Ugandan ambassador to Addis Ababa for the third) and a European representative

(the special advisor for African peacekeeping capabilities of the European Council Secretariat). Questions have, however, been raised about whether JEGs are the best format for dialogue and expert input.

Participation at the second JEG meeting in Brussels was poorer than expected in that there were only three African participants despite the meeting being attended by some 30 EC and EU officials and a representative of European civil society. This did raise questions about the inclusiveness of this forum. However, at the third meeting in Addis Ababa, African and European participation was greatly improved. The apparent lack of initial African interest in JEG can be explained more by planning considerations and functional issues such as awareness, the resources to travel, and insufficient clarity on and differing expectations of the JEG mandate than an unwillingness to participate.

Apart from JEGs, EU and African implementation teams are due to meet to discuss issues of relevance to JAES. Many African (and also European) peace and security issues are also discussed in the Joint Ministerial Troikas that take place every six months. Indeed, in their communications these forums usually have more to say on peace and security than any other activities associated with JAES. It would, however, be a mistake to think that the Peace and Security JEG is a completely successful forum as both African and European stakeholders are having doubts about the effectiveness of its format.

When analysing the nature of 'enhanced dialogue' it is tempting to focus on dedicated EU-Africa official and semi-official forums, rather than looking at the spirit and quality of the on-going dialogue. The 'quality-of-dialogue' measure is a subjective one, but African stakeholders have indicated that their concern is the way the EU acts in relation to agreed African positions. In some instances this has been seen to improve.[4] Both stakeholders see the alignment of the EU and AU with regard to crisis situations in Mauritania, Madagascar, Guinea, Guinea-Bissau and Somalia as positive for dialogue on peace and security issues. Yet the PSC has also requested the chairperson of the AU Commission (AUC) to work with the international community on these issues, and although it mentions the EU, it does so alongside the UN and other organisations such as the Organisation Internationale de la Francophonie (OIF). It is difficult to discern the quality of the EU-Africa dialogue under such circumstances.

A development that has clearly improved EU coherence of dialogue with the AU, and one welcomed by AU officials, has been the establishment of the EU's first-ever delegation in Addis Ababa in the person of Koen Vervaeke in 2008. His

double-hatted appointment to the AU as head of the EC Delegation, which represents the EU member states, and EU Special Representative to the AU, which represents collective EU interests, was an indication of the importance the EU attached to the AU and to JAES. Yet this office has rather limited autonomy over prioritisation, programming and the management of funds, a fact that has been criticised by independent European observers. On the other hand, the AU Delegation to the EU, although under-resourced and understaffed, has allowed a collective African voice to be heard at EU institutions in Brussels. The ex-AU ambassador to the EU, Mahamat Saleh Annadif, has spoken on peace and security to specific EU committees, such as the Council of the European Union Committee on Africa (COAFR), as has the Bureau of African Ambassadors in Brussels. The AU Peace and Security Commissioner Ramtane Lamamra has spoken to the EU Political and Security Committee.

Yet with regard to certain issues of the EU-Africa peace and security dialogue there is clearly a disconnection between rhetoric and action. Despite the fact that virtually no EU-Africa communiqué since 2000 has been considered complete without an almost obligatory reference to the importance of UNSC Resolution 1325 on women and peace and security, tangible evidence of progress in this area has been limited. However, there was a more encouraging sign in early 2009 with the holding of a joint EU-AU event on the UN resolution.

Clearly there are issues related to peace and security that are contentious between the two partners. In recent years, Zimbabwe and the International Criminal Court (ICC) have illustrated the challenges created by two distinctly different interpretations between Europe and Africa. At times the EU-Africa dialogue has hoped to deal with these issues by delegating them to a more technical level. Yet the AU position reached at its Summit of July 2009 not to cooperate with the ICC on the arrest and surrender of President Omar Al Bashir of Sudan may well create problems at the diplomatic level. Even so, regular exchange of views and clarifications of positions constitute progress in the EU-Africa relationship. Hence, such disagreement will not have the ability to undermine dialogue and trust on other issues, and it is highly unlikely that functional support to APSA is at risk because of this.

OPERATIONALISATION OF APSA

The second priority action under the JAES Peace and Security Partnership is full operationalisation of APSA, with particular focus on three elements: the Continental Early Warning System (CEWS), the Panel of the Wise and the African

Standby Force (ASF). Expected outcomes are enhanced capacities for the AU and the regional mechanisms (RMs), concrete progress in the prevention, management and resolution of conflicts, and a strengthened African capability by virtue of the implementation of relevant proposals in the action plan of the related EU concept adopted in May 2007 (European Union and African Union 2007). This priority activity is financed under the capacity building fund of the APF, with €35 million over three years having been employed by June 2010 under the 9th EDF, and 65 million under the 10th EDF available until 2013. The contribution agreement is signed with the AUC on behalf of the RMs. At the heart of this funding is the vexed question of capacity development.

Capacity development

African stakeholders acknowledge the issue of capacity as the key aspect hampering the effective implementation of APSA (African Union 2008). The EU maintains that past experience and lessons learned (examined jointly with the African side) 'show clearly that African capacity constraints at all levels remain the most important challenge [for APSA]' (European Union 2008). Capacity development or capacity building is a much misunderstood and misused concept within the development cooperation field, and peace and security in the wider sense (see Box 3). The Organisation for Economic Cooperation and Development (OECD) has estimated that as much as a quarter of global donor aid, amounting to more than USD$15 million, is focused essentially on the technical cooperation aspects of capacity development (OECD 2006). It further noted that capacity development is one of the least responsive targets of development assistance. Some of the latest research and emerging international norms related to capacity development hold significant insight for African and European stakeholders (Baser et al. 2009).

Most of the recent research on capacity development (CD) points to the fact that such processes must be endogenous with external actors playing only a very limited role (Baser et al. 2008). The tendency to assume that capacity building is 'done to indigenous organisations by their Northern partners to enhance their effectiveness in service delivery and development' has been roundly criticised by those concerned with African perspectives on capacity building (Pardington and Coyne 2007). More specifically in relation to APSA, African training institutes have also noted '[that they] welcomed offers of support from the EU, but

Box 3 Key capacity development concepts: European and international understanding

There is no EU-wide definition of technical assistance, technical cooperation, and capacity or capacity development, but the OECD Development Assistance Committee (DAC) is one norm-setting body that many EU member states and the EC draw on regularly. The EuropeAid Cooperation Office (AidCo/ Europeaid), which manages almost all of the EC's external support, including the APF, has also begun to redefine its overall approach to capacity development, and its conceptual framework is therefore also important to draw on.

Capacity development (CD) is the process by which people and organisations create and strengthen their capacity over time (Europeaid 2005).

Capacity development is understood as 'the process whereby people, organisation and society as a whole unleash, strengthen, create, adapt and maintain capacity over time', going beyond training and the development of technical or operational skills (OECD 2006).

Technical cooperation (TC) is often associated with actions aimed at strengthening individual and organisational capacity by providing expertise (short and long-term technical assistance personnel, institutional twinning arrangements, mobilisation of the diaspora, etc.), training and related learning opportunities (peer exchange, tertiary education, etc.) and equipment (Europeaid 2009).

Technical assistance (TA) refers to the personnel involved in the implementation and the management of technical cooperation services (Europeaid 2009).

Capacity building or capacity development? Capacity development is favoured in the literature and increasingly in policy as it is considered to reflect the reality and goal envisaged more accurately.

emphasised the need for the training support to be African led both in terms of coordination and implementation' (APSTA 2009, 3). CD in relation to APSA is, however, much more encompassing than training. Officially Europeaid has accepted that 'CD must be owned by those who develop their capacity – otherwise it simply does not happen' (Europeaid 2009). Issues of 'incentives and governance', and the overall political economy of change, require attention beyond and

in addition to institutional development, training, the transfer of technical skills and organisational procedures.

Previous studies of African peace and security from a CD perspective have also noted that 'addressing it [CD] from a global and regional perspective only, without recognising the interdependence with lower levels and the need to initiate interventions at different levels is doomed to fail' (Hauck & Gaspers 2005). Much of the EU support to the CD of APSA seems to be focused on functional elements, such as the provision of technical assistance, rather than on the important broader issues of creatively and sensitively supporting endogenous capacity. Yet lately there has been an evolution in the support of CD for APSA under the 9th and 10th EDF funding (see Box 4).

Box 4 Capacity building under the Africa Peace Facility under the 9th EDF

The capacity building fund under the 9th EDF had four main components, as follows:

- Support to the AU Peace and Security Department (PSD) (€6 million): support for AU personnel employed on a project basis (ongoing, third tranche delayed owing to outstanding report).
- ASF workshops (€1 million): on ASF implementation (completed).
- Support to liaison offices of the RECs (€7,5 million from the South African national aid envelope to the APF capacity building fund): flagship project (except for the Community of Sahel-Saharan States (CENSAD), all RECs have representation in Addis Ababa).
- Support to planning and training for the ASF and the RECs €20 million): mainly to cover staff reinforcement, EU support for the training of regional brigades, exercises, validation and logistics (such as AMANI Africa)[5] and equipment, the implementation of a common interactive watch and anticipation mechanism (MIVAC) to strengthen the CEWS, cooperation between the AU Situation Room and corresponding structures in the EU, training courses, the exchange of experts and information, the conduct of studies/mapping in preparation of EU support to African Training Centres, and cooperation in the disarmament field, including the organisation of a joint conference on small arms and light weapons etc. (ongoing).

Table 1 **Recommendations emerging from the APF Lessons-Learned Seminar**

	Implemented	Not implemented
Scope and structure of the instrument	▪ Scope broadened to include conflict prevention and post-conflict stabilisation under APF 2/EDF10 ▪ Capacity building envelope almost doubled from €35 to €65 million under APF2 ▪ Strengthening the civilian component – under way through training exercises ▪ Permanent pool-funding system, including additional voluntary contributions from EU member states	▪ Long-term capacity building strategy (5–7 years) for RECs, including short-term planning – underway with APSA capacity building action plan ▪ Direct support to AU troop-contributing countries
Implementation modalities	▪ APF procedures reviewed, accelerated decision-making through Early Response Mechanism under APF2 ▪ APF reporting requirements partly simplified through joint reporting arrangement of the AU Partnership Group in spring 2009, but not for RECs	▪ Establishment of specific fund for pre-financing troop deployment under the APF ▪ Preparation of written financial management guidelines for all PSOs
Decision-making process/ political aspects	▪ Joint assessment missions	▪ Mobilisation of additional African contributions to the AU Peace Fund ▪ Structural funding solution for PSOs under UN funding
Institutional weaknesses	▪ A financial unit as an integral part of the high-level structure of all PSOs	▪ Setting up a lessons-learned mechanism/unit within AU for all PSOs
Human resources (African side)	▪ Strengthening staffing to enhance absorption capacity – some progress ▪ Partnership with CSOs and private sector – invited to JEG meetings, Lusaka formula	▪ Modernisation of human resources management – ongoing process ▪ Review of balance between permanent and seconded staff, with longer-term contracts for external consultants ▪ Additional financial management experts deployed for PSOs – requested by the AUC

	Implemented	Not implemented
Coherence, coordination and harmonisation	▪ Strengthening coherence and coordination of partners' support – process under JAES; AU Partners Group meetings have been re-defined in line with the four pillars of the AU strategic plan, namely: 　▪ Peace and security 　▪ Regional integration 　▪ Shared values 　▪ Capacity building ▪ Harmonisation of reporting procedures – progress (see above) ▪ Establishment of regular coordination mechanisms for the African side and partners – JEGs?	

There is a broad agreement among stakeholders that EU support to APSA has been decisive in terms of progress achieved by the AU and RMs in the past two years. In particular, EU support has to some degree facilitated the signing of a Memorandum of Understanding (MoU) between the AU and RMs, and intensified cooperation between the AU and the RECs.[6] ECOWAS, IGAD, EAC, COMESA and SADC have posted liaison officers (some at ambassadorial level) to the AU headquarters in Addis Ababa and they are reported to have taken up coordination roles beyond the area of peace and security. This is likely to be reciprocated by the posting of AU liaison officers to the each of the RECs. Both developments are generally seen as a positive for continental integration.

The largest share of APF funds is allocated to the running of PSOs, especially AMIS in Darfur and AMISOM in Somalia (European Commission 2009b),[7] while support for the development of APSA by means of the capacity building component of the APF remains a minor share, although it is still a significant amount (European Commission 2009b).[8] However, the capacity to develop APSA is enhanced to some extent by the experience gained in running PSOs, including the 'hard learning' experience of inadequate practices or failures. Numerous lessons learned from the first years of APF implementation were jointly reflected upon and endorsed in early 2007 (see Table 1).

The vision for APSA is that of an institutional framework to deliver a multi-dimensional concept of human security (African Union 2004) that includes tasks

along the conflict cycle, from conflict prevention and mediation to election observation, the handling of border issues, small arms and light weapons control, and post conflict reconstruction. Although these tasks are in the process of being developed or implemented, important policy gaps remain. One of these is broader societal involvement in conflict prevention and peace building. To some extent the policy gaps can be explained by a desire to keep the ambitions and resources of APSA focused and realistic. But even so there also seems to be insufficient interest from African member states in tackling potentially highly political and, some would argue, internal issues at continental level. In addition, the ability of the AU rather than RECs to 'add value' in areas such as post-conflict reconstruction, must still be tested in practice.

In any case, the priority for the AU seems to be the development of capacity to establish and operate targeted PSOs, an area where the absorption rate for external funding is high. At the same time, significant delays are being encountered in bringing about other planned activities under the APF, such as strengthening the civilian component in PSOs, establishing and empowering an EU-African civil society network capable of supporting peace and security initiatives, and bolstering effective post-conflict reconstruction, including reinforcing the role of women and enhancing capacity-building. Networking and collaboration between the AU and the EU with regard to the implementation of the AU Policy on Post-Conflict Reconstruction and Development has also not progressed, despite its being an area of agreed priority. However, many of these issues feature as priorities in the next APF under the 10th EDF, which shows some degree of reflection and learning by both European and Africa partners.

Clearly questions arise about the adaptability of the APSA concept to the nature of security challenges in Africa. Over the past 50 years most conflicts in Africa have had a strong regional dynamic, which is reflected within regional organisations. This is often a weakness and impacts on the ability of regional organisations to manage conflicts non-violently. Conflict-related identity issues are also common. Furthermore, trans-national and trans-regional threats are expected to increase because of the potential of increased conflict over the control and utilisation of natural resources in the context of climate change and migration.[9] Those threats often do not fit geographically or thematically into the competences of the AU or the RECs.

In addition, the ASF was designed on the Western model of light, mobile intervention forces for short and targeted operations. This raises questions about the

relevance of this model under the possible peace and security challenges faced by Africa in future, and the potential of the ASF to contribute to sustainable human security. The ESDP's Operation Artemis was based on this model in 2003 and was successful in its limited ambition, but it contributed little to the long-term improvement of human security in the DRC. In any case, it would be unrealistic to believe that APSA alone could respond to all the human security issues in Africa. At best it may be expected to make a positive contribution in dealing with some of them.

Against this background, the issue for the EU is whether APSA is the best focus 'to address peace and security in Africa', as per the objective. The EU has a commitment to JAES in particular to gradually align all EC instruments and bilateral support from EU countries to JAES, which was conceived as the overarching framework of EU-Africa relations. Yet there has been little progress to date. APSA developed at the outset with a focus almost exclusively on peace-support operations and the ASF. Initial EU support reinforced this, especially under the first APF. But in late 2007, after the lessons-learned seminar, a joint decision was taken to broaden the scope of the APF2 under the 10th EDF to cover conflict prevention and post-conflict stabilisation (Council of the European Union 2008).

To date, however, the overwhelming focus of resources is still the PSOs and the ASF. In the context of diverging priorities, the question is how the EU can support the AU to stay focused on the vision of a multi-dimensional APSA, despite urgent demands on it by ongoing conflicts and emergencies, while keeping within the principles of partnership and alignment to AU priorities. The EU should be more honest and pragmatic about the limits of the JAES framework since the chance of member states aligning all their actions towards its goals is limited. Even so, this does not mean there cannot be some progress. While in the short run APSA may not be addressing human security in a holistic way, bi-lateral and other EU initiatives may be desirable to ensure support for other African actors, for instance, support for civil society and engagement at the country level in other diplomatic, financial and economic initiatives.

EU support to APSA capacity development

The capacity building fund designed to support the development of APSA has been plagued by numerous practical difficulties. The disbursement rate of funds is rather low, although in the first APF tranche it increased to an average of 60 per cent from below five per cent until 2008. Low disbursement rates usually trigger

concerns from donors that the project is not on track. The low rate is attributable to the low absorption capacity of the AUC and the RMs, and is generally referred to as a 'lack of administrative capacity'. This capacity problem manifests itself in very simple practical difficulties, e.g. when the disbursement of funds to the RECs is delayed for a year because of administrative problems, when critical understaffing prevents timely reporting, and when poor financial management and control cause delays in requests for funds. Yet attempts to deal with such technical issues run into political issues revolving around recruitment policies within the AUC. Technical bottlenecks are also caused by APF rules, which force fast implementers, such as IGAD, to adapt to the pace of the slower RMs, or when the duration of TA contracts is determined in response to administrative rules rather than needs and strategic considerations.

The EC has devised several technocratic responses to these problems. It is being more rigorous in its financial control and has suggested that both the AU and the RECs should have a central project management unit and a more long-term pool funding mechanism for the salary support provided to the AUC. At the same time it is being acknowledged that the new AUC is more pragmatic and open to support, and that some progress is being made in terms of management practice, although there is palpable European frustration with the pace of this. The AUC also recognises and partly tries to address in a piecemeal fashion the fact that EC procedures in general, and EDF procedures in particular, are notoriously inflexible and challenging to administer (European Commission 2009b),[10] and that TA contracts need to operate over a longer period. Some EU stakeholders, concerned about continued ad hoc requests from the AUC for technical assistance, are advocating that financial support be linked to demonstrated progress in the AUC absorption capacity and internal reform.

Issues arising from AU capacity constraints

The 'capacity building fund' largely finances the training of troops, the acquisition of equipment, the establishment of workshops and improved staffing, especially in the AUC Peace and Security Department. When it comes to training, some experts maintain that there is no shortage of trained African troops as Africans are well-represented in UN peacekeeping missions, making up 29,8 per cent globally (Centre for International Cooperation 2009). Concerning physical equipment and TA, serious questions are being asked about the sustainability of this support and its

contribution to institutional learning and development. For example, currently there appears to be an imbalance between seconded staff/technical assistants and permanent staff, since assistants are more often than not on short-term contracts.[11]

The underlying issues of lack of capacity, weak institutions and political challenges rarely come up when African and EU stakeholders reflect on the way forward for EU support in the framework of the Africa-EU Partnership on Peace and Security. Institutional weakness is apparent when the AUC seems not to be able to recruit the right people quickly enough or in sufficient numbers. It is also contended that some AU member states (and even some AUC departments) do not want to see the PSD grow too rapidly in relation to other AUC departments. Reform of human resource management has not overcome blockages linked to issues of regional representation in the AUC. The consequence is that the size of the PSD is absurdly small in relation to the amount of money it manages. The long-term solution cannot lie in externally funded technical assistants and the question arises whether EU support may in fact be a contributory factor to the delay in bringing about urgent reform.

Some progress has been made with the development of a joint salary mechanism in order to pool the funds of international donors (beyond and including the EU) in a manner that allows for greater stability and continuity of staffing at the PSD. Yet the fact that there are very few African contributors to the AU's own Peace Fund, and that when donor support to the PSD is increased, AU member states' allocation to the PSD is decreased to keep the budget at the same level, raises questions about buy-in and ownership by African member states.

All of the above point to underlying political issues. The factors responsible for 'lack of capacity' can often be found in the political challenges of African integration, as the AU needs to balance the interests and visions of African states, RECs and international partners. The process of gaining buy-in from African member states, forging consensus on peace and security issues, and generating a willingness among African states to invest in capacity development for the AU and RECs, is linked to the larger negotiations on pooling political sovereignty and reforming the AU and the AUC with the aim of realising certain of the political goals. One of these is the decision of the 15th AU Summit held in Addis Ababa in February in 2009 to replace the African Union Commission (AUC) with an African Union Authority (AUA).

Questions also arise about the lack of capacity and/or political will to translate the principles of the peace and security protocol, such as 'non-indifference'

(African Union 2002). As Engel and Gomes Porto (2009) point out, a legal regime such as APSA requires 'institutionalised behaviour and practice' by organisations and/or states, and a certain 'internalisation of new norms by all actors involved'. The AU is often perceived by the EU as unable to take action in serious situations (e.g. Zimbabwe) and having to negotiate with member states on an ongoing basis to be able to act in line with agreed powers and functions. Yet the EU itself has similar issues.

The EU will need to ask some tough questions on how much its support for APSA can contribute to wider peace and security, in particular human security, in Africa. There is also the question of where APSA mechanisms are being tested and utilised. While the mediation initiative of Kofi Annan after the election violence in Kenya was noted as having fallen under the auspices of APSA, it was in effect funded by the Department for International Development (DFID) of the United Kingdom (UK) and was not conducted by a member of the Panel of the Wise. The current AU response to Somalia seems to be more of an ad hoc than planned use of APSA. Also, while EU support to CEWS is regarded as 'successful' and considerable progress in setting up the methodology and structures has been reported, the real issue is how to translate early warning into early action. Of course this is still an issue for the EU itself, since the EU's performance in the Balkans in the 1990s indicates that there was much early warning, but limited collective early action. The issue is whether the AU can be expected and permitted to develop in the foreseeable future to really make use of such systems to address threats on the continent.

What role for EU support in addressing the long-term capacity development of APSA?

Endogenous capacity development is a long-term process, largely determined by political structures and dynamics. The positive transformative role of outsiders in such an endogenous process is always limited. But external actors must make sure to 'do no harm'. In this regard, if EU support to capacity development does not take account of the underlying institutional and political factors of weak capacity, there is significant danger of the sustainability and ownership of APSA being undermined.

In terms of sustainability, the continued reliance on donor support and the dominance of the EU as a donor in the context of low buy-in from African member

states – almost a quarter of AU member states do not meet their financial obligations – raise questions about the counterproductive impact of this practice on internal AU accountability mechanisms, since it potentially undermines the need for the AU to harness support from its members. The process of AU reform is ongoing and transition to an African Union Authority may move ahead. In the meantime, the EU needs to take the dangers of donor dominance into account and make a conscious effort to ensure that its actions strengthen rather than weaken internal AU accountability. In particular, the EC and EU member states, through their embassies and delegations, can encourage African states and RECs to engage with the AU in the JAES framework through political dialogue and the alignment of cooperative programming at the national and regional levels.

In terms of ownership of priorities and process, high financial dependence in the development of the APSA system may raise more questions than support for specific PSOs. The AU could attempt to address these dangers by diversifying funding sources, although this may not be easy, especially in the current global economic climate. As far as the EU is concerned, a case could perhaps be made for requesting a certain level of co-funding from the AU Peace Fund, which obtains its contributions from African states or non-EU donors.

Can 'capacity building', as per the current EU practice of providing technical assistance, training, workshops, etc. be at all useful in the short run? In general, TA can play a very useful role, as long as there is strong ownership, the limits of what outside support can achieve are recognised, and support takes into account the underlying factors deterring endogenous capacity development. The first step towards making TA support more effective is to invest in an analysis of the political economy and to apply the insights gained in making support more relevant, or at least to not doing any harm. The EU must make a serious effort to take on board state-of-the-art research on capacity development in all areas and devise a longer-term plan on how to apply the quite fundamental new thinking represented in the latest Europeaid guidelines and toolkits on capacity development in support of APSA. The first step could be to provide basic support to the fully owned, longer-term capacity development plans of the AUC and the RECs. A window of opportunity exists in the new initiative to develop a Capacity Building Action Plan for APSA in relation to 10th EDF funding. The development of such a plan should not be a technocratic exercise, such as a donor-funded workshop that suits the institutional cycle of EU programming, but should be based on political processes in Africa. This will take time, but is something the EU can support and encourage.

Coordination, complementarity and coherence of EU support to APSA

The AUC PSD and APSA are the 'donor darlings' in Africa-EU relations compared to other partnership areas under JAES. High EU financial support for peace and security in Africa clearly preceded the establishment of JAES, and it is therefore not JAES that has led to this funding, but the wider collective EU interests in peace and security. Effective delivery of support is challenging not only because of the number of actors involved, but also because of the political nature of cooperation on peace and security. National interests will always remain strong in this area, not only by EU member states, but also by the African side.

All components of APSA receive additional support from individual EU member states through projects or through co-funding of the APF. Within the EU, the coordination of donors in the peace and security area related to EU-AU cooperation takes place partly through the JAES EU implementation team in Brussels and partly at the EU Heads of Mission meetings in Addis Ababa chaired by the EU Delegation to the AU. However, the latter covers all areas of cooperation. The JAES EU implementation team has not always succeeded in making all EU member states share information fully on their engagement in the areas covered by the JAES peace and security partnership, and failed to conduct a comprehensive mapping, as planned. Some EU members active in the peace and security sphere, such as Denmark, prefer their own initiatives, but some efforts at alignment are occurring. For example, the initial independent AU-related mediation support initiative of Finland has now been brought within the JAES framework.

EU donors coordinate with international partners in the AU Partnership Group (AUPG) in Addis Ababa, as well as in the context of the so-called Africa Clearing House. The AUPG has agreed on a joint reporting system on APSA, which can be considered an important step in terms of aid effectiveness. However, as only parts of the APF programmes fall under this agreement there is still room for improvement. An effort by the donors to reduce the capacity needed to administer donor contributions to APSA while retaining the necessary oversight would make an important contribution overall. Significant concerns remain about the ability of AUC systems to manage financial resources effectively, which is causing a degree of internal concern about ongoing EU support to the AU, especially through the APF.

The EC has also committed itself to strengthening coherence between different policies, initiatives and financial instruments. In particular, it is making efforts to create synergies between regional programmes on peace and security and the continental agenda, although mechanisms are still weak and there are no consequences for non-compliance.

PREDICTABLE FUNDING FOR AFRICAN PEACE SUPPORT OPERATIONS

Predictable funding for African-led peace support operations is the third priority of the JAES Partnership on Peace and Security. Predictability is of major importance to the AU and the RECs since it ensures that PSOs can be launched, and thorough planning and improved effectiveness can be achieved. Thus, the objective of this priority is 'to financially enable the AU and regional mechanisms to plan and conduct Peace Support Operations'. Expected outcomes mentioned in the 2008 to 2010 JAES Action Plan are the 'reduction of funding gaps and of the prejudicial uncertainty for African-led peace support operations and the more effective deployment of these operations' (European Union and African Union 2007).

Without this there would be limited ability to launch the PSO operational component in APSA, rendering the ASF largely impotent. The dialogue mechanisms provided and encouraged by the Joint Africa-EU Strategy should foster greater understanding in the EU of AU positions on funding, and commit EU member states to working with the AU and lobbying for AU concerns at the UN. However, the strategy has its limits because of the at times divergent interests of EU member states.

The APF is the most predictable source of AU funding to PSOs as it operates on a multi-annual framework. As stated previously, the largest share of APF funds is allocated to PSOs. The AU would have had severe difficulties launching its peace-keeping operations without EU financial support through the APF. But African ownership is difficult to guarantee when EU organs have to agree to finance AU missions before they can be launched (e.g. AMIS and AMISOM had to be approved by COPS before EU contributions could be made). APF funding is also tied to endorsement by the UN system, which means that, in practice, the AU needs to seek approval of two institutions before launching its own missions (Mackie et al. 2006).

APF funding by itself could not and will not be able to sustain African PSOs. Thus, new ways to support African PSOs need to be found. In the past, EU member

states and other donors provided considerable amounts to African PSOs (i.e. $100 million for AMISOM annually from the US, in addition to support in kind), but these contributions are not predictable. APF contributions have been planned until 2013, but several options for potential sustainable funding beyond and possibly even before 2013 are being discussed within the EU, although it is not clear whether the EU has discussed this with its African partners. Two options seem feasible at this stage: first, a new UN mechanism within the framework of the UN Charter under chapter VIII and, second, a remodelled AU/EU mechanism to support African PSOs (Elowson 2009).

The UN holds primary responsibility for international peacekeeping, yet it is slow to respond to immediate needs, with the AU having shown stronger political will to act than the UN in recent years (Neethling 2009). However, the AU lacks the capacity to maintain missions for a longer period, which is necessary to prevent countries from slipping back into conflict. As 40 per cent of countries emerging from conflict revert to conflict within five years, this is of particular concern (Collier and Hoeffler, 2004). One possible approach until the AU can undertake comprehensive missions on its own, is for the UN, which has expertise in multi-dimensional missions, to take over AU missions.

Cooperation between the AU and the UN has encountered some difficulties because of a fear of competing roles. It is becoming clear that African leaders are afraid to be seen as UN subcontractors on the African continent, rather than as being able to act autonomously in accordance with African ownership. Informally and under the condition of anonymity, some officials have questioned the UN's interest in strengthening the AU, since the AU could replace the UN in certain respects.[12] A competition for troops between the AU and the UN already exists, as both institutions rely on African states to provide soldiers. Some Western countries have shifted their soldiers to NATO and some emerging countries are less interested in sending their soldiers on high-risk missions. Meanwhile, UN missions provide much better pay than AU missions. The EU is also said to prefer financing African peacekeepers, which are seen as the 'cheaper' option, both with regard to the sending of EU soldiers and to the potential financing of UN missions by the EU.

Based on UN Resolution 1809 of 2008, in which the UNSC recognised the 'need to enhance the predictability, sustainability and flexibility of financing regional organisations when they undertake peacekeeping under a UN mandate', a high-level panel led by Romani Prodi was set up to define the strategic relationship between

AU and UN peacekeeping. The panel's report (United Nations 2008) was presented in December 2008, recommending (1) the establishment of a Multi-donor Trust Fund to support AU peacekeeping capacity and (2) the use of UN-assessed funding to support UN-authorised AU peacekeeping operations for a period of a maximum of six months (based on case-by-case approval and an agreement between the AU and the UN that the mission would transfer to UN control within six months).

Informally, some European officials called the Prodi Report a step backward.[13] The proposal to use assessed contributions for just six months was called non-predictable and politically unrealistic since UN member states, because of national interests and the fact that the AU has not gained trust in managing funds properly, are not willing to give assessed contributions to the AU. Also, based on previous experience, a UN take-over after six months was called illusory and far too tight a timeframe. In terms of the APF, the suggestions contained in the Prodi Report would lead to limited complementarity since the APF provides funding for both capacity-building and PSOs, whereas the UN proposal would separate the two areas. It is also questionable whether countries that contribute to the APF and the UN Department of Peacekeeping Operations (DPKO) would be willing to contribute to a third UN mechanism (Elowson 2009).

A follow-up report to the Prodi Report by the UN Secretary-General (UNSG) was published in September 2009 (United Nations 2009). The UNSG called for a standing, flexible trust fund within the framework of the AU Peace Fund by increasing the transfer from the AU budget to the Peace Fund and by channelling additional voluntary member-state and donor contributions through the Peace Fund. The UN would assist with financial management. On the use of UN-assessed funding, the UNSG supported UN support packages financed by UN-assessed contributions, authorised by the UNSC on a case-by-case basis. The six-month deadline was not mentioned. The report did not endorse the proposal to establish a capacity-building fund for the reason that most donors prefer to contribute through direct arrangements, but it did call for a strengthened coordination mechanism, a single financial reporting format and a focused plan and roadmap on capacity building.

Strengthening the AU Peace Fund, which was established to finance AU-led peacekeeping operations and is conceived to be an entry point for donor funding, could indeed be an alternative to creating additional UN or AU/EU mechanisms. The fund has been heavily donor-dependent to date, but Heads of State agreed at the 14th AU Summit in 2010 'to increase Member States' contribution towards the

peace fund from 6 per cent to 12 per cent over a period of three years starting in 2011' (African Union 2010a). In addition, the Executive Council of the AU at its July 2010 meeting took note of the AUC's proposal to establish an African Integration Facility modelled on the APF, to accelerate African integration and to find a solution to sustainable funding requirements (African Union 2010b).

A second option discussed within the EU is a modified AU/EU mechanism. The current APF is managed under EDF procedures, which exist to manage development cooperation funds, but it is an inappropriate mechanism when it comes to managing PSOs. According to APF procedures, the EU Political and Security Committee first evaluates the political appropriateness of a mission, which is then approved by the EDF Committee. Under the second option this would have to happen after the AU Peace and Security Committee had already given the go-ahead. Analysts have proposed the establishment of an EU fund to finance African military needs in pursuit of APSA objectives and to move away from the APF restriction that funds can only be spent on non-lethal ends (Vines & Middleton 2008).

Another possibility would be a mechanism that would merge the APF and Priority 3 of the EU finance mechanism, the Instrument for Stability (IfS),[14] established to build capacities for effective crisis response. However, progress generally seems to be slow and politically difficult. Unlike the APF, where the EU and the AU make joint decisions, the IfS is more flexible but is entirely managed by the EC, thus making African ownership difficult. In addition, European policy makers are already of the opinion that the IfS is financially overstretched. The role of EU member states in the new mechanism would also have to be defined and it is not clear whether the states would be interested in aligning fully with a new collective EU fund, as many have their own PSO support mechanisms.

At the annual AU consultation with partners in June 2008, the AU called on the AU G8++ Working Group to examine the possibility to establish a peace facility complementary to the APF (African Union 2008). Interest in this proposal is unknown. The EU's Lisbon Treaty may open new possibilities for improving the APF. For example, APF allocation and programming could move to the European External Action Service (EEAS), which comprises staff from the Council of Ministers, the EC and seconded staff from member states who are more likely to have expertise on PSOs. Managing the day-to-day implementation would remain with the EC inside Europeaid/AidCO, or its successor organisation. Yet, despite these innovations, the financial regulations governing EC resources will remain the same until the end of 2013.

A long-term solution in the best interest of the AU might indeed be assessed funding through the UN. The current proposal by the UNSG goes in this direction, but is still based on an unpredictable case-by-case approach. Long-term assessed contributions would be most predictable and a UN framework would involve all important stakeholders, not just the EU, and this could mean more funds for the AU. Since EU interests may shift (i.e. the EU may at some point in the future no longer be willing to give money for a mission in a region where it does not have an interest), assessed contributions would give the AU the certainty that its missions could be launched without having to go through EU institutions first. The EU could see a new role in helping to build the capacity needed to absorb assessed contributions and manage PSOs more effectively, i.e. by assisting to improve strategic planning and management, and by establishing a lessons-learnt unit within the AUC, which the DPKO has undertaken to do. It has improved UN missions to a considerable degree.

It seems that building capacity with regard to running effective PSOs is of genuine interest to the AU and the RECs, yet the EU has often focused more on a technocratic approach where it sets this agenda. AU interest could be strongly reinforced if the UN and the AU address the current contentious issues regarding funding and UN/AU complementarity under chapter VIII of the UN charter. The Prodi Report suggests a joint coordination committee similar to the one that exists between the EU and the UN, and this should come into being. However, even if assessed contributions through the UN might be the best solution to predictable funding of African PSOs, they seem unlikely to become a reality in the short-term. If European actors want AU missions to continue, they need to put more effort into assisting the AU with securing sustainable funding for the future. Indeed, the EU should not use the rationale of increasing African ownership to absolve it of its responsibility to enhancing and ultimately providing finance for Africa's efforts to promote peace and security.

CONCLUSIONS

When considering the possible security threats in Africa until 2030, some key questions arise with regard to EU support to APSA, for both African and European stakeholders. The multifaceted nature of the peace and security interests at play within African and European states does not always easily add up to common interests. Driven by underlying interests, there will continue to be differences

in priorities, goals and methods. EU strategic interests in Africa relate to trade, migration, access to materials, energy and counter-terrorism, as well as to the promotion of state effectiveness and poverty reduction. These interests will be pursued within and outside the formal EU-Africa structures, such as the Joint Africa-EU Strategy and any successive agreements. While the JAES Partnership on Peace and Security may be judged as successful when compared to other thematic partnerships, the benchmark is not particularly high.[15] In a changing global strategic environment the EU-Africa dialogue is still important, not least because of the EU's financial support for APSA.

The APF is an innovative mechanism and a tangible demonstration of the commitment of the EU. Yet the joint control over the use of APF resources does strategically limit the spheres where the ASF can be deployed. At the moment, the APF has primarily, but not exclusively, been used for Somalia and Darfur, two areas where the EU has a particular interest in seeing the deployment of peacekeeping forces. Therefore, a robust dialogue will need to be maintained if EU action is going to genuinely support efforts to improve human security on the continent. There needs to be bilateral dialogue on contentious issues and the financing of APSA, in terms of both the architecture itself and PSOs. This will raise some very difficult and ultimately political questions for both Africa and Europe. If European support ultimately undermines African ownership of APSA, then getting support back on track, which would require adaptation by both the African and European stakeholders, should form part of this dialogue. This would be a real test for the robustness of the dialogue.

Capacity development for African peace and security responses is recognised as a need within Europe and Africa. It has to be an endogenous African process. Best practice, as established by the EU itself, recognises this and the EU has taken several steps to try and follow this course, yet questions related to the conduct of the EU and of African stakeholders remain with regard to whether capacity development at APSA is really an 'endogenous process'. If it is not, it will ultimately fail.

Donor support to capacity development in any field shows notoriously mixed results. Capacity development at APSA is most likely to be successful with clear African leadership and ownership at all levels, from national to regional and continental. This requires EU support to be sensitively and appropriately strategised and programmed, rather than complying with selfish political interests and technocratic standards. Within this context, current thinking on capacity development support in the APF and JAES context needs to be adjusted. Furthermore,

it is necessary to follow up on the lessons-learned seminar held in 2007 and to develop thinking in this regard further (see Table 1). If the operationalisation of APSA were to have more African financial support it would certainly be able to counter the dangers posed by over-reliance on external donors and would at the same time promote greater African ownership.

The vexed question of financing has been recognised as a central issue and it should be acknowledged that this recognition is a positive step. Yet currently there do not appear to be any viable options, or options that encourage appropriate levels of African ownership, on the table to address this issue. Africa is relying heavily on European financial support for APSA and the ASF. Yet Europe itself relied heavily on the US as a partner in peace and security over the past 50 years, particularly through NATO. In the process, Europe and the US shared many norms and were in agreement on strategic threats. However, between Europe and Africa there is often a divergence on strategic issues. In addition, post-2010 approval by ACP governments for the use of EDF funds towards APSA cannot be assumed to come about automatically, nor, indeed, can the ongoing interest of an enlarged EU with several member states that do not share the same historical legacy or strategic interest in Africa. When the Cotonou Partnership Agreement ends in 2020 there will be a need for and an opportunity to create an entirely new type of legal agreement on cooperation between Europe and Africa. JAES has not yet shown any ability to mobilise or marshal resources for APSA in the way that the Cotonou Agreement has.

PSOs are global public goods and require members of the international community to pay their fair share. PSOs are traditionally a UN responsibility and if the AU carries out PSOs it should ideally do this in cooperation with the UN, which is why it is important that the two institutions develop greater complementarity. The EU has played an important role through the APF in making the AU PSO viable. If no UN solution to the funding of AU PSOs can be found, the APF needs to be improved and be made more suitable for PSO support. The EU has committed itself through JAES to helping the AU with securing funding for PSOs and this commitment needs to be carried out.

Africa's response to peace and security issues on the continent deserves a strong partnership, and Europe (together with the UN) would seem to be one of the most logical partners. The success of this partnership should be judged by the peace and security outcomes delivered on the ground in conflict-prone regions, not by the level of resources supplied or the number of meetings held.

Expectations should always be realistic given the challenges at hand, but a critical approach that reflects on key questions of ownership and capacity development within the framework of differing strategic interests is more likely to present a positive outcome.

NOTES

1   European Centre for Development Policy Management (ECDPM), Maastricht (this is not an official ECDPM paper).

2   Since the Lisbon Treaty is in effect, the European Security and Defence Policy is known as the Common Security and Defence Policy (CSDP).

3   For an overview and analysis of each of these, see, G Grevi, D Helly and D Keohane (eds), European security and defence policy – the first ten years (1999–2009), Paris: Institute for Security Studies, 2009.

4   Confidential interviews with African officials with responsibility for peace and conflict issues, April to June 2009.

5   The overall objective of AMANI Africa is to assist the AU with the development of the ASF by training and evaluating the continental decision-makers at different levels in accordance with the AU/ASF doctrine and procedures.

6   Confidential interviews held by ECDPM with those responsible for African peace and security issues within European institutions, July 2009.

7   African Union Mission in Sudan (AMIS) over 305 million; FOMUC/MICOPAX Mission in the Central African Republic (CEMAC/ECCAS) 53,2 million; AU Mission in Somalia (AMISOM) 35,5 million; and AU Missions in the Comoros (AMISEC + MAES) 5 million + 3,5 million. The main items funded are allowances for military/police observers, troop allowances, rations, insurance, medical support, fuel and technical assistance (European Commission 2009b).

8   The capacity building component of the APF represents 14 per cent in the initial allocation of 220 million of APF1 under the 9th EDF, but only 8 per cent of the total allocation of 440 million; 23 per cent of APF2 under the 10th EDF was allocated to the capacity building programme (European Commission 2009b).

9   See, for instance, D Smith, A climate of conflict, London: International Alert [online], 2007. Available at http://www.international-alert.org/publications/pub.php?p=322> (accessed 12 June 2009).

10   These issues are being addressed to some extent through the Early Response Mechanism in 10th EDF, which allows flexible and immediately available funding for urgent needs, such as the launch of an African-led mediation initiative, the preparation of a decision-making

process, and planning with regard to an African-led peace operation, and by the possibility of an accelerated decision-making procedure.

11 The APF/EDF 9 framework contract rules make it very complicated to recruit technical assistants for a period longer than one year. Another restraint is that the APF can only be used for the Peace and Security Department of the AUC. However, there are APSA issues in other AUC departments as well, for instance at the Panel of the Wise, finances in the office of the chairperson, etc.).

12 Confidential interviews held by ECDPM with those responsible for African peace and security issues within European institutions, July 2009.

13 Ibid.

14 IfS is the EC's main tool for cooperation measures in countries facing or emerging from crises.

15 Various interviews conducted with the EC, the AUC, RECs and EU MS officials, April to June 2009.

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10 United Nations – African Union cooperation in conflict prevention and mediation

Jagne Baboucarr and Valerio Bosco

ABSTRACT

United Nations – African Union (UN-AU) cooperation in crisis prevention and mediation in Africa has greatly contributed to the maintenance of peace and security on the continent over the last five years. In particular, in 2008 and 2009 the UN and the AU, alongside regional economic communities (RECs) and some individual African countries, undertook mediation initiatives in Kenya, Mauritania, Guinea, Guinea-Bissau, Darfur, Somalia and Madagascar. This chapter analyses the normative and historical framework of UN-AU-REC cooperation in conflict prevention and assesses the level of cooperation between the organisations in dealing with ongoing crises in Africa. Perspectives on UN-AU cooperation in countering future security threats are also discussed, as is the support the UN is offering to strengthen AU mediation capacities. Finally, the challenges and opportunities existing in relation to future joint UN-AU mediation efforts in Africa are examined.

THE NORMATIVE AND HISTORICAL FRAMEWORK FOR COOPERATION IN CONFLICT PREVENTION IN AFRICA

United Nations (UN) engagement in the promotion of peace and security in Africa dates back to the decolonisation process. On 12 December 1960, the UN General Assembly (UNGA) passed the historical Resolution 1514, which declared colonialism to be a fundamental violation of human rights and contrary to the principles promoting peace and international cooperation as enshrined in the UN Charter. In the 1960s and 1970s, the UN Security Council (UNSC) also increasingly dealt with the decolonisation process in Africa, playing an important role in addressing peace and security issues. Chapters VI and VII of the UN Charter provide the UNSC with a primary role in the peaceful settlement of disputes. With responsibility for determining threats to peace or acts of aggression, the UNSC was given the task of deciding on the enforcement measures to be taken to maintain or restore international peace and security. Whilst often being paralysed by vetoes reflecting the policies followed by states during the Cold War era – the secession of Katanga from the Congo in 1960 indicated the ineffectiveness of the UNSC and confirmed the negative influence that East–West competition was having on its decision-making process – the UNSC implemented the mandate assigned to it by undertaking a total of 19 peacekeeping operations in Africa between 1960 and 1999.

However, the end of the Cold War and the new international environment resulted in a deterioration of security on the African continent and a great proliferation of intra-state conflicts. This situation opened the way for a more relevant role by the UN in addressing peace and security issues in Africa. All 19 peacekeeping missions mentioned above were in fact initiated after 1990. These included the UN Verification Mission in Angola (UNAVEM I, II and III from 1989–1995), the UN Observer Mission in Angola (MONUA, 1997–1999), the UN Mission in the Central African Republic (CAR, 1990), the UN Aouzou Strip Observer Group (1994), the UN Observer Mission in Liberia (1993–1997), the UN Operation in Mozambique (1992–1994), the UN Transition Assistance Group (1989–1990), the UN Assistance Mission for Rwanda (1993–1996), the UN Observer Mission in Sierra Leone (1998–1999), the UN Operation in Somalia (UNOSOM I and II, 1992–1995), the UN Organisation Mission in the Democratic Republic of Congo (MONUC, November 1999), the UN Mission in Sierra Leone (UNAMSIL, 1998–1999) and the UN Mission for Referendum in Western Sahara (MINURSO, 1991).

More recently the UNSC authorised the deployment of the UN Mission in Eritrea and Ethiopia (2000–2008), the UN Operation in Burundi (ONUB, 2004) and the UN Mission in Côte d'Ivoire (2003). African crises represent more than the 70 per cent of the monthly agenda of the UNSC and the biggest peacekeeping operations ever undertaken by the UN, namely MONUC and the hybrid UN-AU force in Darfur, were deployed in Africa.

While peacekeeping operations are still considered one of the main instruments of the crisis management process, an increasing focus on conflict prevention and mediation activities was promoted by Resolution 1625, adopted by the UNSC in 2005. This resolution addressed the need to strengthen the effectiveness of the council's role in conflict prevention, particularly in Africa. In the 2005 World Summit Outcome Resolution member states solemnly renewed their commitment to promote a culture of preventing armed conflict as a means to addressing the inter-connected security and development challenges faced by people throughout the world effectively. The surge in the number, size and cost of UN peacekeeping operations – the 2009/2010 budget for 16 peacekeeping operations deploying 140 000 blue helmets came to $8 billion – also highlighted the need to promote the cost-effectiveness of early mediation efforts as these could reduce political tensions and avoid the escalation of crises into armed or violent conflicts.

It is against this background that the mediation and conflict prevention activities recently undertaken by the UN in partnership with continental and regional organisations in Africa will be addressed in this chapter.

The conceptual framework

Despite the massive role played by the UNSC in the deployment of peacekeeping operations in Africa, the work of the UN as a whole – the UN Secretariat, the UN Secretary-General (UNSG), the UNSG's Special Envoys or Special Representatives (SRSGs) – is not limited to the tasks carried out by Blue Helmets in overseeing the implementation of peace agreements or ceasefires. In fact, while peacekeeping operations are probably the most relevant features of UNSC engagement in addressing peace and security threats, mediation and conflict-prevention activities are undertaken in partnership with the African Union (AU) and Regional Economic Communities (RECs) in several situations where a peacekeeping mission is already deployed, or when a specific crisis risks developing into a violent or armed conflict. In fact, as outlined in *A new partnership agenda: Charting*

a new horizon for UN peacekeeping, the critical challenges that face UN peacekeeping operations today are the support of ceasefire agreements between parties and of peace processes and national authorities following conflict, the promotion of security and stability, and the provision of security and protection in response to conflict, which includes conflict prevention and mediation tasks.[1]

Mediation can be considered a process of dialogue and negotiation in which a third party assists two or more disputing parties, with their consent, to prevent, manage or resolve a conflict without resorting to force.[2] The general goal is to allow parties to reach an agreement they find satisfactory and are keen to implement. Mediation can therefore be considered a key tool in the process of crisis management. It includes several different instruments, such as arbitration, judicial settlement, conciliation or other peaceful means. Mediation can play a significant role during all the stages of a crisis, from the time difficulties arise to the time when a situation has degenerated into violent conflict, and even in the post-conflict phase. The mediation carried out by the UN, the AU and RECs is usually aimed at preventing or ending violence, and this chapter will focus mainly on conflict prevention and mediation processes in which the UN Secretariat or the UNSC plays a relevant role in cooperation with the AU and RECs.

The UN Charter and UN mediation

Mediation efforts and conflict prevention are carried out by the UNSG, his SRSGs and the UN Secretariat under a mandate provided by the UN Charter and a decision taken by the UNSC. UN mediation takes place within the normative standards set by the UN Charter. Chapter 1 of the Charter, which defines the purposes and principles of the UN, contains the first important provision on the issue. Article 2, par. 3 requires member states to settle their international disputes by peaceful means in such a manner that international peace and security are not endangered. Furthermore, article 33, par. 1 in Chapter VI, which is entitled 'Pacific settlement of disputes', requests member states that are 'parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security' to seek a solution first by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. Chapter VI thus provides the framework for the central role of the UNSC in mediation and conflict prevention.

While the peaceful resolution of disputes is a sovereign responsibility, the lack of effective local and national capacity to undertake effective mediation efforts can be overcome by the action/support of the UN and/or regional organisations.

As mentioned, since its inception the UN has played a very important role in helping to mediate inter and intra-state conflicts at all stages, for example from before they escalate into armed conflict, after the outbreak of violence and during the implementation of peace agreements. Good offices and mediation are usually carried out by the SG and his SRSGs at the request of the parties, on the SG's initiative or in response to a request from the UNSC or the UNGA.[3] The establishment of a Department of Political Affairs within the UN Secretariat in 1994 was aimed at assisting the SG in carrying out his mediation efforts. This department is the lead UN section for preventive diplomacy and peacemaking. Through the deployment of the UNSG's good offices, the department attempts to help warring parties to achieve peace, and to prevent political and armed conflict from escalating. The department typically works behind the scenes to define and plan missions, and to provide UNSRs and mediators with guidance and support. Through the work of its regional divisions, the Department of Political Affairs regularly provides the UNSG with analytical reports and briefing notes that inform his decisions and help shape the UN's dialogue and diplomacy with UN member states, non-governmental organisations (NGOs) and other actors.

A number of good offices and mediation efforts have been successfully undertaken by the UN. Particularly in Africa, despite constraints throughout the Cold War, the UN has been involved in Angola, the CAR, Equatorial Guinea/Gabon and Western Sahara.[4] Mediation efforts were also a key component of multidimensional peacekeeping operations, where the traditional tasks assigned to the Blue Helmets were complemented by a full range of conflict prevention and preventive diplomacy activities. The UN does not have a monopoly on mediation and as a result its 'collaboration with regional organisations (regional arrangements or agencies) is a very valuable option as outlined in article 33 of Chapter VII of the UN Charter'.[5] In particular, the UNSC is empowered by the Charter to encourage the referral of disputes to regional mechanisms, as well as to capable member states and NGOs. In Africa, the UN has partnered with diverse organisations in its mediation efforts in conflicts in Burundi, the DRC, Ethiopia/Eritrea, Guinea, Guinea-Bissau, Mauritania, Mozambique, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and Kenya.

Despite the ever-growing demand for UN mediation over the years, it is only recently that the UN strengthened its mediation capacities in terms of both financial and human resources. The restructuring and strengthening of the Department of Political Affairs was agreed to by member states during the World Summit in 2005 and included the establishment of a Mediation Support Unit (MSU) envisaged as a service provider for the entire UN system. The mandate of the MSU is to support the mediation efforts of relevant departments as well as UNSRs, envoys and resident coordinators. The focus is on the provision of a central repository of experiences and lessons learned for future application, as well as the development of a system of selecting and training mediation teams for supporting peacemaking efforts around the world. The MSU is currently providing mediation support to UN partners such as regional organisations.[6]

The AU and its mediation role

The Constitutive Act of the AU, adopted in Togo in July 2000, not only promoted the transformation of the Organisation of African Unity (OAU) into the AU, but also embodied fundamental changes in terms of the organisation's vision, objectives and responsibilities. The active promotion of peace, security and stability on the continent as a prerequisite for sustainable development was outlined clearly. Furthermore, the 37th Summit of the OAU held in Lusaka, Zambia, in July 2001 agreed to establish the New Partnership for Africa's Development (NEPAD), which emphasises the close link that exist between peace, security and sustainable development, and highlights the need to continue promoting democracy and sound political, economic and corporate governance.[7]

However, it was the AU's Constitutive Act that produced a major cultural and political shift from the traditional practices and policies of the OUA. While reiterating the principles of sovereignty, territorial integrity, independence and non-interference, the act gave the AU 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', and provides 'for the right of member States to request intervention from the Union in order to restore peace and security' (Article 4(h)). This important provision was further strengthened by Article 7(e) of the protocol relating to the establishment of the Peace and Security Council (PSC), which is one of the pillars of the peace and security architecture of the AU. It states that the PSC can recommend to the Assembly of Heads of State

an intervention, on behalf of the AU, in a member state in respect of the above-mentioned grave circumstances.

It has been noted that these provisions introduced 'a qualitative difference between the Charter of the OUA, which places a greater emphasis on non-intervention and the territorial integrity of its member states', and the Constitutive Act of the African Union.[8] In other words, the transition from the OUA to the AU can be seen as a shift from the principle of non-intervention to a doctrine of non-indifference: the continental organisation was given the right to intervene in internal situations that might lead to atrocities against minority groups or communities at risk. While the international community was still discussing the dimensions and implications of the responsibility to protect, the Constitutive Act of the AU recognised this new principle as one of the main elements of the mandate assigned to the new organisation.[9]

The Constitutive Act, together with PSC Protocol, established a comprehensive peace and security architecture for the continent, which includes the PSC, the Panel of the Wise, the African Standby Force (ASF) and the Continental Early Warning System (CEWS). The mandates assigned by the protocol to the PSC, the Panel of the Wise, the chairperson of the PSC (Article 10) and CEWS clearly highlight the prioritisation of conflict prevention in the AU's peace and security agenda.[10] In particular, the PSC Protocol identifies the anticipation and prevention of conflicts as one of the main objectives and areas of action of the PSC. The protocol also provides for peace-building and post-conflict reconstruction, with particular focus on the 'need to consolidate peace through peace building and conflict prevention' (Article 3, par. b and c).[11]

In addition, the first three paragraphs of Article 6 on the functions of the PSC state that it should, among others: contribute to the promotion of peace, security and stability (par. A); early warning and preventive diplomacy (par. B); and peace-making, including the use of good offices, mediation, conciliation and enquiry (par. C). Despite the reference to intervention and peace operations, it seems clear that preventive diplomacy, peacemaking, peace-building and early engagement are given a pre-eminent role.

With regard to peace-building in particular, the importance of the AU policy on Post-Conflict Reconstruction Development (PCRD), adopted in Banjul, the Gambia, in July 2006 cannot be overemphasised. This policy integrates and complements the peace and security architecture of the AU as it is intended to serve as a guide for the development of comprehensive policies and strategies that

elaborate measures seeking to consolidate peace, promote sustainable develop-ment, and pave the way for growth and regeneration in countries and regions emerging from conflict. The objective of the PCRD policy is to consolidate and prevent a relapse into violence, address the root causes of conflict, encourage and fast-track planning and implementation of reconstruction activities, and enhance complementarities and coordination between and among diverse actors engaged in the PCRD process.[12]

Article 17 of the protocol provides the AU with a more specific framework for cooperation in the field of peace and security between the AU, the UN and other international organisations. In the fulfilment of its mandate for the promotion of peace, security and stability, the PSC is supposed to work closely with the UN, which has primary responsibility for the maintenance of international peace and security. Article 17, par. 3, states that the PSC and the chairperson of the Commission of the African Union (AUC) 'shall maintain close and continued in-teraction with the United Nations Security Council, its African Members, as well as with the Secretary-General, including holding periodic meetings and regular consultations on questions of peace, security and stability in Africa'.

Article 17, par. 4, further states that the PSC shall cooperate and work closely with other relevant international organisations on issues of peace, security and stability in Africa. This means that international organisations such as the UN, the European Union (EU), the Organisation of Islamic Conference, the Organisation international de la francophonie (OIF), etc. might be invited to address the PSC on issues of common interest 'if the latter considers that the efficient discharge of its responsibilities does so require'.

The growing role of RECs

In the past 20 years, regional organisations in Africa, such as the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD), have been steadily gaining experience in mediation.

Despite their original mandates having been focused mainly on economic integration, since the 1990s RECs have adopted and developed their own instru-ments and institutions aimed at preventing, managing and resolving conflicts. In 1996, SADC established an Organ on Politics, Defence and Security. Two years later, IGAD, whose original mandate as the Intergovernmental Authority on

Drought and Development (IGADD) was to address matters related to drought and desertification, agreed on a 'Statement of objectives for conflict prevention, resolution and management', restructured its Secretariat to include a Division for Peace, Security and Humanitarian Affairs, and developed terms of reference for a programme on conflict prevention, resolution and management for the purpose of tackling conflicts in its region.[13] In 1999, another regional organisation, the Common Market for Eastern and Southern Africa (COMESA), whose membership includes most SADC and IGAD countries, also promoted its engagement in conflict prevention and resolution.[14]

All these RECs have developed their own unique approaches to mediation based on the particular historical and cultural context of their regions and organisations. Familiarity with the parties and the situation on the ground, personal links between regional leaders, proximity to the crisis area and a common interest in promoting peacemaking efforts in order to prevent spill-over risks, create specific conditions for successful regional mediation efforts. While SADC played a relevant role in searching for a peaceful solution to the crises in the DRC and Congo Brazzaville, IGAD offered its good offices in support of the international community's efforts aimed at ending the Ethiopia/Eritrea conflict. Nevertheless, the leading role taken in West Africa by ECOWAS in addressing peace and security issues in a regional dimension cannot be overemphasised. Its intervention in Liberia in 1990 and Sierra Leone from 1997 to 1999[15] provided regional organisations with critical lessons and a sense of confidence for the promotion of increased coordination and synergy with the OUA and subsequently the AU.[16] In particular, the ambition of RECs to play a very active role in conflict prevention was confirmed by ECOWAS's institutional framework.

The Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security adopted by ECOWAS in 1999 can be considered one of the most developed regional instruments for conflict prevention in Africa. The mechanism established several institutions, organs and strategies whose mandate was to address the peace and security situation in the region. These included the Mediation and Security Council, which operates at the level of heads of state and government, ministers and ambassadors, and takes decisions that impact on peace and security; the Defence and Security Commission, composed of defence chiefs and military experts; the Economic Community of West Africa Monitoring Group (ECOMOG), which, after the experiences gained in Liberia and Sierra Leone, was established as a multi-purpose standby force ready

for immediate deployment, including observation, monitoring and peacekeeping operations; an early warning system based on a regional observation network; and a Council of Elders, which was expected to carry out mediation, conciliation and negotiation in situations where there were indicators and risks of conflict. The Executive Secretariat was given the central role of implementing the mechanism.[17]

Furthermore, the protocol on democracy and good governance adopted by ECOWAS in 2001, the importance given to the implementation of constitutional convergence principles (section I),[18] and the emphasis on the constitutional role of the armed forces, the police and the security forces in a democracy (section II) can be considered as very relevant in addressing and preventing fundamental sources of tensions and conflict in the region.

In the light of these developments it is not surprising that RECs and ECOWAS in particular play an increasingly important role in addressing threats to peace and security on the continent.[19] More recently, while IGAD and SADC played an important role in the crises in Somalia and Madagascar respectively, ECOWAS was instrumental in promoting a continental zero-tolerance policy against coups d'état and unconstitutional changes of government, which have affected the West African region in particular (e.g. Mauritania, Guinea-Conakry and Niger).

Whilst clearly stating that 'the primary responsibility for promoting peace, security and stability in Africa' is the function of the PSC, Article 16 of the PSC Protocol fully recognises the role played by RECs in the prevention, management and resolution of conflicts.[20] Article 16, par. 1 of the protocol notes that RECS are 'part of the overall security architecture of the Union'. The PSC is therefore expected to harmonise and coordinate the activities of RECs in the field of peace, security and stability in order to ensure that these activities are consistent with the objectives and principles of the AU. The PSC was also asked to work closely with RECs to ensure effective partnerships in the promotion and maintenance of peace, security and stability. Furthermore, according to Article 16, par. 1.b, the PSC should work closely with RECs with a view to promoting initiatives aimed at anticipating and preventing conflicts and, in circumstances where conflicts had occurred, peacemaking and peace-building functions.

In return, RECs were asked to keep the PSC 'fully and continuously informed on their activities and ensure that these activities were closely harmonised and coordinated with the activities of the PSC'. To ensure close harmonisation and facilitate regular exchanges of information, the chairperson of the PSC was also expected to convene periodic meetings, at least once a year, with the chief executives and

officials in charge of peace and security within the RECs. Concerning the participation of RECs in PSC discussions, it was decided that they should be invited to attend PSC meetings whenever a specific question had been addressed by a REC or a matter was of special interest to that organisation. The same applied to the AU's participation in meetings and deliberations of RECs. The protocol also underscored the need to establish REC liaison offices at the AUC and for Memorandums of Understanding (MOUs) on cooperation between the AUC and the REC to be concluded.

Considering the above, the detailed provisions of Article 16 of the PSC protocol provided a very detailed framework aimed at enhancing cooperation between the AU and RECs. It allowed the peace and security architecture of the AU to address and clarify the nature and scope of the relationship between the AU and its regional counterparts, whose proliferation and lack of coordination with the former OAU were identified as the main obstacle to the promotion of effective continental mediation and conflict prevention efforts.[21]

A natural partnership

While the UN Charter and relevant AU treaties and protocols reaffirm the natural partnership in conflict prevention between the two organisations, it must be noted that the UN does not only provide the most comprehensive dispute settlement system available, with a full range of organs that includes the UNGA, the UNSC, the International Court of Justice (ICJ) and the UNSG, but also a wide range of other options. By virtue of its more than 60 years of work in this field, the UN has more institutional experience in mediation than any other organisation, as well as extensive expertise in the implementation of peace agreements through multi-dimensional peacekeeping operations. Even if the human and financial resources of the UN are limited in relation to its enormous mandate, they are considerably greater than those of most other intergovernmental or governmental organisations, or, for that matter, NGOs operating in the field of conflict prevention. This reality, together with the international legitimacy linked to the mandate of the UN, the role that it can play as an honest broker, and the predominance of peace and security issues in Africa within the agenda of the UNSC, will continue to provide the organisation with a key role in conflict prevention on the African continent.

Both the AU and RECs are natural partners of the UN in its efforts aimed at promoting peace and security on the continent. The UN has partnered with the OUA,

the AU and RECs, either in a joint or a supportive role, in Côte d'Ivoire, the DRC, Ethiopia/Eritrea, the Great Lakes Region, Guinea, Guinea-Bissau, Liberia, Mauritania, Mozambique, Madagascar, Namibia, Rwanda, Sierra Leone, Somalia, Sudan, Uganda and West Africa. By late 2008, the Department of Political Affairs/MSU had supported 18 ongoing or new peace processes, and started assisting the AU, SADC and the Economic Community of Central African States (ECCAS) in strengthening their mediation capacities. One example of the excellent relations and cooperation that exist between the UN and an REC is provided by the work carried out by the UN Office for West Africa (UNOWA). Since its creation in 2002, UNOWA has worked with ECOWAS on a continuous basis, assuming different but complementary roles in a variety of situations. This has resulted in several successful mediation efforts.[22]

In promoting its work with organisations in Africa, the UN has utilised several types of partnerships. The first model is where one organisation assumes the lead and others take secondary roles as observers or friends, and provide political and/or technical support (e.g. in Kenya). The case of Somalia, which could be considered a situation of constant mediation, seems to match the above-mentioned model as well since all the different international actors, which include the UN Political Office for Somalia (UNPOS), the AU Mission in Somalia (AMISOM), the UN Country Team and IGAD, are engaged in some sort of mediation activity. In fact, despite the plurality of mediators, the UN through UNPOS and the SRSG has at all times played a leading role in facilitating the political process in Somalia.

A second model is based on co- or joint mediation and seems to correspond to the UN-AU partnership that emerged in the case of Darfur. Originally led by the AU, the mediation undertaken in Darfur later became a joint AU-UN exercise. A third model occurs when the UN and one or more RECs are involved in joint mediation, but one mediator is appointed to represent both. The leading role that SADC tried to play in Madagascar following the coup d'état of March 2009 seems to be an example of this form of interaction.

AU-UN COOPERATION IN THE MANAGEMENT OF ONGOING CRISES ON THE CONTINENT

Kenya

The results of the presidential election in Kenya in December 2007 were deeply contested by the two main political parties, the Party of National Unity and

the Orange Democratic Movement. The dispute generated political discord and social tension. When the Electoral Commission of Kenya announced that the incumbent President Mwai Kibaki had been re-elected, the opposition rejected the result and declared the elections flawed. This disagreement led to the outbreak of violence across Kenya, but in particular in Nairobi and key urban and rural centres such as Mombasa, Kisumu and Eldoret. An estimated 1 300 people were killed and 300 000 were displaced internally.[23] A mediation process was launched under the auspices of the AU Panel of the Wise led by Kofi Annan, former Secretary-General of the UN. A power-sharing agreement signed by the parties on 28 February 2008 outlined the basis for a government of national unity. While the UN provided some technical support to the mediation process by crafting the main elements of the agreement, the AU retained full ownership of the process. Despite the great acrimony between the Kenyan parties and the eruption of violence in the country, Annan was able to bring the two major protagonists to the negotiating table and to set principles for an effective power-sharing agreement between Kibaki and the opposition leader Raila Odinga.[24]

Somalia

The AU and the UN have played a leading role in recent efforts to restore peace and stability in Somalia. The SRSG, Ambassador Ahmedou Ould-Abdallah, has been actively involved in brokering peace in Somalia since September 2007. He was instrumental in the negotiation of the ceasefire agreement concluded in June 2008 between the Transitional Federal Government (TFG) and the main opposition group, the Alliance for Re-liberation of Somalia, in what is also known as the Djibouti Process. The SRSG also heads up UNPOS, which was established in 1995 with a view to assisting the UNSG to promote peace and reconciliation in Somalia through contacts with Somali leaders, civil society organisations and the states concerned. UNPOS is currently playing an advisory role to the office of the UNSG and the UNSC on the delivery of a UN support package to AMISOM. While current discussions on Somalia tend to focus mainly on the strengthening of AMISOM and the possible deployment of a UN peacekeeping operation, an option that is still being ruled out by several members of the UNSC, the SRSG together with AU Special Representative Nicolas Bwakira has continued to emphasise the need to promote a new paradigm for achieving peace and security in Somalia.

On 30 March 2009, Ould-Abdallah briefed the UNSC on the next steps in the implementation of the Djibouti Agreement and how to make best use of the first 100 days of the newly installed unity government. He proposed a new paradigm based on a strong link between security, development and peace-building efforts to create incentives for warring parties to lay down their arms and contribute to charting a new course for Somalia. He also underscored the need to promote a strategy with achievable goals to address issues such as employment, the rehabilitation of infrastructure and humanitarian assistance.[25] He noted that the multiplicity of composition of internal and external actors involved in the Somali crisis made the peacemaking process extremely complex.

According to him, international partners of the AU were also playing an increasing role in Somalia, in particular the EU, the US and the League of Arab States, who had provided financial and other support to both AMISOM and the Somali security forces. Nevertheless, the key role in mediation was being played by the AU and UN, whose SRSGs had continued to work together, making every effort to engage all the actors, including the Somali business community, the Diaspora communities and other groups in the Djibouti Process with a view to enlarging the political and social support for reconciliation in the country. He said that both the AU and the UN were continuing to encourage the TFG to promote political reconciliation with those outside the peace process who were ready to talk. He concluded that the agreement reached by the TFG with Ahlu Sunna Wal Jama'a in March 2010 had been fully supported by him as it provided the Djibouti Process with a new opportunity to strengthen reconciliation within Somali society.

The constructive role played by IGAD in the Somali crisis also needs acknowledgment. It complemented and sometimes encouraged UN and AU actions. IGAD was very vocal in calling upon the UNSC to adopt sanctions against spoilers in Somalia and to act against Eritrea with a view to stopping the continuing flow of arms and foreign fighters, which Asmara appeared to be facilitating. The UNSC was deeply divided over the issue, but the IGAD-AU joint diplomatic action showed the importance of the AU-REC synergies in promoting African views within the UN decision-making process. At the end of 2009, the UNSC adopted Resolution 1907 by a vote of 13 in favour to 1 against (Libya), with 1 abstention (China), under Chapter VII of the UN Charter. This called upon Eritrea to cease all efforts to destabilise or overthrow the TFG either directly or indirectly. It also imposed an embargo on arms and associated materiel to and from Eritrea, as well as travel restrictions and an asset freeze on individuals. These persons

included, but were not limited to, the Eritrean political and military leadership, governmental and parastatal actors, and Eritrean nationals living within or outside Eritrean territory, all as designated by the Sanctions Committee, which was renamed a Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) on Somalia and Eritrea.

The expansion of the mandate traditionally assigned to the Sanctions Committee on Somalia was closely linked to the strong stance adopted by IGAD on the need to increase the regional approach to a solution of the crisis. The delegations of Uganda and Burkina Faso, which were non-permanent members of the UNSC, played a very important role in supporting the AU-IGAD position on the need to adopt sanctions against Eritrea. The UNSC thus fully implemented the decision taken by the AU Summit in Sirte, Libya, in 2009, at which African leaders 'called upon the UN Security Council to impose sanctions on foreign actors, particularly Eritrea, supporting the efforts of armed groups to destabilise Somalia'.[26] While the Libyan hostility against the adoption of sanctions risked undermining the African position – during the UNSC debate the Libyan delegation highlighted the possible counter-productive effects of sanctions despite their targeted profile – both Uganda and Burkina Faso welcomed the decision as a clear manifestation of the cooperation between the UN and the AU in efforts to resolve conflicts on the continent.

Sudan/Darfur

The crisis in Darfur generated the most intensive cooperation between the UN and AU in crisis management. The UN-AU Mission in Darfur (UNAMID) was the first hybrid UN-AU peacekeeping force and Rodolf Adada and Djibril Yipènè Bassolé were the first Joint AU-UN Special Representative for Darfur/head of the UNAMID, and Joint AU–UN Chief Mediator for Darfur respectively. These diplomats provided both the UN and the AU with their experience in multilateral diplomacy and mediation processes. Bassolé, from Burkina Faso, had served his country as foreign minister and was minister of security between 2000 and 2007. He played a key role in facilitating the Ouagadougou Agreement of 2007 between President Laurent Gbagbo of Côte d'Ivoire and Guillaume Soro, leader of the Forces Nouvelles, who is now the country's prime minister. Bassolé was also a member of the mediation committee for the 'Touareg' conflict in Niger (1994–1995) and the international committee for the monitoring of the elections in Togo (1993–1994).

Rudolph Adada had served in the government of Congo-Brazzaville from 1977 to 1991 and had been foreign minister under President Denis Sassou Nguesso from 1997 to 2007. Following his resignation as Joint AU-UN Special Representative for Darfur and head of UNAMID, Ibrahim Gambari, formerly the foreign minister of Nigeria and that country's permanent representative to the UN, took over in January 2010. Gambari previously held the position of Under-Secretary-General for Political Affairs and Special Adviser to the UNSG on Africa. From September 2002 to February 2003, he also served as SRSG to Angola and head of UNAVEM.

The roles played by Adada and Bassolé proved to be very important in supporting the peace process in Darfur and facilitating the deployment of UNAMID. The Darfur mediation was initially led by the AU and later became a joint AU-UN mediation. The agreement signed in Qatar in February 2009 between the Government of National Unity of the Republic of Sudan and representatives of the Justice and Equality Movement was achieved under the joint auspices of the State of Qatar and the Joint Chief Mediator.

COUPS D'ÉTAT IN AFRICA

Together with the Lomé Declaration on Unconstitutional Change of Government adopted by the OUA in July 2000 and the African Charter on Democracy, Elections and Governance (the Addis Charter) of January 2007, the Constitutive Act of the AU provided the definition of the concept of unconstitutional change of government and indicated specific policy actions to be taken by the OUA/AU in response to it. Both the Lomé Declaration and the Addis Charter identified four situations as being unconstitutional changes of government, as follows:

- 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 an armed dissident group and rebel movement
- The refusal by an incumbent government to relinquish power to the winning political party after free, fair and regular elections

In addition, Article 23(5) of the Addis Charter identified a fifth situation corresponding to 'any amendment or revision of the constitution or legal

instruments, which is an infringement on the principles of democratic change of government'.

According to the three AU instruments, a specific set of measures or actions is expected to be taken by the AU in reaction to an unconstitutional change of government. While the chairperson of the AUC should immediately condemn a coup d'état, the PSC is called upon to convene a meeting on an issue considered to be a relevant threat to peace, security and stability on the continent. The country where the unconstitutional change of government occurred should be suspended from membership and prevented from participating in the policy organs of the AU while the de facto authorities are given a period of up to six months to restore constitutional order.

Nevertheless, during the six-month period the AU should engage with the new authorities to promote the restoration of constitutional order in the country. At the expiration of the suspension period, a range of limited and targeted sanctions against a regime refusing to restore constitutional order may be instituted. Such sanctions could include visa denial, an assets freeze and diplomatic isolation in terms of restrictions on government-to-government contacts. Article 25 of the Addis Charter stipulated two additional measures. While the first (Article 25, para. 4) prevents the coup-makers from carrying out any auto-legitimation ('The perpetrators of unconstitutional change of government shall not be allowed to participate in elections held to restore the democratic order or to hold any position of responsibility in political institutions of their State'), the second (article 25, para. 6) envisions the imposition of sanctions on any member state that has instigated or supported unconstitutional change of government. It is worth noting that in terms of prevention, both the Lomé Declaration and the Addis Charter acknowledged that several factors could reduce the risk of military coups, in particular, strict adherence to 'the principles of good governance, transparency and human rights' and a 'strengthening of democratic institutions'.[27]

The three policy instruments on unconstitutional change of government have guided the AU in its reaction to the scourge of coups d'état in Africa in 2008 and 2009. A coup in Mauritania on 6 August 2008 was followed by a coup in Guinea on 23 December 2008 and the forced resignation of the democratically elected president of Madagascar, Marc Ravalomanana, on 17 March 2009. The assassination of President Joao Bernardo Vieira in Guinea-Bissau on 2 March 2009 was another dramatic setback for democracy in Africa. However, because of the constitutional takeover and swearing in of Raimundo Pereira, head of the National People's

Assembly, the AU decided not to suspend Guinea-Bissau from membership. Concerning the other three countries, the AU reacted to the unconstitutional changes of government by suspending their membership, thereby implementing the provisions of Article 30 of the Constitutive Act, which stipulates that governments coming to power through unconstitutional means shall not be allowed to participate in the activities of the AU.

Here we will focus only on the first situation identified in the Lomé Declaration and the Addis Charter, namely a military coup d'état against a democratically elected government, and will review the interaction between the AU, the RECs and the UN in the process of dealing with the coups carried out in Mauritania, Guinea and Madagascar in 2008 and 2009.

Concerning the situation in Mauritania, the AU, supported by UNOWA, played a leading role in promoting dialogue and national reconciliation, and in returning the country to constitutional order.[28] However, the mediation role and intensive diplomacy carried out by neighbouring countries proved to be crucial. President Abdoulaye Wade of Senegal was the main actor behind the International Contact Group (ICG) on Mauritania and his contribution greatly facilitated the conclusion of the framework agreement between the country's three major political groupings finalised in Dakar and signed in Nouackchoot in June 2009. Mauritania's suspension from the AU was lifted thereafter. The presidential elections that took place in July 2009 were recognised as fair and transparent by the international community and allowed the country to achieve additional progress toward the re-establishment of constitutional order.[29]

With regard to the situation in Guinea, the AU and ECOWAS acted in concert from the first days following the coup. Both the AU on 29 December 2008 and ECOWAS on 10 January 2009 decided to suspend Guinea's membership of their organisations. Under the auspices of the AU and ECOWAS, an ICG was established as a forum to coordinate mediation and to monitor progress towards the restoration of constitutional order. The UN, through UNOWA, actively supported the work of the ICG and the leading mediation role played by the AU and ECOWAS. When Captain Dadis Camara and other members of the National Council for Development and Democracy (CNDD) reneged on their earlier commitment not to participate as candidates in the presidential election, the AU decided to impose 'appropriate sanctions against the president of the CNDD and all other individuals, both civilian and military, whose activities were in contravention of the above-mentioned commitments'.[30]

The 7th session of the ICG on Guinea, which took place in New York in September 2009 on the margins of the UNGA, had the aim of addressing the new setback in the process of restoring constitutional order in Guinea. On 28 September soldiers loyal to Camara sealed off the exits to the national football stadium where tens of thousands of protesters had gathered to demand an end to military rule. The troops attacked the unarmed crowd and many protesters, including women and children, died. The international indignation raised by this event created the condition for an international inquiry under the auspices of the UN. On 16 October the UNSG established an international commission of inquiry to investigate the facts and circumstances of the event and related happenings in Conakry in the immediate aftermath. The international commission consisted of Mohamed Bedjaoui of Algeria as chairman, Françoise Ngendahyo Kayiramirwa of Burundi and Pramila Patten of Mauritius.

Bedjaoui, an Algerian diplomat and jurist, had served as minister of foreign affairs, as ambassador to France and the UN, as a judge on the International Court of Justice and as president of Algeria's highest judicial authority, the Constitutional Council. Kayiramirwa was a former minister of national solidarity, human rights and gender, of repatriation, reintegration of repatriates and internally displaced people, and had served with the International Criminal Tribunal for Rwanda as adviser on gender issues and assistance to victims. Patten was a member of the UN Committee for the Elimination of Discrimination against Women. The Office of the High Commissioner for Human Rights and UNOWA provided support to the commission. At the end of 2009 the UNSG transmitted the commission's report to the government of Guinea, the UNSC, the AUC and ECOWAS. The commission had interviewed 700 people and worked with both the AU and ECOWAS to reach its findings. It recommended that the International Criminal Court investigate those believed responsible for the killings.

The commission concluded that the authorities had been trying to erase evidence of the alleged violations and that the number of victims had been much higher than reported. Following the removal of coup leader Camara on account of the wounds suffered by him in a counter coup at the end of 2009, the military junta promised to hold elections by the end of 2010. The 13th meeting of the ICG on Guinea, held in Conakry on 15 and 16 May 2010, expressed appreciation for the determination of the president of the transition and interim head of state, Brigadier-General Sékouba Konaté, to respect the pledge made to the people of Guinea concerning the first round of the presidential elections to

be held on 27 June.[31] The round took place as scheduled. On the same day, UN Secretary-General Ban Ki-moon commended Guinea for the successful staging of presidential elections 'widely regarded as the first democratic polls in the West African country since independence more than 50 years ago'.[32] The second round, in which ex-prime minister Cellou Dalein Diallo was to face veteran opponent Alpha Conde, was scheduled for 19 September.

In relation to Madagascar, the PSC of the AU decided to suspend the country from participating in its activities in March 2009. SADC adopted the same decision on 30 March. The UN was actively involved from the time the crisis erupted as a result of earlier mediation efforts by Assistant Secretary-General Haile Menkerios and the UNSG's Special Envoy, Tiebile Dramé. The UN encouraged the creation of an ICG on Madagascar with a view to facilitating the country's return to constitutional order, and the first meeting was convened in Addis Ababa at the end of April 2009. Members included the UN, the AU, the OIF, SADC, the Indian Ocean Commission, and other international organisations and partners.

The appointment of President Joaquim Chissano as SADC Special Envoy and his position as the most senior official on the team of international mediators raised a delicate issue concerning the need to coordinate international efforts aimed at promoting the return to constitutionality in Madagascar. The case highlighted the need to avoid a proliferation of actors competing for a mediation role. The existence of several mediators risked creating an opportunity for forum shopping by intermediaries being played off against each other, which would complicate finding a solution to the crisis further.[33] Nevertheless, the appointment of Chissano showed once again the increasing role RECs were willing to play in conflict prevention and mediation.

The ICG provided the conflicting Malagasy parties with crucial diplomatic support. The signing of the Maputo Agreement by these parties in August 2009 represented a first important step towards a peaceful solution to the crisis. However, unilateral measures taken by the de facto government in the aftermath of the Maputo Agreement created a new impasse. The situation was reviewed at the 3rd meeting of the ICG in Antananarivo in October 2009. A month later a more comprehensive power-sharing agreement, which dealt with the distribution of portfolios and other high-level positions within the institutions of the transitional authorities, was signed in Addis Ababa under the auspices of the AU, SADC and the UN. Together with the Maputo Agreement, the Addis Ababa Agreement offered the opportunity to promote a consensual transition by uniting

in one government the four political movements represented by Rajoelina, Ravalomanana and two former presidents, Didier Ratsiraka and Albert Zafy. But even though he signed the agreement, Rajoelina prevented the implementation of the accord and reserved all senior positions in the transitional authority for his own movement. He also announced that elections would be organised unilaterally.

The PSC at its 216th meeting held in February 2010 demanded that the SADC-brokered Maputo Agreement and the Addis Ababa Agreement be accepted formally by 16 March 2010. On 17 March the PSC adopted sanctions, which included a travel ban, an assets freeze, visa denials and diplomatic isolation against Rajoelina and 108 individuals. At the same time, the PSC requested the chairperson of the AUC, in close collaboration with the executive secretary of SADC, the head of SADC Mediation and the ICG on Madagascar to monitor and ensure implementation of the AU decision, while continuing to work for the return of constitutional order in Madagascar.

In addition, the PSC urged all multilateral partners of the AU, especially the UN, the EU and other international organisations, as well as bilateral partners, including the permanent members of UNSC, to support its decision. The PSC underlined the importance the AU attached to this issue and the need for AU partners to refrain from any action that could undermine its efforts and send the wrong signal to the architects of the unconstitutional change of government in Madagascar. Nothing was to be done to undermine the democratisation process to which AU member states were committed.[34]

THE UN AND THE UNSC ON COUPS D'ÉTAT IN AFRICA

The pro-active diplomacy by the AU, the UNSG through his Special Envoys and SRSGs, and RECs in dealing with coups d'état encouraged the UNSC to take the historical decision to express concern over the resurgence of unconstitutional government changes in Africa. The organisation declared its support for the AU-RECs' policy on coups d'état and welcomed the preventative measures undertaken by the AU and RECs against unconstitutional government changes. It also recognised their efforts to settle conflicts, promote human rights, democracy, the rule of law and constitutional order. Considering the traditional reluctance of the five permanent members of the UNSC to take a strong position on coups d'état – a case-by-case approach on unconstitutional changes of government was

the common practice adopted – the fact that the UNSC recognised in the form of a presidential statement that coups d'état are not only a serious setback to the democratic process, but also a relevant threat to peace, security and stability on the continent, was particularly important.

Furthermore, the UNSC expressed 'its concern at the possible violence that may accompany such events, as well as the negative impact on economic and social welfare of the people and the development of affected countries'. The importance of expeditiously restoring constitutional order by means of transparent elections was stated clearly. Whilst reiterating its primary responsibility for the maintenance of international peace and security, the UNSC recalled that cooperation with regional organisations, consistent with Chapter VIII of the UN Charter, could improve collective security. The UNSC also fully endorsed 'the continuing important efforts of the African Union and sub-regional organisations, consistent with Security Council resolutions and decisions, to settle conflicts, promote human rights, democracy, rule of law and constitutional order in Africa'.[35]

The role played by the Uganda delegation to the UN in persuading the UNSC to change its traditional approach on the issue is noteworthy.[36] In welcoming the decision taken by the UNSC, Uganda's representative at the UN emphasised that the presidential statement was an expression of the UNSC's deep concern about unconstitutional changes, and that it indicated support for the AU.[37] Despite the fact the UN does not have a comprehensive doctrine on the issue of coups d'état, it is clear that it is guided by the understanding that unconstitutional changes of government run counter to fundamental UN values and established norms of international law, including international human rights law. However, developments in Mauritania and Madagascar highlighted the issue of representation of de facto governments in UN intergovernmental organs and led to misunderstandings on the nature of and the rules governing the accreditation process at the UN.

In the case of Madagascar, in the absence of UNSC or UNGA condemnation of the March 2009 coup, representatives of the de facto government provisionally participated in UN intergovernmental organs. Furthermore, Madagascar was invited by the president of the UNGA to participate in the UN Conference on the World Financial and Economic Crisis in June 2009. The fact that representatives of these countries were allowed to represent their countries in UN intergovernmental proceedings caused some concern in the region as it was misperceived by some as

UN 'recognition' of the de facto governments. It should be remembered that the power to accredit governments lies exclusively in the hands of member states and is handled by the UNGA's credentials committee. This committee consists of nine members appointed by the UNGA at the beginning of each session on the proposal of the president. The current members of the committee include two African countries, namely Angola and Namibia, while the other members are Chile, China, the Russian Federation, Singapore, Suriname, Switzerland and the US.

The UNSG, as the organisation's chief administrative officer, does not have the authority to limit any government's participation in UN intergovernmental organs. When member states are able to take a common position within the main UN bodies, misunderstandings such as occurred in the case of Mauritania and Madagascar could be avoided. For example, the UNGA's unanimous condemnation of the ousting of President Manuel Zelaya in Honduras in June 2009, and its call upon the US to recognise no government other than that of Zelaya, indicated that member states could take concerted action to limit and prevent de facto governments from participating in UN proceedings. To resolve this delicate issue, a strong and concerted action by the African group of nations at the UN could enable the AU to give effect to its policy on handling unconstitutional government changes or coups d'état. It is worth recalling that the recent scourge of unconstitutional government changes encouraged the AU to restate its zero-tolerance policy against coups d'état, and to launch a process aimed at consolidating its policy on the issue and strengthening its capacities in dealing with such situations.

The retreat of the PSC, which took place in Ezulwini, Swaziland, from 17 to 19 December 2009, represented the first step in this process. The PSC agreed to strengthen the effectiveness of the AU framework dealing with unconstitutional government changes and to implement the AU's sanctions regime against perpetrators of coups d'état. The PSC also decided to accelerate the establishment of a sanctions committee, which had already been agreed to following the 178th meeting in Addis Ababa in March 2009. The chairperson of the AUC, Jean Ping, also attached great importance to the issue and presented a very comprehensive report on the prevention of unconstitutional government changes and the need to strengthen the AU's capacities to manage such situations. The report was submitted to the AU's 14th Ordinary Session of the Assembly of Heads of State and Government, which took place from 31 January to 2 February 2010. The report stressed the need to identify and promote the establishment of a comprehensive

set of 'prohibitive stipulations' and restrictions, which were intended to act as a deterrent against perpetrators of coups d'état, as follows:

- A prohibition on the perpetrator of the coup to stand for new elections
- The possibility of perpetrator(s) being tried by the legitimate authorities at the African Court on Human and People's Rights
- The preparation of a manual of sanctions against perpetrator(s) and rules on exemptions to sanction regimes
- Cooperation with international organisations to deal with the issue

The need to promote the revitalisation of the existing continental mechanism for the prevention of unconstitutional changes of government, including the Solemn Declaration on Security, Stability and Development, and Cooperation in Africa, the African Peer Review Mechanism, the African Charter on Human and People's Rights, and the OAU Declaration on the Principles Governing Democratic Elections in Africa was also highlighted. The importance of member states signing and ratifying these instruments, and the need to implement the commitments made by them in relation to democracy, good governance and elections was stressed. On this note, member states were called upon to speed up the ratification process on the African Charter on Democracy, Good Governance and Elections.[38] In addition, the need to promote better coordination at regional and international levels in dealing with unconstitutional changes of government was discussed. It was noted in particular that harmonisation and coordination with regional mechanisms in the fields of peace and security, as well as with the UN and other international partners, were required. A more systematic use of the International Contact Group Formula was also encouraged with a view to mobilising international community support for decisions taken by the AU.

The AU zero-tolerance policy against coups d'état was strongly supported by the AU Summit, which endorsed all the recommendations made by the PSC chairperson. In particular, several aspects of decisions taken by the Summit addressed the need to promote better coordination at regional and international levels in dealing with unconstitutional government changes. The Summit reiterated the primacy of the AU's responsibility in the promotion of peace, security and stability on the continent, but also stated that 'whenever the AU takes a decision on an unconstitutional change of government' it should do so 'in close coordination with regional mechanism[s] for conflict prevention, management and resolution'.

The AU partners, both bilateral and multilateral, including the UN and the EU, were requested to support strongly the decisions taken by the AU in situations of unconstitutional government change, and to refrain from any action that could undermine the efforts of the AU and send confusing signals to the perpetrators of unconstitutional change. The Summit also recognised the important role played by international contract groups in mobilising the support of AU partners and the international community as a whole for AU positions on unconstitutional government change, and encouraged the PSC to establish such groups under the AU's leadership.

With reference to the participation of the de facto authorities of Madagascar in the proceedings of the UNGA, the Summit took a very relevant decision aimed at increasing international coordination and support for the AU policy on coups d'état. It asked member states to refrain from granting any accreditation to de facto authorities in non-African international bodies, including the UN and its General Assembly, in order to strengthen the automatic suspension measure taken by the AU against countries in which unconstitutional change of government had taken place. Once again, this decision highlights the important role African states can play at the UN in promoting international support for AU policies and decisions.

PERSPECTIVE ON UN-AU COOPERATION IN COUNTERING FUTURE SECURITY THREATS

In November 2006 a Ten-Year Capacity Building Programme was signed by the former UNSG Kofi Annan and the former chairperson of the AUC, Alpha Oumar Konaré. It was conceived as the UN's overall strategic framework for cooperation with the AU and has as its main objective the enhancement of the capacity of the AUC and the RECs to act as effective partners in addressing the challenges to human security on the continent. Conflict prevention, mediation and good offices, peacekeeping and peace-building were identified as the key areas of cooperation.[39]

Earlier, in the 1990s, a Regional Coordination Mechanism for Africa, or RCM-Africa, had been established as the mechanism for enhancing UN system-wide coherence, coordination and cooperation at the regional and sub-regional levels to deliver 'as one' in support of AU and its NEPAD programme. It was established as part of the UN reform with a view to improving coherence, promoting

synergies and coordination among UN agencies and organisations working with AU/NEPAD.

Within the RCM framework, as well as in line with the Ten-Year Capacity Building Programme, the Peace and Security Cluster of the RCM is currently providing support to regional organisations in the areas of conflict prevention, crisis management and the resolution of ongoing conflicts, electoral assistance, support for post-conflict peace-building issues and human rights. Peace and security will continue to be a dominant issue considering the heavy toll conflict is still taking in many parts of Africa.[40] The Peace and Security Cluster is chaired by the UN Office to African Union/former UN Liaison Office to the AU on behalf of the UN Department of Political Affairs (UN-DPA), and is currently composed of three sub-clusters, namely the Peace and Security Architecture of the AU, chaired by the AU Peace Support Team of the Department of Peacekeeping Operations; Post-conflict Reconstruction and Development, chaired by the UN High Commissioner for Human Rights; and Human Rights, Justice and Reconciliation, chaired by the Office of the High Commissioner on Human Rights. Both the cluster and sub-clusters are co-chaired by the AUC.

In the 2009 to 2012 strategic plan of the AUC, peace and security is considered the first pillar, followed by integration, development and cooperation, shared values, and institution and capacity building. Against this background the cooperation between the UN, the AU and RECs on peace and security issues, as well as on crisis management, will continue and is likely to be strengthened with a view to countering future threats. The Peace and Security Cluster will therefore continue to play a key role in this delicate undertaking.

As agreed by Kofi Annan and Alpha Oumar Konaré in 2006, the two organisations were to review the programme at three-yearly intervals. A review of the Ten-year Capacity Building Programme is currently underway.[41] The review is expected to issue practical and action-oriented recommendations aimed at enhancing the functioning of the RCM of UN agencies and organisations working in Africa with a view to strengthening RCM-Africa and its cluster system. Effective UN support of this nature would accelerate the implementation of AU/NEPAD priorities and the UN-AU Cooperation Programme, as expressed in the Ten-year Capacity Building Programme. The objective of the review is to examine critically whether the RCM-Africa is achieving the priorities for which the Ten-year Capacity Building Programme was set up. The review will also draw out the lessons of the programme's three years of implementation and verify whether

the current configuration of RCM-Africa effectively addresses the strategic priorities of the AU. As both the UN and the AU have decided to use the first three years of the programme to focus on peace and security issues, the review will provide significant input on how to strengthen and consolidate support given by the UN family to the peace and security agenda of the AU.

The full involvement of the AU and RECs in the review process will ensure the required ownership and leadership of the exercise. Moreover, an effective review of the programme will strengthen and refocus UN-AU cooperation according to the priorities identified by the AU and RECs. The latter should be closely associated with the work of the Peace and Security Cluster since the main objective of the Ten-year Capacity Building Programme is to enhance the capacities of both the AU and RECs to act as effective UN partners in addressing the challenges to peace and security in Africa.

UN SUPPORT TO AU MEDIATION CAPACITIES

Two-year joint work programme

In December 2008, the AU and the UN-DPA launched a two-year joint work programme entitled AU-UN Cooperation: Enhancing the African Union's Mediation Capacity. It is intended to serve as the organising framework for support to the AU on mediation and outlines key mediation capacity-building activities for the next two years, as well as a division of labour among key partners supporting the AU, for example the African Centre for the Constructive Resolution of Disputes (ACCORD), the Centre for Humanitarian Dialogue, the International Peace Institute (IPI), the Folke Bernadotte Academy and the Crisis Management Initiative. In addition, the UN-DPA seconded a consultant to assist the AU in establishing the secretariat of the Panel of the Wise. The consultant is responsible for coordinating the activities of the panel and the recruitment process for the secretariat.[42]

It is within the framework of the Ten-year Capacity Building Programme that the UN-DPA, through its MSU, has begun implementing the AU-UN lessons-learned project, which is designed to review different models of AU-UN organisational partnerships in mediation. The objective of the exercise is to make AU-UN mediation partnerships more effective by identifying positive experiences, best practices and challenges in each case. The overall goal is to arrive at a common

set of policy, strategic and operational guidelines on AU-UN cooperation during the conceptualisation, planning and implementation stages of mediation processes, and an action plan for promoting, disseminating and periodically updating the guidelines. Lessons learned from the exercises are intended to be forward-looking in order to inform ongoing or future peace processes. Three models have been proposed for the review, focusing on joint AU-UN mediation, AU-led mediation with UN support and UN-led mediation with AU support. In April 2009 the AU and UN-DPA hosted a first lessons-learned workshop for around 30 participants in Nairobi, focusing on Kenya (AU-led) and Darfur (previously AU-led, currently joint AU-UN mediation) experiences. A second workshop in August 2009 focused on Somalia and Guinea-Bissau. During 2008, the UN extended its mediation support to SADC and ECCAS.[43]

Other initiatives cover knowledge management and mediation tools. For example, the UN is currently helping the AU to develop a curriculum and handbook on mediation training tailored to AU needs, and to organise joint AU-UN-EU mediation training workshops. The UN is also to assist the AU in mapping and consolidating information on African practitioners and experts, especially African female leaders, who could be considered as mediation support staff, special envoys and senior experts in AU-engaged peace processes. Considering the deep involvement of the UN in mediation processes around the continent, the AUC invited the UN Secretariat to participate in the seminar entitled 'Towards enhancing the capacity of the AU in mediation', which took place in Addis Ababa on 15 and 16 October 2009. This event was the culmination of a series of consultations launched in collaboration with the UN and other stakeholders in late 2008 to reflect on lessons learned from mediation experiences in Africa.

Desk-to-desk consultative meetings

A very promising development of the UN-AU-RECs cooperation in crisis management is the organisation of desk-to-desk consultative meetings. Following a series of consultations, the UN-DPA and AU agreed in 2008 to hold twice-yearly consultations to strengthen cooperation in the areas of conflict prevention and management. The objectives of the consultations include the following, among others:

- The promotion of a better understanding of activities, organisational structures and the working methods of each organisation

- Increased cooperation and information flow between UN, AU and REC staff working on the same countries or issues
- Discussion and agreement on ways to ensure better coordination between the UN-DPA, the AU and RECs at headquarters and in the field on the prevention and management of conflict
- Agreement on 'implementable' recommendations on how the UN, the AU and RECs can support peace processes on both an individual and joint basis

Four desk-to-desk meetings have taken place at the time of writing. The first was held in Bahir Dar, Ethiopia, in July 2008 and the second at the Greentree Foundation in New York in February/March 2009. At the first meeting, situations in four countries were discussed, namely the CAR, Somalia, Kenya and the Comoros. Representatives of IGAD made insightful inputs on the role of their organisation in Somalia. Election-related violence was also discussed. At the second consultative meeting, UN, AU and REC officials exchanged views on country cases, i.e. Guinea and the DRC, regional situations (the Horn of Africa and the Sahel) and cross-cutting issues, such as mediation, gender mainstreaming, elections and the work of the AU and UN security councils. Representatives from the UN-DPA and the AU were also able to further their discussions on designing and implementing a joint UN-AU regional mediation strategy.[44]

The UNSG's report on support to AU peacekeeping operations authorised by the UN, issued on 18 September 2009, invited the DPA and the AUC to enlarge the format of the desk-to-desk exchange. The third meeting, which took place in Addis Ababa in December 2009, implemented the above-mentioned recommendations by including relevant officers from the UN Department of Peacekeeping Operations, the Department of Field Support and the Office for the Coordination of Humanitarian Affairs. The presence of officials from other departments of the UN Secretariat is expected to increase the effectiveness of the UN-AU cooperation on peace and security issues.

The fourth desk-to-desk meeting, held in Gaborone, Botswana, in June 2010, confirmed the increasing UN-AU-RECs partnership in crisis management and conflict prevention. SADC played a key role in the organisation of the event.

According to the UNSG's report, the desk-to-desk meetings are to serve as a preparatory mechanism for the annual meetings of the UN-AU task force on peace and security, a new forum that could allow the under-secretary-generals

of the UN and the commissioners of the AU to interact and consult more frequently on conflict situations affecting the African continent.[45]

CHALLENGES AND OPPORTUNITIES IN RELATION TO FUTURE JOINT UN-AU MEDIATION EFFORTS IN AFRICA

The UNSG's September 2009 report on enhancing mediation and the UN's support activities provide the international community with an update on the challenges being faced by the UN and its regional partners in providing professional mediation assistance to parties in conflict.[46] The need for experienced and knowledgeable mediators and support teams, with women adequately represented, was highlighted. The UNSG also emphasised the necessity to build local, national and regional capacity for mediation and to create coherent partnerships between the UN, the AU, RECs, member states and NGOs. The report highlighted some crucial lessons learned from past mediation processes. The principle of early engagement when positions are less hardened and emotions contained, the importance of selecting a lead actor/single chief mediator to avoid duplication and overlapping, and the need to appoint the most appropriate mediator, which can be facilitated by the availability of a database containing information on mediation skills, experience, knowledge and judgment capabilities, could all help to identify effective guidelines for mediation initiatives.[47] According to the UNSG, the importance of engaging in lessons-learned exercises on joint UN-AU cooperation must not be forgotten.

These actions can all contribute to making the partnerships more effective by identifying positive experiences, best practices and new challenges that may confront future mediation situations. Although there is solid evidence that efforts by the UN and its partners have reduced the number of conflicts around the world (since 2000, 17 conflicts have been resolved through mediation and only four by military means) new dangers have appeared on the horizon. As the UNSG stated in his report: 'Competition for scarce resource, economic downturn, climate change, the growing reduction of resources from arable land to water to oil, disputes within and between states, may become more common in the future.'[48] This is particularly true for Africa.

Considering the increasing costs and difficulties confronting the peacekeeping efforts of the UN (and the AU) under the constraints of the current global economic crisis, which seems to have reduced the resources available for peace

support operations within and outside the UN framework, the proven cost-effectiveness of skilled third-party mediation is a call on the international community to increase its engagement in conflict prevention by strengthening regional capacities and to upgrade mediation to a more professional and effective level. The proposal made by the UNSG to develop the next generation of UN mediators by creating greater opportunities for UN staff to acquire professional mediation know-how linked to the preventive diplomacy and peacemaking responsibilities of the organisation could encourage the AU and RECs to undertake similar initiatives and, with the support of international partners, implement training programmes for their own staffs.

Finally, the idea of promoting the heightened engagement of the UNSC in mediation processes and conflict prevention initiatives in Africa can be considered another delicate challenge. The UNSC, which has primary responsibility for the maintenance of international peace and security, has a very important role to play in all stages of the conflict cycle. It supports all the relevant actors engaged in mediation, namely the SRSGs, the UN missions, the AU and RECs. The UNSC has sometimes provided the necessary support through UNSC missions to Africa and direct meetings with actors. Moreover, it has recently increased the tools of persuasion at its disposal to deal with spoilers by adopting targeted sanctions by naming individuals and groups in reports drafted by the Sanctions Committee or its expert groups. By reinforcing measures with appropriate decisions, interference with the mediation process can be turned into cooperation. Despite its reluctance to formalise its relationship with the AU, the recent consultative meeting between the UNSC and the PSC, which took place in Addis Ababa in May 2009, confirmed once again the need to improve coordination and cooperation between the UN and regional actors in dealing with peace and security issues in Africa.

CONCLUSION

In recent years, regional organisations, not only in Africa but all over the world, have intensified their efforts in mediation and conflict prevention. The role currently played by the Association of South-east Asian Nations in dealing with the crisis in Myanmar, or the mediation carried out by the Organisation of American States to facilitate the return to constitutional order in Honduras, are relevant examples. In Africa, the AU, ECOWAS, SADC, IGAD and ECCAS have been gaining experience in mediation. Each of these organisations has developed its own

unique approach to mediation based on the particular historical and cultural context of the region. A more systematic sharing of these different approaches could be very productive.

Like the UN, these organisations have strengths and weaknesses. One of their advantages is that their members are often familiar with the parties and personalities involved. Proximity can ensure leverage and early engagement by neighbouring countries that have a natural interest in promoting conflict pre-vention in an adjacent state. In some situations, neighbours may have a vested interest, but in other cases regional influence may have a greater impact on the warring parties than international influence, although this does not always hold true.

We may conclude that in order to be truly effective, contemporary mediation and conflict prevention undertakings require the involvement of multiple actors whose assistance and support can be useful at different stages of the process in accordance with their specific strengths and weaknesses. Therefore, a creative multi-track approach to mediation involves the participation of a multitude of actors, including NGOs, working in concert with one lead actor.

NOTES

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4   United Nations, *Handbook on the peaceful settlement of disputes between states*, UN Publication, Sales, No. E 92.V.7. 1992.

5   Member states are required to make every effort to resolve their local disputes through regional arrangements or regional agencies before referring them to the UNSC. United Nations, Progress report on the prevention of armed conflict, Report of the Secretary-General, A/60/891, 18 July 2006.

6   More information on UN peacemaking instruments, the MSU and the Mediation Support Stand-by Team can be found at www.un.org/depts/dpa/peace.html (accessed 15 April 2010).

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47 The role NGOs can play in the area of early engagement has been emphasised by the UNSG. Since their decision-making processes are typically less complicated than those of other participants, they can mobilise resources and act quickly, for example by become involved in establishing preliminary contacts between parties. Local NGOs can also help to ensure that civil society voices are heard, especially the voices of those that are often excluded, such as women, young people, victims, displaced persons and ethnic minorities.

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This monograph is a collection of papers that were presented at the African Human Security Initiative conference that was held in Addis Ababa in February 2008. It discusses the changing methodologies used to analyse and map violent conflicts, conflict resolution and peace building approaches in Africa by moving away from Western-focused socio-political lenses that have defined the different policy reactions to conflict in the region. It is thus an attempt to apply a more holistic, multi-disciplinary approach to understanding causes of violent conflict and, perhaps more importantly, how to diffuse them in a way that allows for the total disengagement of the military from the political control of the state by positioning the former in a manner that allows them to safeguard the territorial integrity of the states they serve, as this guarantees democratic stability by protecting and defending legitimate democratic institutions. The monograph's chapters offer distinctive and harmonising approaches to the way in which peace is, and can be, achieved in sub-Saharan Africa.

A propos de la monographie Il s'agit d'une collection d'articles présentés lors de la conférence sur l'Initiative de Sécurité Humaine en Afrique qui s'est tenue à Addis-Abeba en février 2008. Y est abordée la question des changements survenus dans les méthodologies utilisées pour l'analyse et la projection détaillée des conflits violents, de la résolution de ces conflits, des approches visant à la consolidation de la paix en Afrique, dès lors que l'on s'est détaché de cette focalisation sociopolitique proprement occidentale à travers laquelle avaient jusqu'alors été déterminées les diff érentes politiques de réaction aux confl its dans la région. Cette monographie présente donc la volonté d'appliquer une approche plus holistique et multidisciplinaire permettant de comprendre les causes des conflits violents, et peut-être, par-dessus tout, la façon de les atténuer de manière à permettre un désengagement total de l'armée du contrôle politique du gouvernement en lui donnant une position lui permettant de sauvegarder l'intégrité territoriale des Etats au service desquels elle se trouve, car c'est cela qui garantit la stabilité démocratique, en protégeant et en défendant les institutions démocratiques légitimes. Tout en ayant leurs propres caractéristiques, les diff érents chapitres de la monographie fusionnent et présentent une approche harmonisée de la façon dont la paix est et peut être établie en Afrique sub-saharienne.

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