

**University of Nairobi**  
**Institute of Diplomacy and International Studies**

**SECURING PEACE IN AFRICA: THE ROLE OF INSTITUTIONAL FRAMEWORKS AND  
COORDINATION MECHANISMS**

**BY**  
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**R50/75916/2014**

**Thesis submitted in Partial Fulfillment for the Award of Degree of Master of Arts in  
International Studies**

**May 2015**

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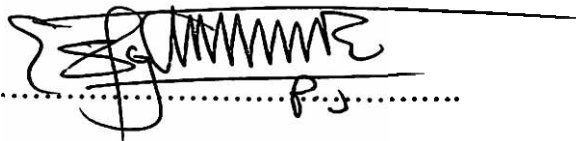
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**DECLARATION**

This thesis is my original work and has not been submitted for award of a degree in any other University.

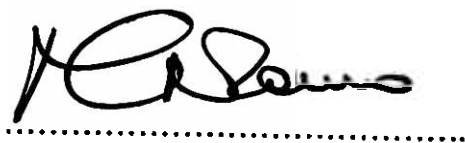
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Date.....02 December 2015.....

This thesis has been submitted for examination with my approval as the University Supervisor.

Ambassador Professor Maria Nzomo

Signature..........

Date.....2 Dec 2015.....

## **DEDICATION**

**I wish to dedicate this work to my family.**

**To my son Tevin – Your hair style amazes me!**

**To my daughter Neema– I am proud that you have not outpaced me in talking!**

**To my daughter Sifa– I was born 41 years before you, yet you have more friends than I do!**

**To my daughter Uzima – I will always carry some chewing gum just in case you ambush me!**

**To my Wife Gatakaa – Your name has consistently twisted our babies' tongues.**

**I love you all dearly with my heart and empower you to be part of this work.**

## **ACKNOWLEDGEMENT**

It is with humble humility that I wish to appreciate my supervisor, Ambassador Professor Maria Nzomo, who helped me conceptualize this study and guided me to its completion. I would also like to thank my sponsor Brigadier Mulata for the encouragement, motivation and great push to finish the study in record time. I am grateful to National Defence College (NDC) Commandant, faculty and staff for the support provided. Finally, I wish to thank my fellow course participants for their constant support and encouragement.

## **ABSTRACT**

The creation of the African Union (AU) from the Organization of African Unity (OAU) was necessitated by, among other things, the growing concern to secure peace and security for there to be meaningful socio-political and economic development in Africa. In this regard, the AU created institutional frameworks to ensure a holistic approach to enhance peace and security in Africa. Despite various initiatives by the AU to secure peace in Africa, incidents of violent conflicts continue to persist in the continent. The general objective of this study was to examine and analyze the role of institutional frameworks and coordinating mechanisms in securing peace in Africa with a view to proposing some recommendations. The theory of regionalization of security was used in the study. A proper analysis of the regional dimension of security which starts from regionalization of security and which allows regional activities to be analyzed closely and the region itself becoming a unit of analysis was highlighted. A qualitative method of research was utilized and both structured mailed questionnaires and structured and semi-structured oral interview schedules were used in gathering data. The study findings revealed that the effectiveness of AU in securing peace in Africa varied. The AU has made important strides in discharging its mandate in securing peace in Africa through effecting normative, structural and institutional changes. It has put in commendable efforts in reducing the number of violent conflicts in Africa. But there are loopholes which hinder the AU from achieving comprehensive success in its operations. The key areas yet to click include funding and resource mobilization, decision making, resolve to solve African problems, political commitment, making the member states comply with its decisions and staffing. Overall finding of the study is that the AU has built-in institutional frameworks and coordinating mechanisms to become effective and efficient in securing peace in Africa but its conflict management depends largely on whether its members want it to be effective. For now, it faces challenges which can only be overcome with extensive external support. Some of the challenges faced by AU in its peace and security initiatives can be addressed in terms of the recommendations put forward in this study.

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## **ACRONYMS**

|                |  |
|----------------|--|
| <b>ACIRC</b>   | <b>African Capacity for Immediate Response to Crises</b> |
| <b>AEC</b>     | <b>African Economic Community</b>                        |
| <b>AfDB</b>    | <b>African Development Bank</b>                          |
| <b>AFISMA</b>  | <b>African-led International Support Mission to Mali</b> |
| <b>AMIB</b>    | <b>African Union Mission in Burundi</b>                  |
| <b>AMIS</b>    | <b>African Union Mission in Sudan</b>                    |
| <b>AMISOM</b>  | <b>African Union Mission in Somalia</b>                  |
| <b>AMISOM</b>  | <b>African Union Mission in Somalia</b>                  |
| <b>APF</b>     | <b>African Peace Facility</b>                            |
| <b>APSA</b>    | <b>African Peace and Security Architecture</b>           |
| <b>ASEAN</b>   | <b>Association of South East Asian Nations</b>           |
| <b>ASF</b>     | <b>African Standby Force</b>                             |
| <b>AU</b>      | <b>African Union</b>                                     |
| <b>AUC</b>     | <b>African Union Commission</b>                          |
| <b>CADSP</b>   | <b>Common African Defence and Security Policy</b>        |
| <b>CASF</b>    | <b>Central African Standby Force</b>                     |
| <b>CEN-SAD</b> | <b>Community of Sahel–Saharan States</b>                 |
| <b>CEWS</b>    | <b>Continental Early Warning System</b>                  |

|                |  |
|----------------|--|
| <b>CLB</b>     | Continental Logistics Base                                 |
| <b>COMESA</b>  | Common Market for Eastern and Southern Africa              |
| <b>CONOPS</b>  | Concept of Operations                                      |
| <b>CSO</b>     | Civil Society Organization                                 |
| <b>DRC</b>     | Democratic Republic of Congo                               |
| <b>EAC</b>     | East African Community                                     |
| <b>EASF</b>    | Eastern Africa Standby Force                               |
| <b>EASFCOM</b> | Eastern Africa Standby Force Coordinating Mechanism        |
| <b>ECCAS</b>   | Economic Community of Central African States               |
| <b>ECOMOG</b>  | Economic Community of West African States Monitoring Group |
| <b>ECOSOC</b>  | Economic, Social and Cultural Council                      |
| <b>ECOWAS</b>  | Economic Community of West Africa States                   |
| <b>ESF</b>     | Economic Community of West African States Standby Force    |
| <b>EU</b>      | European Union   |
| <b>ICGLR</b>   | International Conference on the Great Lakes Region         |
| <b>IDP</b>     | Internally Displaced Person                                |
| <b>IGAD</b>    | Intergovernmental Authority on Development                 |
| <b>IGO</b>     | International Organization                                 |
| <b>JAES</b>    | Joint Africa-EU Strategy                                   |

|                |   |
|----------------|---|
| <b>MISCA</b>   | African-led International Support Mission to the Central African Republic |
| <b>MOU</b>     | Memorandum of Understanding   |
| <b>MSC</b>     | Military Staff Committee  |
| <b>NARC</b>    | North African Regional Capability   |
| <b>NGO</b>     | Non-Governmental Organization   |
| <b>OAU</b>     | Organization of African Unity   |
| <b>OSCE</b>    | Organization for Security and Co-operation in Europe                      |
| <b>PLANELM</b> | Planning Element  |
| <b>PSC</b>     | Peace and Security Council  |
| <b>PSO</b>     | Peace Support Operation   |
| <b>RDC</b>     | Rapid Deployment Capability   |
| <b>REM</b>     | Regional Economic Community   |
| <b>RLD</b>     | Regional Logistics Depot  |
| <b>RM</b>      | Regional Mechanism  |
| <b>SADC</b>    | Southern African Development Community                                    |
| <b>SASF</b>    | Southern Africa Standby Force   |
| <b>UMA</b>     | Arab Maghreb Union  |
| <b>UN</b>      | United Nations  |
| <b>UNAMID</b>  | the African Union/UN Hybrid operation in Darfur                           |

|              |   |
|--------------|---|
| <b>UNDP</b>  | United Nations Development Programme          |
| <b>UNECA</b> | United Nations Economic Commission for Africa |
| <b>UNOAU</b> | United Nations Office to the African Union    |

# CHAPTER ONE: INTRODUCTION

## 1.0 Introduction

The establishment of the African Union (AU) in 2002 brought a renewed sense of optimism in Africa after the gloomy years of the 1990's that witnessed more than a third of the continent engulfed in wars and indescribable tragedies<sup>1</sup>. The preamble of the Constitutive Act of the AU (referred to as, the Act, hereafter) recognizes that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent. As such, one of the main objectives of creating the AU was the need to establish a collective security system to promote peace, security and stability as a prerequisite for development on the continent<sup>2</sup>. This was a kin to Professor Ali Mazrui's idea of '*Pax Africana*' or peace that is protected and maintained by Africa through equipping the continent with mechanisms for maintaining its stability<sup>3</sup> and the pan-African political ideal of '*African solutions to African problems*'. The establishment of the AU to address Africa's problems signaled a shift away from the constraints imposed by the principle of *non-interference* in the OAU Charter to that of *non-indifference* in AU's Constitutive Act.<sup>4</sup> In this regard, the Act equipped the AU with more meaningful institutions which carried stronger mandates and had more appropriate frameworks to enhance continental peace<sup>5</sup>.

Due to the African Union's efforts and enhanced international support, the continent is relatively more peaceful now than it was a dozen years ago. In 2002, fourteen countries in Africa were

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<sup>1</sup> Apuuli, K. P., The Principle of 'African solutions to African Problems' under the spotlight: The African Union (AU) and the Libya Crisis. African Governance Monitoring and Advocacy Project, (London: Open Society Institute, 2012), pp 4.

<sup>2</sup> The Constitutive Act of the African Union (2000), paragraph 8 of the preamble.

<sup>3</sup> Mazrui A., *Towards a Pax Africana: A study of ideology and ambition*, (Chicago: University of Chicago Press, 1967), pp 203.

<sup>4</sup> Hengari, A.T., Global Memo: The African Union and Security, South African Institute of International Affairs, [Online]: [http://www.cfr.org/councilofcouncils/global\\_memos/p32415](http://www.cfr.org/councilofcouncils/global_memos/p32415), [Accessed on 12 December 2014].

<sup>5</sup> Aning, K. and Danso K. F., An African perspective, Nicoletta P. (ed), *Ensuring peace and security in Africa: implementing the new Africa -EU partnership*, (Rome: Istituto Affari Internazionali, 2010), pp 47.

engaged in armed conflict<sup>6</sup>,but in 2014, only seven African countries were experiencing major armed conflicts<sup>7</sup>.The AU has set up a variety of new institutions, frameworks and mechanisms for preventing and managing conflicts to consolidate the gains and promote stability in Africa. The African Peace and Security Architecture (APSA) has been the established to cater for early warning, rapid deployment of African key peace operations and peace-building in Africa. The AU security infrastructure also promotes deeper institutional cooperation with the United Nations (UN), European Union (EU), Regional Economic Communities (REMs) and Regional Mechanisms (RMs)in Africa and Civil Society Organizations (CSOs).<sup>8</sup>

Despite these initiatives of the AU and the international community in enhancing peace and stability in Africa, incidents of violent conflicts have persisted and many countries in the continent are still volatile. This is attested to by the various peace and security issues that have been a feature of the continent's political landscape in2013 and the continuing vulnerability of many African countries to conflicts and other forms of insecurity.<sup>9</sup>Enhancing continental peace and security means the AU will continue cooperating with other partners since Africa's security problems cannot be solved by the AU alone. Based on the current security situation in Africa and the recent trend of internationalization of conflicts, security challenges facing the continent would only be effectively addressed through partnership and cooperation at the international and continental level. Consequently, the AU's institutional frameworks and coordination mechanisms will continue to play a key role in securing peace in Africa. This study, therefore analyzes the role and manner in which the African Union Commission (AUC), the AU Peace and Security Council (PSC) and RECs/RM shave been discharging their mandates in securing peace in Africa. The study covers the period from 2002 (the establishment of AU) to 2014.

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<sup>6</sup>UN Office of the Special Adviser on Africa (OSAA). Peace consolidation in Africa challenges and opportunities, (New York: UN,2005), pp3.

<sup>7</sup>Daily News on Wars in the World and on New States, in List of ongoing Conflicts [Online], <http://www.warsintheworld.com/?page=static1258254223> [Accessed on 05 September 2014].

<sup>8</sup>Article 4 of the Constitutive Act of the African Union (2000).

<sup>9</sup>Dersso A. S., Annual Review of the African Union Peace and Security Council 2013/2014, (Pretoria, Institute for Security Studies, 2014), pp 3.

## 1.1 Background

The OAU was established in 1963 to promote unity and cooperation among African states and totally liberate the continent from vestiges of colonial rule. Respect of the boundaries inherited at independence, good neighbourliness, the peaceful settlement of disputes between states, the sovereign equality of states and non-interference in internal affairs of other states were among its guiding principles.<sup>10</sup> Immediately after independence, African countries were faced with a number of internal challenges and a polarized international setting. Subsequently, the continent experienced a number of military coups, dictatorship, personal and single party rule, outbreak of civil wars and occasional inter-state disputes and conflicts.<sup>11</sup>

The end of Cold War in the early 1990s was accompanied by major changes in the international system which included calls for democratization, human rights and development, globalization, Structural Adjustment Programmes (SAPs) and calls for market liberalization. These changes which had devastating impacts on political and socio-economic developments greatly affected stability in most African countries. They fundamentally changed the peace and security landscape in Africa as conflicts in Africa dramatically increased in level and scale. The causes of conflicts varied from inequality, state collapse and economic decline, proliferation of arms, historical injustices, unemployment, poor governance and negative ethnicity, among others. The nature of conflicts and the actors also changed. Conflicts became transnationalized, regionalized and asymmetric. Non-state actors such as terrorists and criminal gangs got more involved in conflicts. The impact of such conflicts increasingly affected civilians and non-combatants (especially children and women), constrained national and regional economic growth, destroyed infrastructure and affected productivity in general. Muyangwa and Vogt estimate that there were around 5.2 million refugees

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<sup>10</sup>The Charter of the Organization of African Unity (1963).

<sup>11</sup>Muyangwa M. and Vogt A. M., *An assessment of the OAU Mechanism for Conflict Prevention, Management and Resolution, 1993-2000* (New York: International Peace Academy, 2000), pp 11-13.



and 13 million Internally Displaced Persons (IDPs) in Africa in 1993 as a result of conflicts<sup>12</sup>. Due to the human suffering and continued impact on stability, focused and collective effort encompassing conflict prevention, management, resolution and peace building was required to secure peace in Africa.

It had become apparent that despite its notable achievements in helping defeat colonialism and apartheid regime in South Africa, the OAU was experiencing challenges in managing conflicts in Africa. It was unable to prevent the genocide in Rwanda in 1994, prevent the Democratic Republic of Congo (DRC) and Eritrean/Ethiopian conflicts and stop the collapse of Somalia, among others. This was attributed to its heavy dependent on external support. Adogamhe argues that one of the major stumbling blocks that narrowed the interventionist capacity of the OAU was the principle of '*non-interference*' enshrined in its charter that aimed at respecting the sovereignty of states.<sup>13</sup> The fact that the ever-present conflicts badly hurt African development was recognized by African leaders and in 1993, the OAU Mechanism for Conflict Prevention, Management and Resolution was adopted with the aim of bringing peace and stability to the continent; intervention in what was formerly considered as internal conflicts became possible.<sup>14</sup> Even then, conflict continued in Africa.

The Sirte Declaration of 1999 which set the stage for the Constitutive Act of 2000 and in 2002, the OAU was eventually replaced by the AU. The Constitutive Act of the AU shifted from the principle of non-interference to that non-indifference, modified a number of principles and provided for a set of new organs and institutions to enable AU effectively undertake its mandate. The act also adopted the protocol relating to the establishment of the PSC, recognized the involvement of African CSOs in continental issues and a commitment was taken to mainstream gender in the activities of the AU. In summary, the creation of the AU represented serious attempts to tackle emerging challenges facing the continent of Africa.

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<sup>12</sup> Op. Cit. Muyangwa M. and Vogt A. M., pp 13.

<sup>13</sup> Adogamhe, P. G., Pan-Africanism Revisited: Vision and Reality of African Unity and Development, (2008), African Review of Integration, Vol. 2 No. 2, pp1-34.

<sup>14</sup> Ibid.

## 1.2 Problem Statement

In the post-Cold War era, the peace and security scene of Africa has changed fundamentally. The changes related not only to the changing nature of conflicts but also the various initiatives taken by Africa to enhance peace and security.<sup>15</sup> These changes and initiatives have seen improvements of the security situation in Africa. Between 2003 and 2013 the AU deployed several key peace operations such as the African Union Mission in Burundi (AMIB), the African Union Mission in Sudan (AMIS), the African Union/UN Hybrid operation in Darfur (UNAMID), African Union Mission in Somalia (AMISOM), African-led International Support Mission to Mali (AFISMA) and African-led International Support Mission to the Central African Republic (MISCA), among others. Again the AU suspended a number of countries involved in *coups d'état* from its membership. This has illustrated the seriousness of the AU beyond that of the OAU and its willingness to oppose unconstitutional changes of government through sanctions<sup>16</sup>. The AU has used mediation to avoid further conflict. For example, the AU in collaboration with Economic Community of West Africa States (ECOWAS) and the UN, mediated to ensure that successful presidential elections in Guinea were held in June 2010.<sup>17</sup>

Despite its successes, the AU still faces challenges in securing peace in Africa. It failed to react promptly in Darfur, Cote d'Ivoire, Libya, Mali, Central Africa Republic, Eastern DRC, and South Sudan conflicts.<sup>18</sup> Several factors have contributed to the lack of effective response by AU in these crises. These include: lack of unified approach and cooperation with other actors when dealing with armed conflicts, resources challenges, inadequate coordination and consultation between the AU and

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<sup>15</sup>Dersso A. S., The role and place of the African Standby Force within the African Peace and Security Architecture, ISS Paper 209, (Pretoria: Institute for Security Studies, 2010), pp 1.

<sup>16</sup>Sturman, K., 'The use of sanctions by the African Union: peaceful means to peaceful ends?', in South African yearbook of international affairs 2008/9 ( Johannesburg: South African Institute of International Affairs, 2009), pp. 97–109.

<sup>17</sup>Vines A., A decade of African Peace and Security Architecture, International Affairs Volume 89, Issue 1, (2013), pp 89–109.

<sup>18</sup>Ibid, Vines, pp 90.

RECs/RMs, among others. These challenges mean that a number of factors ail the AU peace and security instruments and mechanisms. Based on these facts, this study therefore focuses on examining and analyzing the role of institutional frameworks and coordinating mechanisms in securing peace in Africa. It investigates the manner in which the African Union Commission, the Continental Early Warning System (CEWS), the African Union Peace and Security Council, and Regional Coordination Mechanisms discharge their mandates in securing peace in Africa. Finally, the study proposes some recommendations.

### **1.3 Questions**

1. How does the AU Commission discharge its mandate in securing peace in Africa?
2. How does the AU Peace and Security Council discharge its mandate in securing peace in Africa?
3. What role do Regional Coordination Mechanisms and Regional Economic Communities play in securing peace in Africa?
4. With what success have the Institutional Frameworks and Coordination Mechanisms of the AU discharged their mandates in securing peace in Africa?

### **1.4 Study Objectives**

To examine and analyze the role of and manner in which Institutional Frameworks and Coordination Mechanisms have been utilized in securing peace in Africa.

The specific objectives are:

1. To analyze the role of and manner in which the AU Commission discharges its mandate in securing peace in Africa.
2. To analyze the role of and manner in which AU Peace and Security Council has been discharging its mandate in securing peace in Africa.

3. To analyze the role of and manner in which Regional Coordination Mechanisms and Regional Economic Communities has been discharging their mandates in securing peace in Africa.
4. To assess the success with which the Institutional Frameworks and Coordination Mechanisms of the AU has been discharging their mandates in securing peace in Africa.

### **1.5 Justification**

This study is expected to fill a knowledge gap which has been identified in the literature review. In this regard, this study will generate new knowledge with respect to the role of institutional frameworks and coordination mechanisms within the African Union that are necessary to enhance regional conflict management and the promotion of peace and security in the African continent.

Identifying institutional frameworks and coordination mechanisms within the African Union which need improvement and providing appropriate recommendations to enhance their effectiveness will benefit AU Peace and Security frameworks and improve continental security. Based on this study, policy recommendations will be suggested to AU and African States to assist in improving the AU peace and security instruments. It is hoped that the present report will contribute to the efforts within the United Nations system and beyond to maintain international peace and security.

### **1.6 Literature review**

Article 1 of the UN Charter underscores the primacy of the UN in the maintenance of international peace and security through effective collective measures.<sup>19</sup> Article 24 of the Charter places the primary responsibility of maintaining international peace and security on the United Nations Security Council (UNSC).<sup>20</sup> It can be seen that the notion of conflict prevention, management and resolution is intrinsic in the UN Charter.

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<sup>19</sup> Articles 1 of the Charter of the United Nations and Statute of the International Court of Justice (1945).

<sup>20</sup> Articles 24 of the Charter of the United Nations and Statute of the International Court of Justice (1945).

Conflict prevention, management and resolution as strategies for maintenance of international peace first gained expression through the efforts of the former UN Secretary-General Boutros Boutros-Ghali in a report called '*An Agenda for Peace*'.<sup>21</sup> The report linked conflict prevention, management and resolution to the concept of preventive diplomacy. Preventive diplomacy was defined in the report as "*action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur*".<sup>22</sup>

Levitt defines a comprehensive conflict maintenance system as one that has three functional objectives: conflict prevention, management, and resolution.<sup>23</sup> Although there are contestations about meanings, the three concepts of conflict prevention, management, and resolution become more useful if they are viewed from the operational, strategic and political objectives. The political objective of conflict prevention aims to avert conflict through early warning and risk assessment. This allows decision makers to be provided with critical information to take appropriate decisions before conflict escalates.<sup>24</sup> Conflict management works to prevent or minimize the escalation of conflicts. At this stage, the political objective would entail promoting trust and confidence building; the strategic objective would mean application of coercive measures such as peace enforcement and operational objective would mean intervening through measures such as peacekeeping.<sup>25</sup> Conflict resolution which is at the tail of conflict maintenance process is critical in achieving sustainable peace. The political objective of conflict resolution would mean maintaining and sustaining post conflict reconstruction activities such as peacebuilding; the strategic objective would mean

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<sup>21</sup> United Nations, Report of the Secretary-General, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, (1992), A/47/277 - S/24111.

<sup>22</sup> Op. cit. Report of the Secretary-General, *An Agenda for Peace*.

<sup>23</sup> Levitt, J., *Conflict Prevention, Management, and Resolution: Africa—Regional Strategies for the Prevention of Displacement and Protection of Displaced Persons: The Cases of the OAU, ECOWAS, SADC, and IGAD*, Center for Defense Studies—African Research Unit, Kings College London, (Online), <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1212&context=djcl>, [Accessed on 11 February 2014].

<sup>24</sup> United Nations Peacekeeping Operations: Principles and Guidelines, pp 18-21.

<sup>25</sup> Ibid.

preserving security through activities such as development of the security sector reforms and operational objectives would entail monitoring activities pertaining to ceasefire agreements.<sup>26</sup>

This study argues that the establishment of the AU was necessary to remedy the structural and normative weakness of the OAU which limited its ability to deliver conflict prevention, management and resolution collective efforts at the political, strategic and operational levels. The study further argues that the establishment of the AU was necessary to allow for the redefinition of the concepts of peace and security against a background of a fundamentally changed conflict environment.

### 1.6.1 Evolution of the concept of conflict prevention, management and resolution

Although the study of the concept of conflict prevention, management and resolution is recent, history shows that a number of such similar measures have been undertaken in the past. Deliberate efforts to create conflict prevention and management mechanism can be traced back to the Congress of Vienna in 1815 which outlined a range of measures and principles of preventing war.<sup>27</sup>

Indeed, the concept of conflict prevention, management and resolution is central to the UN and its Charter. Chapter VI and VII of the UN Charter authorizes Security Council to settle disputes peacefully and to prevent the outbreak of wars and other forms of armed conflicts using a range of measures.<sup>28</sup> The second UN Secretary General, Dag Hammarskjöld, first used the term “*preventive diplomacy*” to refer to keeping regional conflicts localized so as to prevent their spill over into other regions.<sup>29</sup>

A number of scholars continued to broaden the definition given by Boutros-Ghali. Lund define Preventive diplomacy as “actions taken in vulnerable places and times to avoid the threat or use of

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<sup>26</sup> Ibid.

<sup>27</sup> Ackermann, A., The Idea and Practice of Conflict Prevention, *Journal of Peace Research*, 40:3, (2003), pp 340.

<sup>28</sup> Chapter VI and VII of the Charter of the United Nations and Statute of the International Court of Justice (1945).

<sup>29</sup> Miller, R. I., *Dag Hammarskjöld and crisis diplomacy*, (New York, Oceana Publications, 1961).

armed force and related forms of coercion by states or groups to settle the political disputes that can arise from destabilizing effects of economic, social, political, and international change.”<sup>30</sup>

Kofi Annan further expanded the concept of conflict prevention beyond the realm of preventive diplomacy in 1998, when he included the aspect of conflict prevention activities which would strengthen capacity for managing and resolving tensions.<sup>31</sup> Similarly, Brahimi postulated that conflict prevention activities should focus on addressing long term prevention through addressing the structural sources of conflict.<sup>32</sup>

Picking on this broadening of conception of conflict prevention activities, United Nations Development Programme (UNDP) interpreted conflict prevention within the UN system as the broad range of actions that address structural risk factors, and prevent the escalation of tension into deadly and destabilizing conflict, in addition to preventing the continuation of conflict or its recurrence.<sup>33</sup> This interpretation covers the entire spectrum of conflict, including conflict management, conflict resolution, peacemaking, peace-building and post conflict recovery.

These definitions reveal that the conception of conflict prevention varies according to the aim of prevention and the means intended to achieve it. According to Carnegie Commission, primary, secondary and tertiary conceptions of conflict prevention can be applied according to the conflict stage when prevention is implemented.<sup>34</sup> The primary prevention which is considered the narrowest implies that prevention occurs only before violence has broken out. The secondary prevention which is broader includes prevention during the violent phase where the main aim is to contain the geographic and/or the intensity of expansion of the conflict. It deals with preventing disputes from escalating into armed conflict as well as preventing armed conflicts from spreading. The third and

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<sup>30</sup>Lund, M., *Preventing violent conflicts. A strategy for preventive diplomacy* (Washington D.C: United States Institute of Peace Press, 1996), p 37.

<sup>31</sup>United Nations, *Report of the Secretary-General on the Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, (1998), A/52/871-S/1998/318, paragraph 20.

<sup>32</sup>United Nations, *Report of the Panel on United Nations Peace Operations*, (2000), A/55/305, S/2000/809.

<sup>33</sup>Ebata, M., *From the Discourse to the Ground: UNDP Activities in Conflict Prevention*, UNDP (New York: Bureau for Crisis prevention and Recovery, 2003), p. 9.

<sup>34</sup>Holl, J. E., *Carnegie Commission for the Prevention of Deadly Conflicts, 1997. Final Report (Executive Summary)*. Carnegie Commission, (1997), p XVIII.

broadest conception, tertiary prevention, includes the first two but also adds peacebuilding in the aftermath of violent conflict so as to prevent the recurrence of violence. This conception stresses that prevention of future conflicts can be achieved through the creation of a safe and secure environment in the aftermath of a conflict and the achievement of a peace settlement.<sup>35</sup>

Green applies the third aforementioned conception of conflict prevention to elaborate on the concept of conflict prevention, management and resolution (reduction), within the African context by stressing on the priorities relating to reducing risks of war and conflict in the continent.<sup>36</sup> He outlines that the first priority pertains to conflict prevention activities that are required to reduce manifest tensions and/or prevent the outbreak or recurrence of violent conflicts. The next priority, once violent conflict starts, is that of conflict management and reduction which is to prevent the escalation of violent conflict, reduce its intensity or geographical extent, and bring war or violence to an end. Finally, conflict resolution and peace-building activities come to the fore: to address underlying causes and enhance resilience against risks of resurgence of violence.<sup>37</sup>

It is evident that that the African conflicts situation continues to be complex. Much of Africa has experienced armed conflicts in recent decades and continues to be faced with new conflict dynamics and threats. Transnational dynamics, armed non-state actors, terrorism, violent extremism illicit trafficking and other related emerging security threats play an ever-increasing role. These new threats challenge governance and undermine territorial integrity and cannot be analyzed from single factors but rather, from a number of interactive factors. Again these conflicts are highly dynamic and require frameworks and strategies that evolve with them. Green argues that in most cases, the initial drivers of conflict are often joined or superseded by other factors as the war proceeds.<sup>38</sup> He cites the example of South Sudan, Darfur, Central Africa, Abyei, Eastern DRC and Somalia where arms, armed violence and their impacts become key drivers as well as symptoms of

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<sup>35</sup>Op.Cit. Holl, p XVIII.

<sup>36</sup>Greene, O., Buxton, J., and Saloni-Pasternak, C., Conflict Prevention, Management and Reduction in Africa (Helsinki: Hakapaino Oy, 2006), pp 16-19.

<sup>37</sup>Ibid.

<sup>38</sup>Ibid.



conflict.<sup>39</sup> Consequently, these countries appear to be trapped in a mutually re-enforcing downward spiral. Therefore, the conflict prevention, management and resolution mechanisms and architecture to be adopted in such situations need to adjust to the new security environment and threats, as well as to the new norms that continue to emerge. This means that effective responses to conflict situations in Africa requires a thorough understanding of their sources and dynamics as well as realistic and well developed conflict prevention, management and resolution strategies that learn from experience and address the range of drivers of conflict.

### 1.6.2 Perspectives of Regional Organizations

The growth of regionalism expressed as formal regional organization has received a great deal of scholarly attention since Second World War. Regionalism has become an integral part of the multilateral architecture, a position set out in the UN Charter.<sup>40</sup>

Different regional organizations use different approaches in maintaining peace and security in their regions depending on their specific context and comparative advantages. However, despite the diverse backgrounds, regional organizations face some common challenges in promoting peace, security and stability in their spheres.<sup>41</sup> These include difficulties in adapting to the continuously changing conflict landscape, inadequate political will, lack of resources for conflict prevention and management, intrusive external powers, presence of spoilers, multiplicity of international and regional actors in conflict management.<sup>42</sup> Gambari argues that the root causes of conflict are broader and deeper when there are more non-state actors involved and the starting point for conflict resolution should be to understand and address them.<sup>43</sup> The root causes include domestic variables

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<sup>39</sup>Op Cit. Green.

<sup>40</sup>Hurrell, A., *Regionalism in Theoretical Perspective*. In *Regionalism in World Politics*, edited by Louise Fawcett and Andrew Hurrell, (Oxford: Oxford University Press, 1995), pp 37.

<sup>41</sup> Workshop on Perspectives of the UN and Regional Organizations on Preventive and Quiet Diplomacy, Dialogue Facilitation and Mediation: Common Challenges & Good Practices February 2011, held in Vienna, Austria on 6 and 7 December 2010.

<sup>42</sup>Ibid.

<sup>43</sup>Gambari, A. I., *Enhancing Global and Regional Mechanisms for Conflict Management and Resolution*, (Singapore: RSIS, 2013), p 1.

and economic and social factors, as well as critical elements, such as the nature of parties, the degree of political will to resolve the conflict and the external dynamics that may positively or negatively affect any resolution effort.<sup>44</sup>

Despite these challenges, regional organizations continue to have an added value in maintenance of peace in their respective regions. Local experience and in-depth understanding of all aspects of the conflict dynamics, context specific response mechanisms, multi-track approach, involvement of civil society and the private sector in conflict management and flexibility are among some of the good practices regional organizations bring into maintenance of peace.<sup>45</sup>

The UN acknowledges collective experiences of regional organizations and collaborates with them in managing international security. In 2008, the UN Security Council recognized that regional organizations had developed their own unique approach to conflict management based on their particular historical and cultural context and experiences.<sup>46</sup> As such, a more systematic sharing of these different approaches as well as the lessons learned and best practices, within and between regions, was considered to be productive to the UN in maintaining international peace.<sup>47</sup> In 2009, the UN Security Council stated that it was critical for regional organizations to be encouraged and empowered to take actions to restore peace and security in conflicts and areas under their respective purview.<sup>48</sup> This was in recognition of the fact that regional organizations were best placed to take such action due to their intimate understanding of the regional conflicts dynamics.<sup>49</sup> In this regard, regional organizations will continue playing a crucial role in maintenance of international peace and security. A snapshot of different approaches to conflict management by the Association of South East Asian Nations (ASEAN), EU and The Organization for Security and Co-operation in Europe (OSCE) will be provided as case studies. Even then, it may be noted that most regional organizations

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<sup>44</sup>Op. Cit. Gambari 1.

<sup>45</sup>Op Cit .Hurrell, p 38.

<sup>46</sup>UN Security Council, S/2009/189, p. 22.

<sup>47</sup>Ibid.

<sup>48</sup>UN Security Council, S/2008/186, p 5.

<sup>49</sup>United Nations Report of the High-level Panel on Threats, Challenges and Change, 2004.

are in the process of strengthening their approaches to conflict management. Again, the specific approach used depends on the context of each region.

#### **1.6.2.1 The Organization for Security and Co-operation in Europe (OSCE)**

The Organization for Security and Co-operation in Europe (OSCE), which is the world's largest regional security organization, offers a forum for political negotiations and decision-making in the fields of early warning, conflict prevention, crisis management and post-conflict rehabilitation.<sup>50</sup> It puts the political will of the participating states into practice through its unique network of field operations and its institutions. The OSCE has been directly involved in conflict resolution in Eastern Europe, the Caucasus, Central Asia, and South-Eastern Europe.<sup>51</sup> It has continued to develop and strengthened its conflict management capacity in response to demands from the region. The OSCE's general focus in period between 2010 and 2014 lies mainly on the three protracted conflicts: Nagorno-Karabakh, Transnistria and Georgia/South-Ossetia.<sup>52</sup>

#### **1.6.2.2 Association of South East Asian Nations (ASEAN)**

The Association of South East Asian Nations (ASEAN) approach to conflict management builds upon four elements, centered on mutual trust and confidence: principles of non-interference in internal affairs, quiet diplomacy, the non-use of force, and decision making by consensus.<sup>53</sup> This means that the ASEAN focuses more on preventive dialogue facilitation than mediation. The ASEAN is credited with the preventing war between Indonesia and Malaysia following the separation between the two from 1963-66.<sup>54</sup> Although ASEAN has not resolved all the disputes

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<sup>50</sup> Galbreath, D. J., *The Organization for Security and Co-operation in Europe (OSCE)*, (New York: Routledge, 2007), pp 3-5.

<sup>51</sup> Ibid.

<sup>52</sup> Mearsheimer, J. J., *Why the Ukraine Crisis Is the West's Fault*. *Foreign Affairs Magazine*, September/October 2014 issue.

<sup>53</sup> Sridharan, K. *Regional Organisations and Conflict Management: Comparing ASEAN and SAARC*, *Crisis States Working Paper, Series 2, 33*, London: CSRC, London School of Economics (2008)

<sup>54</sup> Ibid.

between its members within the region, it has provided an institutional framework to address, or *ignore*, the disputes peacefully. It has also enabled member states to negotiate collectively and reach an agreement with China on the peaceful settlement of territorial disputes over islands in the South China Sea.<sup>55</sup> Efforts by ASEAN in 2011 resulted in the cessation of violence along the Thai - Cambodian border.<sup>56</sup> ASEAN made progress in conflict resolution and management and launched the ASEAN Institute for Peace and Reconciliation as a research institution on conflict resolution and conflict management to enhance peace, security, and stability in the region.<sup>57</sup> It also adopted the establishment of ASEAN Regional Mine Action Centre towards providing a framework for regional cooperation to tackle the humanitarian aspects of landmines and explosive remnants of war.<sup>58</sup>

However, ASEAN's non-interference norm has also prevented it from addressing gross human rights abuses and violent conflict within its member states. It was paralyzed when separation, insurgencies and anarchy gripped Indonesia in 1998, was ineffectual in the East Timor crisis of 1999 and was not firm towards the military regime in Myanmar.<sup>59</sup>

### 1.6.2.3 European Union

Within five decades following the end of World War II, Europe evolved from a region characterized by wars to one in which war is inconceivable.<sup>60</sup> Europe has reached the status of security community which Deutsch described as a group of states that had become integrated to the point at which there is real assurance that the members of that community will not fight each other physically, but will

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<sup>55</sup> Ibid.

<sup>56</sup> Fact Sheet of ASEAN Political-Security Community (APSC), 2013 available at [http://www.asean.org/images/2013/factsheet/2013%20\(6.%20Jun\)%20-%20APSC.pdf](http://www.asean.org/images/2013/factsheet/2013%20(6.%20Jun)%20-%20APSC.pdf), [Accessed on 2 February 2015].

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Op. Cit. Sridharan.

<sup>60</sup> Europa website - Treaty of Maastricht on European Union [Online] Available at: [http://europa.eu/legislation\\_summaries/economic\\_and\\_monetary\\_affairs/institutional\\_and\\_economic\\_framework/treaties\\_maastricht\\_en.htm](http://europa.eu/legislation_summaries/economic_and_monetary_affairs/institutional_and_economic_framework/treaties_maastricht_en.htm). [Accessed on 19 November 2014].

settle their disputes in some other way.<sup>61</sup> Weaver argues that the EU and its predecessor organizations were the institutional vehicles for the process of integration and the building of a common identity, loyalty, trust and sense of community, which are among the defining features of a security community.<sup>62</sup>

The EU has also been confronted with an increasing demand to get involved in conflict prevention. This is largely the result of the EU's financial, economic, political power and leverage. Furthermore, the EU has a large set of tools it can utilize in enhancing peace, namely trade, humanitarian assistance, development and stability instruments. The EU is engaged in high-level mediation efforts, together with the UN and the OSCE, within the framework of the Geneva discussions, and in the dialogue between Kosovo and Serbia.<sup>63</sup>

#### **1.6.2.4 Summary of the Approaches**

Due to context and other intervening factors, the regional organizations use different approaches in managing conflicts within their regions. The EU and the UN are noted to have the financial capability to fund their efforts. Some organizations such as EU and OSCE are borrowing from the UN best practices in conflict management while others are developing their own. However, the important thing in all these is the comparative advantages of the approaches used which add up to benefit global conflict management. Although the experience of one organization may not completely apply to the other, the concept can be considered for emulation in the other if contextually adapted.

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<sup>61</sup>Deutsch, Karl W.; et al., *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*, (Princeton: Princeton University Press, 1957), pp 8.

<sup>62</sup>Weaver, O., 1998. 'Insecurity, Security, and security in the West European Non-War Community', in E. Adler and M. Barnett (eds), *Security Communities*,(Cambridge: Cambridge University Press).

<sup>63</sup>Butković, H., *Relevance of the European External Action Service for the EU's policies towards South East Europe*, (Zagreb, IRMO, 2013), pp 18 – 21.

### 1.6.2.5 Common Challenges Faced by Regional Organizations

Regional organizations face similar challenges in conflict management despite varying contexts. Common challenges include new conflict dynamics, institutional challenges, lack of political will, inadequate resources, managing spoilers and time factor for intervention.<sup>64</sup> New conflict dynamics and continuously changing conflict landscape continue to pose a challenge to most regional organizations that were established to deal with certain security threats in a particular time and framework, for example in colonial settings. Interstate conflicts dynamics, transnational threats, interacting and dynamic conflict drivers and involvement of non-state actors including criminal gangs and several other factors transform the conflict agendas and consequently call for the need to adapt the intervention mechanisms.<sup>65</sup>

One of the main challenges facing regional organizations in conflict management is lack of political will. Political will is critical in conflict management since it determines whether a regional organizations will be involved in a conflict or not. Closely related and also affected by political will is the lack of resources by regional organizations to implement conflict management, resolution and post conflict reconstruction programmes.<sup>66</sup>

The timing of an intervention is another challenge faced by regional organizations in managing conflicts. The UN emphasizes on resolving disputes at an early stage, before they turn into violent engagements – when issues are less complicated, the parties fewer, positions less hardened, relationships less damaged, and emotions more contained.<sup>67</sup> The other consideration is that of the ‘ripe moment’ for the sides to enter into constructive, meaningful discussions aimed at reaching an agreement. According to Zartman, a conflict is ‘ripe’ for an agreement when conflict parties

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<sup>64</sup>Op. cit. Workshop on Perspectives of the UN & Regional Organizations, p 16.

<sup>65</sup>Piccolino, G., and Minou, S., The EU and Regional Integration in West Africa: What Effects on Conflict Resolution and Transformation, Working Paper Nr. 5 (February 2014), (Pretoria: University of Pretoria), pp 1- 3.

<sup>66</sup>Op. Cit. Workshop on Perspectives of the UN & Regional Organizations, p 17.

<sup>67</sup>UN Security Council, S/2009/189, p5.

recognize a 'hurting stalemate'.<sup>68</sup> However, the dilemma may be in balancing between early response and waiting for this ripe moment. Adequate information to allow in depth analysis to reach a conclusion is necessary and clear cut criteria to assess the timing for intervention is essential.

Spoilers pose another challenge in conflict management and resolution. Spoilers, according to Stedman are 'actors who actively seek to hinder, delay, or undermine conflict settlement for a range of reasons and through a variety of methods'.<sup>69</sup> Conflict is beneficial to spoilers and it is important that they are included in the peace processes. Again, dealing with spoilers requires not only time but also strong political will. The challenge, however, of dealing with spoilers is that of having to contend with the local population and other stakeholders who may view their involvement in the process as illegitimate.<sup>70</sup> Stedman argues that no government or population can have lasting peace with the sustained presence of spoilers on its territory. He further asserts that proper and clear communication is necessary to convince all interested stakeholders of the importance of including spoilers for a peace process to remain sustainable.<sup>71</sup>

### **1.6.3 OAU Mechanisms for Conflict Prevention, Management and Resolution**

Traditionally, security studies in the international system have been concerned with relations between and among Western powers. However, attention is slowly turning to the study of Africa as a region consisting of states that form the international system. Relegation of Africa to the periphery influences the way Africa as a regional bloc and its security structure is perceived.<sup>72</sup> Buzan and Waever posit Africa to be caught up in a regionalization of international security, wherein patterns of enmity and amity, and relative material capabilities within particular regional security complexes are crucial to understanding its security dynamics.

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<sup>68</sup>Zartman, I. W., 2000, 'Ripeness: The Hurting Stalemate and Beyond', in Stern, P. and Druckman, D., eds., 2000, *International Conflict Resolution after the Cold War*, (Washington: National Academy Press, 2000).

<sup>69</sup>Stedman, S. J., 1997, 'Spoiler Problems in Peace Processes', *International Security* XXII2

<sup>70</sup>Ibid.

<sup>71</sup>Ibid.

<sup>72</sup>Goldgeier, J. M. and McFaul, M., 'A tale of two worlds: core and periphery in the post-Cold War era', *International Organization* 46, 2 (1992), pp 467-91..

Opponents of realism on the other hand argue that these views wrongly downplay the position of African states, regardless of their regional distribution of power. Cantori and Spiegel argue that international politics is comprised of a network of systems operating at the global, regional, and domestic levels.<sup>73</sup> This and similar arguments by other scholars prompted a growing interest in regional studies which gave rise to a criteria of determining what constitutes a regional subsystem and which gained prominence in the early 1970s. However even as these debates continued, the OAU had already emerged and was influencing international and regional relations in Africa.

Legum argues that the establishment of the OAU was a crucial moment in norm socialization of the continent, a historic necessity and a welter of conflicting political ideas and interests.<sup>74</sup> From 1959 to 1963, independent Africa was split into two ideological camps. The '*unionists*' who advocated for immediate political union of African states, and the '*statists*' who preferred a loose form of association of independent African states, based upon the principle of functional cooperation.<sup>75</sup> These conflicting political ideas and interests resulted in the formation of an organization whose principles amounted to a compromise between unity and independence. The balance in this compromise was, however, weighted on the side of independence: "None of the states were willing to sacrifice their sovereignty."<sup>76</sup> But despite the divisions, the debates about integration of Africa continued in the OAU.

Williams observes that OAU's security culture was based on four elements: dislike of imperialism, sovereign equality, non-intervention norm, and *uti possidetis* (*respect of the boundaries inherited at independence*).<sup>77</sup> First, secession was supported in some places, such as Guinea-Bissau and Angola,

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<sup>73</sup>Cantori, L. and Spiegel, S., *International Regions: A Comparative Approach to Five Subordinate Systems*, *International Studies Quarterly*, 13, (1969), pp 361–380.

<sup>74</sup>Legum, C., "The Organisation of African Unity—success or failure?", *International Affairs*, 51, 2 (1975), p 208.

<sup>75</sup>Bloomfield, L. and Leiss, A., *Controlling Small Wars* (New York: Alfred A. Knopf, 1969), pp 2-18.

<sup>76</sup>Taslim, O., Elias, "The Charter of the Organization of African Unity", *American Journal of International Law*, Vol. 59, No. 2, April 1965, pp 154-155.

<sup>77</sup>Williams, P. D., "From Non-intervention to Non-indifference: The Origins and Development of the African Union's Security Culture." *African Affairs* 106.423 (2006): 253-79. Oxford Journals. Web. 29 Jan. 2014.

<http://afraf.oxfordjournals.org/content/106/423/253.short>. p.264



but condemned in others such as Nigeria and Chad. Second, the OAU was willing to promote human rights but not protect them. Third, the OAU desired to find African solutions to African problems but continuously relied on outside aid and assistance.<sup>78</sup>

### **1.6.3.1 Performance of the OAU: 1963 – 1993**

Peace and stability in Africa has proved to be elusive, both in the pre-colonial and post-colonial era. The scourges of the slave trade, inter-tribal warfare and the imposition of colonialism did not allow peace in the pre-colonial Africa and the emergence of artificially constructed modern states coupled with the presence of external forces contributed to post-colonial conflicts in Africa and made securing peace a daunting task.<sup>79</sup>

The OAU experienced numerous challenges in managing conflicts in the initial first thirty years of its existence. These included struggle for independence, civil wars and interstate wars, among others. The conflicts in Nigeria, Chad, Somalia, Liberia, Sierra Leone and Democratic Republic of Congo are some notable conflicts that occurred during this period. Since its establishment in 1963, till the early 1990s, the OAU tried to manage continental conflicts and achieved some accomplishments, but it was also faced by a number of challenges. A look at the Moroccan-Algerian border conflict and the Moroccan-Western Sahara conflict, the Nigerian civil war, the Congo crisis, Ethiopia-Somalia-Kenya border conflict and the Southern Rhodesian conflicts highlight some of the challenges faced by OAU and its response in managing conflicts in Africa. The performance of the OAU in conflict management between 1963 and 1990 could be summarized as modest in success.

The OAU registered some success in the sphere of border conflicts. By maintaining status quo in regards to colonial boundaries, the OAU help avoid unprecedented problems and conflicts associated with revision of boundary. The main conceptual and normative problem with the OAU was its Charter which explicitly prohibited member states from interfering with the internal affairs of other

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<sup>78</sup>Op Cit. Williams.

<sup>79</sup>Op Cit. Williams.

member states.<sup>80</sup> Institutional and structural anomalies also constrained the capacity of OAU to effectively manage conflicts. The main concern was the division of duties among the OAU's principal organs. Although the Charter created four organs, the Assembly was the only organ with real power and the other organs were just ancillaries to the Assembly and had no meaningful clout of their own.<sup>81</sup> The Charter did not confer any significant role to the Secretary-General of the OAU Secretariat which did not work well for the OAU and rendered it ineffective in conflict management. Lack of a primary organ with the prime responsibility of maintenance of regional peace and security within OAU was another problem. This responsibility was given to the Assembly of Heads of State and Government which due to its size and voting procedures could not make timely decisions and effectively implement them. A high threshold of two-thirds requirements to both constitute a quorum and pass decisions jeopardized proper functioning of the assembly which meant conflicts remained unresolved.<sup>82</sup> In view of this, African states sought pacific settlement of disputes. Article XIX of the Charter of OAU required member states to settle all disputes among themselves by peaceful means and as such, the OAU established a Commission of Mediation, Conciliation and Arbitration to manage conflict. Elaborate procedures, for settling conflicts and disputes by peaceful means, were articulated in the commission's protocol, demonstrating the desire by OAU to resolve conflicts between the member states by peaceful means.<sup>83</sup> However, there is no evidence that member states ever submitted a dispute for adjudication by the commission. Based on these evidence, Meyers<sup>84</sup> argues that lack of an enforcement mechanism made the OAU dependent on member states voluntarily complying with agreements, and therefore, only effective when both disputants in a

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<sup>80</sup>Op. Cit., Obasanjo.

<sup>81</sup> Article VII of the OAU Charter.

<sup>82</sup>Johntstone, I., and Nkiwame, T., The Organization of African Unity and Conflict Management in Africa, Report of the Joint OAU/IPA Consultations, Addis Ababa, 19-21 May, 1993

<sup>83</sup>Taslim O., Elias, The Charter of the Organization of African Unity, American Journal of International Law, Vol. 59, No. 2, April 1965, pp. 154-155.

<sup>84</sup>Meyers, B. D., Interregional Conflict Management by the Organization of African Unity, (. (1974), International Organization Vol 28(3):345-373.

conflict were member states, and when leaders' positions were not threatened by the rulings of the OAU.<sup>85</sup>

In summary, the OAU Charter rendered it weak in conflict management and therefore it needed an overhaul for it to be effective in conflict management. An effective executive organ with compulsory jurisdiction over inter-state disputes and ability to respond to conflict and an empowered office of the Secretary-General was also needed. Archaic norms such as non-interference in the internal affairs of member states and inviolability of state frontiers needed urgent reinterpretation to address evolving conflict dynamics within the continent.

#### **1.6.3.2 Performance of the OAU: 1993 - 1999**

The end of the Cold War brought both international and continental changes in the political and economic situations in Africa and produced new challenges to the OAU. It saw the change in geopolitics, international economic order and peace and security landscape in Africa. Conflict, especially internal conflicts, became more widespread through the 1990s. The very nature of conflicts changed and civilian population increasingly became subjected to high levels of violence and abuse. This resulted in massive displacement as well as social and economic distress. Atrocious levels of ethnic violence and genocide, as witnessed in Rwanda and Burundi, re-emerged.<sup>86</sup> Africa was not spared the adverse repercussions of the end of the Cold War either. Post-Cold War conflicts were marked by unparalleled rapidity, devastating consequences and general lack of interest of what happened in Africa by world powers.<sup>87</sup> Africa's traditional allies recapitulated due to post-Cold War economic hardships and lack of strategic interests. The post-Cold War era, economic marginalization and the UN's principle of non-interference in internal affairs of other states wrought insecurity in

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<sup>85</sup>Op cit, Meyers.

<sup>86</sup>Makinda S. M. and Okumu F. W., *The African Union – Challenges of globalization, security and governance*, (New York: Routledge: 2008), pp 29 – 3..

<sup>87</sup>Munya P. M., *The Organization of African Unity and Its Role in Regional Conflict Resolution and Dispute Settlement: A Critical Evaluation*, Boston College Third World Law Journal 537, Volume 19|Issue 2 Article 1 (1999), pp 537-592.

Africa.<sup>88</sup> A turning point for the OAU in the area of conflict prevention, management and resolution had come. There were 5.2 Million refugees and 13 million internally displaced persons in Africa in 1993.<sup>89</sup> The fact that the ever-present conflicts badly hurt African development was recognized by African leaders.<sup>90</sup> Consequently, the OAU Mechanism for Conflict Prevention, Management and Resolution was adopted with the aim of bringing peace and stability to the continent.<sup>91</sup> This made it possible for AU to intervene in what was formerly considered as internal conflicts. The mechanism was to ensure that the OAU played a central role in bringing about peace and stability in Africa by enabling speedy action to prevent or manage and ultimately resolve conflicts. The OAU also established an Early Warning System. Afield Operations Unit to enable the OAU undertake observation and monitoring missions of limited scope and a special fund to support OAU operational activities relating to conflict management and resolution were also established.<sup>92</sup>

Since the adoption of the OAU Mechanism for Conflict Prevention, Management and Resolution, the OAU was able to undertake a number of initiatives which enabled it to react to conflicts. The OAU reacted in Angola, Burundi, the Central Africa Republic, the Comoros, the DRC, the Ethiopian-Eritrean war, Liberia, Guinea-Bissau, Rwanda, Somalia, and Sierra Leone.<sup>93</sup> It used a range of conflict prevention, management and resolution mechanisms in the management of these conflicts. These include mediation, good offices, diplomatic/political approaches, special envoys, fact finding missions, peacekeeping (military observer) missions and collaboration with the UN and regional organizations among others. Although most conflicts persisted, the Conflict Prevention, Management and Resolution Mechanism enabled OAU to establish some presence in the field. These cases illustrated the complex nature of some of the African conflicts and lack of capacity and

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<sup>88</sup>Op cit, Munya, pp 564.

<sup>89</sup>Op. cit. Muyangwa M. and Vogt A. M. pp 11.

<sup>90</sup>Cairo Declaration (Heads of State and Government of the OAU, meeting on Twenty-ninth Ordinary Session in Cairo, Egypt, from 28 – 30 June 1993).

<sup>91</sup>Ibid.

<sup>92</sup>Op. cit. Muyangwa M. and Vogt A. M. pp 13.

<sup>93</sup>Makinda S. M. and Okumu F. W., *The African Union – Challenges of globalization, security and governance*, (New York: Routledge, 2008), pp 29.

resources of the OAU to deal with them and therefore, the need for collaboration at the local, regional and international level in dealing with such conflicts.

Okumu and Makinda argue that despite establishing the Conflict Prevention, Management and Resolution Mechanism, the Charter of the OAU was never reviewed to accommodate the expanded conflict management mandate.<sup>94</sup> This meant that the mechanism would continue to be guided by the objectives and principles of the OAU which emphasized on sovereign and territorial integrity, non-interference in internal affairs of states, consent and cooperation of parties in conflict and pacific settlement of disputes. This was a major source of constrain on OAU's action in the field of security, which impacted on the mechanism's effectiveness in conflict management. McCandless and Karbo argue that the causes and scope of conflicts in Africa were fast evolving and distinction between internal and international conflict was getting blurred. Internal conflicts took regional and international dimensions when neighbouring countries got involved in internal conflicts and massive loss of lives and human rights abuses generated by these conflicts attracted international attention.<sup>95</sup> The reality of the changed nature of African conflicts required a major change in the Charter of the OAU. The OAU established a committee to review its charter in this regard.<sup>96</sup>

### **1.6.3.3 Transition from OAU to AU: 1999 – 2000**

Due to the changing nature of conflicts in Africa, it had become evident as early as 1979, when the Committee on the Review of the charter was established that a need existed to amend the OAU charter in order to streamline the organization so as to gear it more accurately to the challenges of a changing world.<sup>97</sup> Despite numerous meetings, the Charter Review Committee did not manage to

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<sup>94</sup>Op. cit. Makinda S. M. and Okumu F. W., pp 29-31.

<sup>95</sup>McCandless, E., and Karbo, T., Peace, Conflict, and Development in Africa, (Switzerland: University for Peace, 2011), pp 11 – 53.

<sup>96</sup>Mwagiru M., Who will Bell the Cat? Article 3(2) of the OAU Charter and the Crisis of OAU Conflict Management, (Nairobi, Institute of Diplomacy and International Studies, University).

<sup>97</sup>African Union Summit Documents and Speeches -Transition from the OAU to AU. Accessed on 29 October 2014 from: [http://www.au2002.gov.za/docs/background/oau\\_to\\_au.htm](http://www.au2002.gov.za/docs/background/oau_to_au.htm).

formulate substantive amendments. Consequently, the charter was amended by being augmented through ad hoc decisions of a Summit.<sup>98</sup> Yet, violent conflicts continued to increase in Africa.

By the early 1990s, African Heads of States saw the need to cooperate to break the cycle of violence, poverty and underdevelopment. Humanitarian catastrophes in Liberia, Somalia, and Rwanda forced leaders to review their rigid stands supported by the OAU Charter. It was against this background that an Extraordinary Summit of the OAU held in Sirte, Libya on 9 September 1999 passed a declaration calling for the establishment of an African Union to address new social, political and economic realities and to reduce conflicts in the continent.<sup>99</sup> In July 2002, the AU was officially launched and convened its first Assembly of Heads of State and Government.<sup>100</sup> A number of OAU structures were carried forward into the AU and the Mechanism for Conflict Prevention, Management, and Resolution transformed into the Peace and Security Council (PSC). In addition, the AU established a significant number of frameworks and institutions in its Constitutive Act and Protocols and introduced normative changes, most powerfully expressed in the areas of peace and security, human rights and democracy and intervention in matters that would previously be considered as internal affairs.<sup>101</sup> At the institutional level, this transformation saw the establishment of the African Peace and Security Architecture (APSA).

## **1.7 Theoretical Framework**

### **1.7.1 Regionalization of Security Theory**

A discussion of the regional dimension to global security should first consider the relationship that exists between UN and regional organizations in maintaining international peace and security. The

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<sup>98</sup> Ibid.

<sup>99</sup> Sirte Declaration (EAHG/Draft/Decl. (IV) Rev.1), (Addis Ababa, AU, 1999).

<sup>100</sup> African Union Handbook 2014, pp 10.

<sup>101</sup> Article 4 of the Constitutive Act of the African Union.

UN conceives insecurity as a global problem requiring collective response.<sup>102</sup> One of the practical approaches that the UN has used is that of using a diverse collection of global, regional and local arrangements and organizations.<sup>103</sup> It gives legitimacy to regional organizations to intervene on behalf of the UN in support of mandated peace and security initiatives.

According to Langenhove, a proper analysis of the regional dimension of security starts first from regionalization of security which allows regional activities to be analyzed closely and the region itself to become a unit of analysis.<sup>104</sup> Regionalization of security means threats can be located and dealt with at the regional level while factoring the interdependent relationship between global and regional security.<sup>105</sup> This implies that regions are looked at first as a source of the problem and second as a solution of the cotemporary problems. A number of contemporary threats can now be viewed as regional rather than global in nature. Fawcett argues that regionalization of security does not exclude the possibility that many security problems are also global and therefore, best dealt with by multilateral institutions like the UN. However, it also recognizes that regional sources of insecurity can be met with regional security provisions which could be better matched to regional needs and interests.<sup>106</sup>

The process of regionalization of security increased rapidly after the end Cold War. Regionalization of security may now be linked to the intensification of regional activities which have given rise to a set of coordinated policies, or formal institutional frameworks in which collective action enables solution of a problem.<sup>107</sup> A product of increased regionalization is increased growth and development of different forms or structures of regional governance commonly referred as regional

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<sup>102</sup> Article 1 of the Charter of the United Nations and Statute of the International Court of Justice (1945).

<sup>103</sup> Chapter VIII of the Charter of the United Nations and Statute of the International Court of Justice (1945).

<sup>104</sup> Langenhove, L., Farrel, M. and Hettne, B., *Global Politics of Regionalism, Theory and Practice*, (London, Pluto, 2005).

<sup>105</sup> *Ibid.*

<sup>106</sup> Fawcett, L., *The Regional Dimension of Global Security*, Department of Politics and International Relations, University of Oxford, (Online), <http://www.eolss.net/sample-chapters/c04/e1-68-02.pdf>. [Accessed on 04 March 2015].

<sup>107</sup> *Ibid.*

organizations. Different theories such as regional security complex theories, the liberal peace model and institutional theory have been attributed to the formation of these organizations.<sup>108</sup>

In the post-Cold War era, the concept of security has become much more multifaceted and complex. Barry Buzan offers a broader framework of security such as regional security complex concepts which were not previously considered to be part of the security puzzle.<sup>109</sup> When studying this aspect of security, Buzan states that security is a relational phenomenon. Because security is relational, one cannot understand the national security of any given state without understanding the international pattern of security interdependence in which it is embedded.<sup>110</sup> Ghassim argues that states can form alliances or strengthen regional networks within a region which can be regarded as mini systems where all other international relations theories can be applied.<sup>111</sup> This provides a good framework to analyze issues that may be widespread within a region such as Africa. It places in context the role of various national, regional and global arrangements in securing peace within such a region. If well implemented, a regional approach to conflict management should be superior to other external approaches by the very fact that regional organizations are better positioned for early detection and enjoy more local legitimacy. Their local knowledge also enable them to be more effective in conflict resolution interventions. However, the main obstacle facing most regional organizations, especially those in developing countries, is that of funding. Lack of funding constrains the planning and implementation of conflict management, resolution and post conflict reconstruction programmes.

In Africa, the regional level of security has become increasingly autonomous and based on two foundational assumptions. First is that territoriality is still a central feature of international security dynamics. Second is that in the post-Cold War era, the regional level is a necessary feature of

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<sup>108</sup>Op Cit. Fawcett.

<sup>109</sup>Buzan B., *People, states, and fear: the national security problem in international relations* (London: Wheatsheaf Books, 1983), pp 20.

<sup>110</sup>Ibid, pp 189.

<sup>111</sup>El Ghassim, *Regional Security Complex Theory and Insulator States: The Case of Turkey*, (University of Tasmania, 2012), pp 20.



comprehensive management of conflict.<sup>112</sup> The latter may be illustrated by the rise of multilateral institutions in regional settings, the means of organizing comprehensive security mechanisms for many African actors. This study will use the concept of Regionalization of Security to analyze the role of and manner in which institutional frameworks and coordination mechanisms have been utilized in securing peace in Africa.

## **1.7.2 Operational definition of key terms in the study**

### **1.7.2.1 Institutional Frameworks**

Institutional Frameworks refer to principles or other formal provisions that assign primary responsibility as well as the authority to an agency to perform its functions. The institutional framework is made up of formal and informal institutions governing individual and collective behaviour. Formal institutions are laws, regulations and rules while informal institutions are norms cultures and ethics.<sup>113</sup> According to Article 5 of the Constitutive Act, the AU institutional framework is composed of ten institutions namely; the Assembly of the Union, the Executive Council, the Pan-African Parliament, the Court of Justice, the Commission, the Permanent Representatives Committee, the Specialized Technical Committees, the Economic, Social and Cultural Council, the Financial Institutions and the Peace and Security Council (which was established later pursuant to provisions of Article 5 (2) of the Constitutive Act).<sup>114</sup>

### **1.7.2.2 Role**

The Webster Dictionary defines 'role' as function assumed or performed in an operation or a process.<sup>115</sup> The promotion of peace, security and stability in the African continent revolves around

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<sup>112</sup>Buzan B. and Waever, O. *Regions and Powers: The Structure of International Security*, (Cambridge: Cambridge University Press, 2004), pp 12-16.

<sup>113</sup>K. E. Meyer, S. Estrin, S. Bhaumik, and M. W. Peng, *Institutions, resources, and entry strategies in emerging economies* (Strategic Management Journal, 2008), pp 3.

<sup>114</sup>Article 5 of the Constitutive Act of the African Union (2000).

<sup>115</sup><http://www.merriam-webster.com/dictionary/role> [accessed on 7 February 2015].

three main institutions which have clearly laid out roles. These are Assembly of the Union, the Commission and the Peace and Security Council. This study will scrutinize these institutions in more detail to appreciate their functions and their role within the AU.

### **1.7.2.3 Peace**

According to Galtung, there are three directions of classifications of peace: old idea, negative and positive peace. The old idea of peace is synonymous to stability or equilibrium; a political condition that ensures justice and social stability through formal and informal institutions, practices, and norms. Negative peace refers to the absence of organized collective violence or conflict between human groups or clashes and between racial and ethnic groups. Positive peace refers to a condition that facilitates the presence of positive relations between human groups, the presence of cooperation, freedom from fear and want, economic growth and development, absence of exploitation, equality, justice, freedom of action, pluralism, dynamism and integration.<sup>116</sup> These directions of peace means the conflict prevention, management and resolution approach used will determine whether conflicts reopen or not.

### **1.7.2.4 Security**

In general terms security means a condition or feeling free from fear. It also means the safety of an individual, an institution, a region, a nation or the world. However, in its most basic sense, security implies freedom from extremely dangerous threats. It also relates to threats that endanger core values like human rights.<sup>117</sup>

### **1.7.2.5 Peace and Security Architecture**

From the previous definitions of peace and security it is evident that peace and security are inseparable. Combined together, peace and security results in a condition where nations, regions and

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<sup>116</sup> Galtung, J., *Theories of Peace: A Synthetic Approach to Peace Thinking*, (Oslo: International Peace Research Institute, 1967), pp 12-13.

<sup>117</sup> Ibid.

the world move ahead without fear of threat. Peace and security architecture refers to the collection of organisations, mechanisms, and relationships through which the international, regional and local communities manage conflict, conflict prevention and peacebuilding<sup>118</sup> This study will focus on African peace and Security Architecture (APSA) which remains the key institution in charge of promoting peace, security and stability in Africa.

#### **1.7.2.6 Subsidiarity**

The principle of subsidiarity implies that conflicts should always be managed at the lowest possible level or closest to where they will have the most effect (locally, rather than regionally or nationally).<sup>119</sup> This makes it possible to avoid unnecessary external interference, which might undermine the existing structures and institutions of their functions. This essentially means that external interventions may only come if there are inadequate structures and institutions in place to deal with conflict. As such intervention should be specifically focused, limited and temporary, and should aim to build on and strengthen local capacity for conflict management.<sup>120</sup> In the African context, it means that before any intervention can take place, existing AU regional conflict mechanisms and their capacity ought to be assessed to know how best to coordinate and cohere them.

#### **1.7.2.7 Regional Economic Communities (RECs)**

Africa Union Regional Economic Communities are defined as regional grouping of African States organized into a legal entity by a treaty, with economic and social integration as the main objective.<sup>121</sup> Regional Economic Communities are recognized as a cornerstone and building block for

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<sup>118</sup>Maintaining International Peace and Security: A Summit Meeting of the UN Security Council (New York: International Peace Institute, 2011), p 6.

<sup>119</sup>Sousa R. P., African Peace and Security Architecture (APSA) Subsidiarity and the Horn of Africa: The Intergovernmental Authority on Development (IGAD), (Lisbon: Centre of African Studies -University Institute of Lisbon, 2013), pp 59-60.

<sup>120</sup>Ibid.

<sup>121</sup>Protocol on Relations between the African Union and Regional Economic Communities.

revamping and establishing new African institutions to better address conflicts and political instability, and to accelerate Africa's economic integration.

#### **1.7.2.8 Coordinating mechanisms**

Simple tasks are easily coordinated by mutual adjustment. As organizational work becomes more complicated, direct supervision tends to be added and takes over as the primary means of coordination. When tasks get even more complicated, standardization of work processes takes over as primary means of coordination, but in combination with the other two. Coordination can be seen as action performed in order to "bring different elements of a complex activity or organization into a harmonious or efficient relationship."<sup>122</sup> Coordination can also be described in terms of mechanisms. Mintzberg argues that to accomplish a complex task, two opposing requirements must be met: the division of labour of the task into sub-tasks to support specialization, and the coordination of these sub-tasks to accomplish the overall task. Mintzberg defined organizational structure as the sum total of the ways in which it divides its labour into distinct tasks and then achieves coordination among them.<sup>123</sup> He proposes mutual adjustment, direct supervision, and standardization of skills, work processes, results, and norms, as sets of mechanisms which have a large impact on organizational structure. This is the perspective that will be adopted in analyzing the impact of the AU coordinating mechanisms in improving its conflict management performance.

#### **1.7.3 Justification and Operationalization of Theory**

The framework provides a conceptual basis on how the AU can secure peace in Africa. The issue of securing peace in Africa cannot be divorced from the broader context of regionalization of security which inherently implies that certain security problems are best dealt with at regional level. Securing peace in Africa therefore, depends on functional frameworks and organizational structures within the AU that are guided by correct set of principles and objectives and equipped with appropriate

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<sup>122</sup>Oxford Concise Dictionary, 1999.

<sup>123</sup>Mintzberg, H. (1983). *Structure in Fives: Designing Effective Organizations*, (New Jersey: Prentice-Hall, 1983).

capabilities to deliver on mandated tasks. This means that peace secured becomes a function of the degree of the integration and coordination of the various peace and security efforts that takes place within AU and across the entire continent.

In this framework, the first requirement is the identification of the correct set of principles, priority objectives and urgent security challenges, the factors that drive these challenges and the consequent need to establish appropriate institutions, which are provided with the necessary powers and resources to effectively discharge their respective mandates.

The second requirement concerns institutional frameworks that provide the AU with operational structures and legitimacy to effectively discharge mandated tasks. The framework recognizes the inter-relationship between AU and UN (including the wider international system) and the various APSA components and RECs/REMs. The PSC, Africa's authority for mandating peace and security activities, derives its regional authority from the UN Charter. Ideally (following the Principle of Subsidiarity), the AU and the UN should work in harmony since the AU may have to react on behalf of the UN when the need arises. Likewise AU RECs and REMs should derive their regional authority from the Constitutive Act of the AU. The roles of the UN and other international partners are essential since integrated planning is important for successful undertaking of AU mandated tasks.

The third requirement concerns structures that plan, manage and coordinate mandated AU tasks and mobilize the resources and capabilities required for effective implementation of these tasks. The PSC and AUC are responsible for these functions. The result of AU planning should cascade down from the strategic level to the operational level where plans are coordinated and to the tactical level where activities are implemented. The UN and RECs/REMs provide the AU with capabilities and resources necessary for the management of peace and security. Fundamental to these relationships is the development of the necessary instruments and coordination mechanisms.

The last part of the framework concerns provision of the capabilities and resources required by AU to implement mandated tasks. The UN, the RECs/REMs and ASF are supposed to provide these resources and capabilities. The ASF in particular is envisaged to ensure that trained police, civilian

and military formations, troops and individuals are rapidly available for deployment on AU mandated operations, including AU humanitarian missions.

### **1.8 Hypotheses**

1. Securing peace in Africa is dependent upon the manner in which African Union Commission discharges its mandate.
2. Securing peace in Africa depends on the harmony and effectiveness with which the Peace and Security Council and its supporting mechanisms discharge its mandate.
3. Securing peace in Africa is dependent upon the effectiveness with which the Regional Mechanisms and Regional Economic Communities discharges their mandates.

### **1.9 Methodology of the Study**

A qualitative research methodology was employed in this study. The research methodology relied on both secondary and primary sources of data to examine and analyze the role of and manner in which institutional frameworks and coordination mechanisms have been utilized in securing peace in Africa. The primary data source relied on a study population that consisted of key decision makers and senior staff at the AU and REMs/RECs, practitioners and scholars of conflict and peace studies. Data was collected using structured questionnaires which was sent by mail to AU and REMs/RECs staff based outside Kenya, while oral structured and semi structured interviews was used for Eastern Africa Standby Force Coordinating Mechanism (EASFCOM) staff and scholars and practitioners of conflict and peace studies based in Kenya. A descriptive method was used to analyze the data.

### **1.10 Outline of Chapters**

The study has been organized into seven chapters. Chapter one provides the context of the study, the statement of research problem, the objectives and hypotheses of the study as well as literature review

and theoretical framework used in the study. The chapter ends with an outline of how this study is organized.

Chapter two covers the African Union frameworks and organs relating to maintenance of peace and security. The chapter traces the origin of the Constitutive of the AU and briefly discusses the four main divisions of its objectives and principles namely: protection of human rights, respect for democracy and rule of law, integration, and peace and security (intervention). The chapters ends with a discussion of the African Union Assembly and African Union Commission as the two key organs of the AU that directly concern promotion of peace, security and stability in Africa. A brief mention is given of the Peace and Security Council as an organ of the AU.

Chapter three covers African Union instruments relating to peace and security. It discusses the Common African Defence Security Policy and the Peace and Security Council of the AU as the central pillars in ensuring maintenance of peace and stability in Africa. This chapter also contains a discussion of the four structures that support the PSC in discharging its mandate namely: the Panel of the Wise, the Continental Early Warning System, the African Standby Force and the Special Fund.

Chapter four covers the coordinating mechanisms and partners that support the AU in the maintenance and promotion of peace, security and stability in Africa. These include the United Nations, the European Union, the African Union, Regional Economic Communities, Regional Mechanisms and Civil Society Organizations. The International Conference on the Great Lakes Region and the African Capacity for Immediate Response to Crises as efforts that support the AU in addressing regional conflicts are also briefly discussed in this chapter.

Chapter five provides an assessment of the effectiveness with which the AU instruments of peace and security have been utilized in securing peace and security in Africa. The chapter begins by

examining the principles and objectives of the Constitutive Act and then assesses the performance of the different AU organs and institutions used for promoting peace, security and stability in Africa.

Chapter six provides an analysis of the data collected on the role of and manner in which Institutional Frameworks and Coordination Mechanisms have been utilized in securing peace in Africa.

Chapter seven ends the study by providing conclusions and recommendations based on the findings and analysis and also proposes further areas for research.



## CHAPTER TWO: THE AFRICAN UNION: FRAMEWORKS AND INSTITUTIONS

### 2.0 Overview

This section gives a brief analysis of the African Union frameworks and organs relating to peace and security. It begins by tracing the origin of the Constitutive Act of the AU and then highlights divisions of its objectives and principles namely: Protection of Human Rights, Respect for Democracy and Rule of Law, Integration, and Peace and Security (Intervention). The chapter ends with a discussion of the African Union Assembly and African Union Commission as the two key organs of the AU that directly concern promotion of peace, security and stability in Africa.

### 2.1 Introduction

Due to the changing nature of conflicts in Africa, it had become evident as early as 1979, when the Committee on the Review of the Charter was established that a need existed to amend the OAU Charter in order to streamline the Organization and gear it appropriately to the challenges of a changing world.<sup>124</sup> Despite numerous meetings, the Charter was never amended.<sup>125</sup> The OAU in its June 1993 Cairo Declaration, agreed to prioritize management of conflicts in Africa and as a result established the OAU Mechanism for Conflict Prevention, Management and Resolution.<sup>126</sup> Yet, despite the establishment of this mechanism conflicts continued unabated in Africa. It was against this background the AU was established and officially launched in 2002.<sup>127</sup>

The AU Act established the AU and provided the legal basis of its operations as a political, economic and social organization. The AU replaced the OAU and took over its rights, powers and obligations and introduced normative changes in the areas of peace and security, human rights and

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<sup>124</sup> Adejumobi, S. and Olukoshi A., *The African Union and New Strategies for Development in Africa*, (New York: Cambria Press, 2008), pp 47-48.

<sup>125</sup> Ibid.

<sup>126</sup> Cairo Declaration (Heads of State and Government of the OAU, meeting on Twenty-ninth Ordinary Session in Cairo, Egypt, from 28 – 30 June 1993).

<sup>127</sup> African Union Handbook 2014, pp 10.

democracy and intervention in matters that would previously be considered as internal affairs.<sup>128</sup> Its institutions, powers and objectives were meant to bring about a fundamental shift away from the constraints imposed by the principle of *non-interference* which was replaced with that of *non-indifference*.<sup>129</sup>

## 2.2 Provisions of the Constitutive Act

The African Union Constitutive Act broadly comprises 33 articles. Articles 3 and 4 deal with the objectives and principles of the Union, Articles 5 through 22 of the Consultative Act cover the nine institutions of the Union, The remaining provisions of the Consultative Act address a range of pertinent issues, such as sanctions, working languages, ratification, and accession, entry to force of the Act, admission to membership process, suspension of governments that come to power through unconstitutional means, the process for withdrawing from the AU, the process for amending and revising the Act, and ancillary issues.<sup>130</sup>

Articles 3 and 4 contain objectives and principles which can be categorized into five interrelated areas: protection of human rights, respect for democracy and rule of law, regional integration, intervention, and peace and security. One of the major objectives of the establishment of the AU is the protection of human rights. Many conflicts are sparked by a failure to protect human rights and the trauma that results from severe human rights violations which makes restoration of peace more difficult.<sup>131</sup> The principles of respect for democracy, rule of law, and good governance are included in the AU Constitutive Act as necessary preconditions for economic development of its member states. This provision reflects AU's commitment to democracy. Article 4 (p) attempts to give substance to this commitment by condemning and rejecting unconstitutional changes of governments

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<sup>128</sup> Article 4 of the Constitutive Act of the African Union.

<sup>129</sup> Apuuli, K. P., *The Principle of 'African solutions to African Problems' under the spotlight: The Africa Union (AU) and the Libya Crisis*. African Governance Monitoring and Advocacy Project (London: Open Society Institute, 2012).

<sup>130</sup> The Constitutive Act of the AU (2000).

<sup>131</sup> Cassese, A., *Human Rights in a Changing World*, (Philadelphia: Temple University Press, 1990), p2.

as a contradiction to promoting democratic principles and conditions.<sup>132</sup>The birth of the AU was premised on the felt need for stronger regional integration in Africa. The principles and objective of Act provide a common ground for the promotion of regional integration and African unity through socio-economic integration and the development of common positions on issues of common interest. Article 4 (g) of the Act rules out unilateral intervention by a member state in the internal affairs of another member state.<sup>133</sup> Unilateral intervention is seen as a common security threat on the continent.<sup>134</sup> The AU non-intervention principle<sup>134</sup> is based on the principles of sovereign equality and interdependence of member states and peaceful co-existence among them. However, there are certain circumstances under which AU member states can intervene in the affairs of other member states. Article 4 (j) gives member states the right to request intervention from the Union in order to restore peace and security– intervention by invitation.<sup>135</sup> The request for intervention from a member State is made to the Assembly of the AU, which is the highest decision-making organ. Article 4 (h) of the AU Constitutive Act gives the Union the right to intervene in a member state pursuant to a decision of the Assembly in response to grave circumstances, namely war crimes, genocide and crimes against humanity.<sup>136</sup> Article 4(h) elevates situations involving war crimes, crimes against humanity and genocide to matters of continental concern.<sup>137</sup>

### **2.3 Analysis of the Provisions of the Constitutive Act**

It can be seen that the normative provisions of the Act were meant to empower the AU to be more effective and efficient in performing its mandated tasks of securing peace in Africa. This was to be achieved through a number of ways. First, the provisions aim to bring together regional organizations, establish institutions and create conditions that enable sustainable development which is a prerequisite for a secure and stable Africa. The Act also has a more expanded mandate on the

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<sup>132</sup> Article 4 (p) of the Constitutive Act of the African Union (2000).

<sup>133</sup> Article 4 (g) of the Constitutive Act of the African Union (2000).

<sup>134</sup> Article 4 (g) of the Constitutive Act of the African Union (2000).

<sup>135</sup> Article 4 (j) of the Constitutive Act of the African Union (2000).

<sup>136</sup> Article 4 (h) of the Constitutive Act of the African Union (2000).

<sup>137</sup> Ibid.

objectives regarding peace and security and social-economic development. It introduces the aspect of human security by focusing on socio-economic development and protection of human rights as an important aspect of securing peace in Africa. It also factors the other aspect of the relation between democracy and rule of law and sustainable peace. Onwudiwe attributes most conflicts in Africa to low or negative economic growth and dictatorial regimes that characterized Africa's political landscape up to the late 1990s. These regimes ranged from personal rulership as was the case in Guinea and Malawi, to military dictatorships in Ghana and Nigeria and the so called '*one party democracy*', in countries such as Tanzania and Zambia.<sup>138</sup> Put together, these aspects of the Act addressed some of the structural issues underlying most conflicts in Africa. The challenge for the AU however, has been in ensuring that these provisions are domesticated and codified in the national laws of the member states as well ensuring their implementation. Due to lack of political will, the member states of the AU have more of ratified the provisions than implemented them. This partly explains why the continent still experiences several conflicts more than a decade after the enactment of the Act.

The second aspect of the provisions of the Act concerns the establishment of the institutional frameworks, principle organs and operational structure to facilitate the implementation of the new security mandate. In addition to the provisions of integration in the Act, these were meant to harmonize and unify AU collective efforts in securing peace in Africa. Biswaro argues that the Act established institutions that were meant to nurture solidarity among AU members, coordinate their actions with sub-regional economic communities, and forge a common African front in the pursuit of its interests.<sup>139</sup> Again, due to lack of political goodwill, funding and implementation of the provisions, the achievement of harmony and unity of AU efforts in securing continental efforts have been hampered. The consequence is that the continent continues to experience instability. This agrees with the operationalization of institutional frameworks in this study which conceptualized

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<sup>138</sup>Onwudiwe, B., and Ibelema, M., *Afro-Optimism; Perspectives on Africa's Advances*, (Westport, Praege: 2003), p75.

<sup>139</sup>Biswaro, J. M., *Perspectives on Africa's Integration and Cooperation: From OAU to AU – Old Wine in New Bottle?* (Dar es Salam, Tanzania Publishing House, 2005), pp 395

these frameworks as formal and informal institutions governing individual and collective behaviour and whose outcome primarily depend on individual entities performing their functions. This partly contributes to the first objective of this study and also partly confirms the first hypothesis of this study which attributes securing peace in Africa as dependent upon the manner in which African Union Commission discharges its mandate.

The third aspect of the provisions of the Act which if implemented well by the AU will greatly enhance its effectiveness in securing peace in Africa is that which allows the Union the right to intervene in a member state pursuant to a decision of the Assembly in response to grave circumstances, namely war crimes, genocide and crimes against humanity.<sup>140</sup> This 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 international crimes anywhere on the continent. Cilliers and Sturman argue that this is a provision of the Act that 'is the cornerstones of credibility' for the AU since it revises the understanding and scope of application of the principles of state sovereignty and non-interference.<sup>141</sup> They argue that by narrowing down the scope of application of state sovereignty and non-interference, Article 4(h) elevates situations involving war crimes, crimes against humanity and genocide to matters of continental concern.<sup>142</sup> This means that sovereignty and non-interference would no longer shield states from external scrutiny and possible military intervention wherever they endanger the lives of people on a massive scale and also in situations where they are unable to protect their citizens from grave threats. Again this article obligates the AU to act in the face of such threats. It recognizes that the principle of state sovereignty finds its limits in the protection of human security. Sadly, due to partisan interests of member states and regime protection, AU has not been able to take advantage of this provision to stabilize Africa. The case of Zimbabwe, Ivory, Libya

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<sup>140</sup> Article 4 (h) of the Constitutive Act of the African Union (2000).

<sup>141</sup> Cilliers, J. and Sturman, K., *The Right of Intervention: Enforcement Challenge for the African Union*, African Security Review (2002).

<sup>142</sup> Ibid.

and South Sudan are clear manifestation of AU's inability or willingness to stabilize fragile situations in Africa due to the manner in which it discharges its mandate.<sup>143</sup>

Last, the Act clearly identifies that the scourge of conflicts in Africa constitutes a major impediment to socio-economic development of the continent and therefore, recognizes the need to promote peace, security and stability as a prerequisite for the implementation of the African development and integration agenda. In recognition of this fact, the Act further provisions for the establishment of a collective security system for the promotion of peace and security in the continent. Bah, argues that the AU is increasingly shifting towards human security in recognition of the fact that promotion of collective security, durable peace and stability, as well as the prevention of conflicts is a prerequisite for development.<sup>144</sup> This is an area where AU has achieved some success. It has been able to launch a number of peace operations and employed preventive diplomacy to stabilize, in a limited way, a number of countries in Africa.<sup>145</sup>

## 2.4 The Institutional Architecture of the African Union

Article 5 (1) of the Constitutive Act of the African Union specifies the organs of the unions as: The Assembly of the Union, The Executive Council, The Pan-African Parliament, The Court of Justice, The Commission, The Permanent Representatives Committee, The Specialized Technical Committees, The Economic, Social and Cultural Council (ECOSOC) and The Financial Institutions.<sup>146</sup> It also allows the Assembly of the Union to establish other organs as needed. This section will focus on the AU Assembly and the AU Commission.

The Assembly is the African Union's supreme decision-making organ and comprises Heads of State and Government from all member states. It determines the AU's policies, establishes its priorities,

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<sup>143</sup>Rupiya, M., A review of the African Union's experience in facilitating peaceful power transfers: Zimbabwe, Ivory Coast, Libya and Sudan: Are there prospects for reform?, [Online],

<sup>144</sup>Bah, A. S., Dilemmas of Regional Peacemaking: The Dynamics of the AU's Response to Darfur. Center of International Cooperation, Policy Paper (2010), New York University.

<sup>145</sup>Vines A., A decade of African Peace and Security Architecture, International Affairs Volume 89, Issue 1, (2013), pp 89-109.

<sup>146</sup>Article 5 (1) of the Constitutive Act of the African Union (2000).

adopts its annual programme and monitors the implementation of its policies and decisions. The Assembly also takes decisions on reports and recommendations from other AU organs and adopts the budget of the Union. It may give directives to the AU Executive Council and Peace and Security Council on the management of conflicts, war, and acts of terrorism, emergency situations and the restoration of peace. It may also decide on intervention or sanctions against member states according to specific circumstances provided for in the AU Constitutive Act.<sup>147</sup> Provisions governing the Assembly's composition, functions and powers, voting and procedures are contained in articles 6 to 9 of the AU Constitutive Act.<sup>148</sup>

The African Union Commission is the Union's Secretariat and a permanent organ established by the AU Constitutive Act. It is responsible for the AU's executive functions and day-to-day management and is accountable to the Assembly and the Executive Council. The Commission provides administrative support to AU institutions.

## **2.5 Analysis of Institutional Architecture of the African Union**

This study conceptualized securing peace in Africa therefore as dependent on functional frameworks and organizational structures within the AU that are guided by correct set of principles and objectives and equipped with appropriate capabilities to deliver on mandated priority tasks. In this conceptualization, follow up, standardization of work processes and coordination were seen as important considerations of bringing different elements of a complex activity or organization into a harmonious or efficient relationship. This is one area that AU has performed relatively well as confirmed by the responsibilities of the Assembly of the Union and AU Chairperson which are contained in the AU Handbook.<sup>149</sup> The AU Assembly which meets regularly has been able to give directives on the management of conflicts and intervened by way of sanctions against Member States according to specific circumstances provided for in the AU Constitutive Act.

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<sup>147</sup> African Union Handbook 2014, p12.

<sup>148</sup> Article 4 -9 of the Constitutive Act of the African Union.

<sup>149</sup> African Union Handbook 2014, pp 12 - 47

The AU Commission on the other hand has been able to undertake the responsibilities of coordinating and monitoring the implementation of the decisions of the policy organs and the Peace and Security Council of the Union, providing operational support to the Peace and Security Council. In terms of priority, the AU Commission has identified four broad intervention areas or strategic pillars: peace and security, integration, development and cooperation. These are shared values and institution and capacity building around which the core business of the Commission will be organized, and resources applied for the realization of expected results. The Commission is expected to subsequently develop and roll out interdepartmental and cross-sectoral programmes for each pillar to ensure a holistic and integrated approach. Staffing is one area that has constrained AU effectiveness. As Mintzberg argues, to accomplish a complex task, two opposing requirements must be met, the division of labour of the task into sub-tasks to support specialization, and the coordination of these sub-tasks to accomplish the overall task. He sees organizational structure as the sum total of the ways in which it divides its labour into distinct tasks and then achieves coordination among them.<sup>150</sup> He proposes mutual adjustment, direct supervision, and standardization of skills, work processes, results, and norms, as sets of mechanism which have a large impact on organizational structure. It is observed that though the AU has done well in terms of putting up the required organizational structures and coordination mechanisms, it has largely been unable to staff them appropriately. As such, its planning and implementation of conflict management, resolution and post conflict reconstruction programmes has suffered. Since AUC is responsible for managing the day to day running of the AU, it is a central institution of the AU which should play not only an important practical and political role but also inspire political commitment. Therefore, the manner in which it delivers its mandate will affect securing peace in Africa. This confirmation contributes towards the first objective of analyzing the role and manner in which the AU Commission discharges its mandate in securing peace in Africa. It also partly confirms the first hypothesis that

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<sup>150</sup>Mintzberg, H. (1983). *Structure in Fives: Designing Effective Organizations*, (New Jersey: Prentice-Hall, 1983).



securing peace in Africa is dependent upon the manner in which African Union Commission discharges its mandate.

## 2.6 Summary

The amendment of the OAU charter and the creation of the AU and its frameworks consisting of various bodies such as the Assembly of the Union, the Commission and the delineation of the mandates of each have reengineered and empowered it to be able to effectively undertake the task of securing peace in Africa. Consequently, the AU has established integrated frameworks to address Africa's security and conflict management. This agrees with Komey and Osman's argument that the establishment of the AU constituted a fundamental change in the focus of the AU that brought to the forefront the quest for peace and stability in Africa.<sup>151</sup> It is also in line with the concept of regionalization of security that links the intensification of regional activities to the rise to a set of institutional frameworks in which collective action enables solution of a problem. The findings partly contribute towards the first objective of analyzing the role and manner in which the AU Commission discharges its mandate in securing peace in Africa and also partly confirms the first hypothesis of this study that securing peace in Africa is dependent upon the manner in which African Union Commission discharges its mandate.

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<sup>151</sup>Komey, G. K., and Osman A, A., *Operationalizing African-led Solutions in Peace and Security: Case Studies from South Sudan and Somalia*, (IPSS, Addis Ababa, 2013), pp 4-5.

# **CHAPTER THREE: PEACE AND SECURITY COUNCIL OF THE AU**

## **3.0 Overview**

This section analyses African Union's instruments relating to Peace and Security. The common African Defence Security Policy which deals with future peace and security challenges and the Peace and Security Council which is central in ensuring peace and stability in Africa is discussed in details in this section. The section ends with an analysis of the African Peace and Security Architecture (APSA) which supports the PSC in discharging its mandate.

## **3.1 Introduction**

The AU's overarching objective is the emergence of "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena."<sup>152</sup> Peace, security and stability on the continent is key in achieving this goal, and hence the need for effective conflict management. The vision is set by the Assembly of Heads of State and Government, while the PSC manages strategic and operational aspects of conflict management. The process leading to the establishment of the PSC started in 2002 when the AU adopted the Protocol relating to the establishment of the PSC as a way of developing military mechanisms in Africa to deal with common security threats that hindered development and undermined the promotion of peace and security in the continent.<sup>153</sup>

## **3.2 Common African Defence and Security Policy (CADSP)**

During the inauguration of the AU, the Assembly called for the operationalization of the provisions of the Constitutive Act regarding Common Defence and Security Policy of the AU. This was based on the realization that future peace and security challenges in Africa could only be faced through a

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<sup>152</sup> AU Commission, Strategic Plan 2009 - 2012, AU document EX.CL/501 (XV) Rev.2, May 19, 2009, p. 11

<sup>153</sup> Ibid, AU Commission, Strategic Plan 2009, pp 11

common defence and security policy. As such, between July 2002 and January 2004, a lot of effort was put towards developing a framework for such a policy.<sup>154</sup> In February 2004, Africans Heads of States and Government adopted the Common African Defence and Security Policy (CADSP). The objective of CADSP is to deal with conflicts both directly and indirectly through preventive diplomacy and rapid intervention in conflict zones.

### 3.3 Analysis of Common African Defence and Security Policy

As earlier pointed in this study, a proper analysis of the regional dimension of security starts first from regionalization of security which allows regional activities to be analyzed closely and the region itself to become a unit of analysis.<sup>155</sup> This implies that the security of each African state is linked to the security of the other African states. This principle of indivisibility emphasizes the fact that the defence and security of one African country is directly linked to that of other African countries and therefore, the importance of harmonizing the activities of the member states. Thus the adoption of CADSP by AU provides the AU with a common African perception of what is required to be done collectively by African States to ensure that Africa's common defence and security interests and goals are safeguarded in the face of common threats to the continent as a whole. This is necessary since political landscape and attention of the great powers shifted greatly after the end of the cold leaving Africa to struggle with its security challenges. As Touray, argues that the end of the cold war and general international indifference to African problems led to the adoption of the CADSP.<sup>156</sup> This means that in principle, all African countries are responsible for the implementation of the CADSP, but immediate responsibility lies with AU PSC which was created by PSC protocol. Indeed this is what underpins the APSA structure and pursuit of AU peace operations such as the

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<sup>154</sup>Dokken, K., *African Security Politics Redefined*, (New York, Palgrave MacMillan, 2008), pp 128-130.

<sup>155</sup>Langenhove, L., Farrel, M. and Hettne, B., *Global Politics of Regionalism, Theory and Practice*, (London: Pluto, 2005).

<sup>156</sup>Touray, O., *The Common African Defence and Security Policy*, *African Affairs* (2005) 104 (417); 635 -656.

ones in Somalia (AMISOM). This demonstrates that institutional frameworks of AU significantly contribute to securing peace in Africa.

### 3.4 Peace and Security Council (PSC)

The PSC is the standing organ of the AU for the prevention, management and resolution of conflicts. The PSC's authority derives from the AU Constitutive Act and PSC Protocol.<sup>157</sup> Article 5(2) of the PSC Protocol lists criteria for membership, while Article 7 of the PSC Protocol details the PSC's key powers.<sup>158</sup> The PSC has 15 members who are all elected by the AU Executive Council and endorsed by the Assembly at its next session. Five members are elected for three-year terms and the remaining 10 for two-year terms. Retiring members are eligible for immediate re-election.<sup>159</sup> The PSC has no permanent members and none of the members have veto power. The PSC meets in continuous session and all members are required to keep a permanent presence at AU Headquarters. Meetings can be held at the levels of permanent representatives, ministers or Heads of State and Government. PSC Protocol requires permanent representatives to meet at least twice a month and ministers and the Heads of State and Government at least once a year. It also provides that the Chair shall be held in turn by the members, in the English alphabetical order of country names, for one calendar month.<sup>160</sup> PSC decisions are guided by the principle of consensus and where this is not possible, decisions on procedural matters are taken by a simple majority but on substantive matters, by a two-thirds majority.<sup>161</sup> The PSC Protocol authorizes the PSC to establish subsidiary bodies as it may require.<sup>162</sup> The Committee of Experts and Military Staff Committee (MSC) which supports PSC

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<sup>157</sup> African Union Handbook 2014, pp 29

<sup>158</sup> The 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union

<sup>159</sup> African Union Handbook(2014), p 39.

<sup>160</sup> Article 8 (2) and (6) of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union

<sup>161</sup> Article 8(13) of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union

<sup>162</sup> Article 8(5) of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union

is currently operational. The Chairperson of the AU Commission is responsible for monitoring the implementation of decisions adopted by the Council upon the approval of the Union's Assembly<sup>163</sup>.

### **3.5 Analysis of Peace and Security Council**

The adoption of the Act marked a radical shift in Africa's international relations when it introduced a more interventionist stance and normative changes and provided for mechanism to address conflicts. This was accomplished by the establishment of PSC as one of the organs of the AU from the onset. In light of the foregoing, it is noted that PSC is organized to be able to function on a continuous basis. This organization allows the PSC to meet as often as necessary. This is important in view of the prevalence of conflicts and civil wars in Africa. Although the mandate of the PSC is broad and includes issues to deal with human security, it has been focusing mainly on crisis and armed conflict. Generally, the PSC devotes relatively little attention to structural and nonmilitary dimensions of security. This limited focus is mostly due to operational and funding constraints. Therefore, there is need for the Council will to broaden the consideration of its issues to cover emerging and contemporary subjects such as human and drug trafficking, human security and human rights, among others. Indeed, this will be in consonance with the second hypothesis that postulates that securing peace in Africa depends on the harmony and effectiveness with which the Peace and Security Council and its supporting mechanisms discharge its mandate.

### **3.6 African Peace and Security Architecture (APSA)**

The PSC Protocol also established the African Peace and Security Architecture (APSA) to support the Peace and Security Council in discharging its mandated tasks. The APSA is built around structures, objectives, principles and values, as well as decision-making processes. APSA embraces a comprehensive agenda for peace and security in Africa that includes: early warning and conflict

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<sup>163</sup> Article 10 (2) of Protocol Relating to the Establishment of the Peace and Security Council of the African Union: The role of the Chairperson of the Commission

prevention, peace-making, prevention, management and resolution of crises and conflicts, peace-building and post-conflict reconstruction and development, promotion of democratic practices, good governance and respect for human rights and humanitarian action and disaster management.

It denotes a set of interrelated institutions and mechanisms that function at the continental, regional, and national level. At the national level, member states are supposed to house the capabilities relevant for conflict management. At the regional level, RECs are supposed to consolidate the required capabilities. Eight RECs as well as two mechanisms for coordinating the African Standby Force (the East Africa Standby Force coordination mechanism and the North African Regional Capability) are recognized by AU. AU is supposed to relate with the RECs in a complimentary and mutually reinforcing manner. Ideally, the AU should harmonize and coordinate the activities of the RECs in issues regarding peace and security. At the continental level, PSC is supported in the discharge of its mandate, by the Panel of the Wise, the Continental Early Warning System, the African Standby Force (ASF) and the Special Fund.

### **3.6.1 Panel of the Wise (POW)**

The Panel of the Wise supports the Chairperson of the AUC, PSC, CEWS, ASF and Special Fund in the promotion and maintenance of peace, security and stability in Africa. The Panel is envisaged to be an integral aspect of the AU's dedicated preventive diplomacy framework which should provide for anticipation of potential crisis situations and prompt intervention to prevent the escalation of a dispute or resolve existing tensions to reduce the likelihood of a return to violence. The Panel's mandate includes advising the PSC and Chairperson of the AUC. It can also undertake all such actions deemed appropriate to support the efforts of the PSC and Chairperson of AUC in preventing conflict, make pronouncements on any issue relating to the promotion and maintenance of peace, security and stability in Africa, and act at the request of the Council or Chairperson, or on its own initiative. The modalities also provide for the Panel's role to include facilitating channels of communication between the PSC or the Chairperson of AUC and parties involved in conflict.

Furthermore the Panel can carry out fact-finding missions and assist and advise mediation teams. The Panel meets at least three times a year<sup>164</sup> or at the request of the PSC or AUC.

The Panel has five members who should be highly respected African personalities of high integrity and independence and who have made outstanding contributions to Africa in the areas of peace, security and development. AU relies on the members of the panel to use their expert knowledge and moral authority to resolve conflicts peacefully. Members are appointed by the AU Assembly, on the recommendation of the Chairperson of the Commission, for three calendar years. Each member is drawn from one of the AU's five regional groups. Under the modalities for the functioning of the Panel of the Wise, the office of Chairperson should rotate between the members every year.<sup>165</sup>

During the 2010 AU Summit in Kampala<sup>166</sup>, the Assembly supported enhancing the Panel's capacity by establishing a team of *Friends of the Panel of the Wise* comprising 5- 10 eminent African personalities from the AU's five different regions who are tasked to support the Panel in its activities such as fact-finding missions, engagement in formal negotiations and follow up on recommendations. The Friends are appointed by the Chairperson of the AU Commission and endorsed by the Assembly. They are expected to attend all Panel meetings.

### 3.6.2 Continental Early Warning System (CEWS)

The Continental Early Warning System (CEWS) is one of the pillars of APSA that was established under article 12 of the PSC Protocol to anticipate and prevent conflicts on the continent and provide timely information on evolving violent conflicts based on specifically developed indicators.<sup>167</sup> This was in recognition of the need for early detection of conflict as a way of preventing conflicts from occurring. CEWS core mandates include collecting, analyzing and disseminating early warning data on current and potential conflicts, preparing policy advice, and supporting political, civilian and

<sup>164</sup> African Union Handbook 2014, pp 34.

<sup>165</sup> Ibid.

<sup>166</sup> Assembly of the African Union Fifteenth Ordinary Session 25 – 27 July 2010, Kampala, Uganda.

<sup>167</sup> The African Union, The Continental Early Warning System (CEWS), [Online], <http://www.peaceau.org/en/page/28-continental-early-warning-system-cews>, [Accessed on 13 April 2013].

military missions. CEWS convenes periodic and on-demand meetings with the decision makers and RECs to discuss issues and situations of mutual concern.<sup>168</sup> The CEWS is responsible for data collection and analysis and is mandated to collaborate with the UN, its agencies, other relevant International Organizations, Research Centres, Academic Institutions and NGOs. CEWS gathers information using a number of tools. These include: an automated data-gathering software called the Africa Media Monitor, information sharing software called CEWS Portal, a database called Indicators and Profiles Module, an analytical tool called the Africa Reporter, a risk and vulnerability forecast tool called the Africa Prospectus and an automatic geo-localization software called the Live-Mon.<sup>169</sup> CEWS receives reports from operational staff, including field missions; liaison offices and early warning officers. CEWS is managed by the Conflict Prevention and Early Warning Unit of the Department of Peace and Security and comprises an observation and monitoring Centre at the Conflict Management Division in Addis Ababa (the 'Situation Room' which operates 24 hours a day) and early warning units of the Regional Mechanisms, which collect and process data at the regional level and transmit the data to the Situation Room. Observation and Monitoring Units of the Regional Mechanisms are to be linked directly through appropriate means of communications to the Situation Room. The information from the CEWS is to be used by the AUC Chairperson to advise the PSC, on potential conflicts and threats to peace and security in Africa and for recommending the best course of action.

### **3.6.3 Peace Fund**

The PSC Protocol established the Peace Fund as one of the key pillars of APSA. The Fund is meant to provide financial resources for peace support missions and other operational activities related to peace and security.<sup>170</sup> The Peace fund is supposed to support five peace and security programs: African Stand by Force, Panel of the Wise, Continental Early Warning Systems, Capacity Building

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<sup>168</sup> African Union Handbook 2014, pp 33

<sup>169</sup> Ibid, African Union CEWS.

<sup>170</sup> Article 21 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union



and Conflict Prevention. The Peace Fund is to be governed by the relevant Financial Rules and Regulations of the AU. The Protocol provides that the Fund be made up of financial appropriations from the regular AU budget, voluntary contributions from member states, international partners and other sources such as the private sector, civil society and individuals, as well as through fund-raising activities. The AUC Chairperson is mandated to raise and accept voluntary contributions from sources outside Africa, in conformity with the AU's objectives and principles. The PSC Protocol also envisaged a revolving trust fund within the broader Peace Fund, which would provide a standing reserve for specific projects in case of emergencies and unforeseen priorities. The level of funding required in the Trust Fund is to be determined by the relevant AU policy organs on recommendation by the PSC.<sup>171</sup> During the 16<sup>th</sup> ordinary session of the Executive Council held in Addis Ababa, Ethiopia in January 2010, it was agreed that the contribution would be increased from 6% to 12% of the AU regular budget over a period of three (3) years starting from 2011.<sup>172</sup> When required, and following a decision by the relevant Policy Organs of the AU, the cost of the operations envisaged under the African Standby Force shall be assessed by member states based on the scale of their contributions to the regular budget of the AU.

#### **3.6.4 African Standby Force (ASF)**

The ASF which represents Africa's future peacekeeping capacity, is derived from the AU PSC's legal mandate as stipulated in Article 4(d) of the Constitutive Act of the African Union which calls for the establishment of a Common Defence and Security Policy for the African Continent.<sup>173</sup> The Durban Protocol of 2002 established the AU PSC and APSA as the framework to deal with prevention, management and resolution of conflicts in Africa.<sup>174</sup> One of the institutional tools that the AU decided to establish as part of the APSA is the ASF. The ASF, which is considered to be the

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<sup>171</sup> African Union Handbook 2014, pp 44.

<sup>172</sup> African Union Commission Peace and Security Department at a glance(Online),<http://www.peaceau.org/uploads/au-booklet.pdf>, [Accessed on 29 October 2014].

<sup>173</sup> Article 4(d) of the Constitutive Act of the African Union.

<sup>174</sup> Article 13 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union established the Peace and Security Council.

operational arm of APSA, represents Africa's future in prevention and management of conflict and provides a framework that allows for a regional and multidimensional approach to conflict management. Given that mobilizing troops for peace operations takes time, the ASF will be composed of multidisciplinary civilian, police and military components on standby in their countries of origin, and ready for rapid deployment at appropriate notice. This will provide the AU with the ability to establish peacekeeping operations in crisis zones in order to maintain peace and security on the continent. The military will be responsible for ensuring stability and security; the police will assist in reinstating of reliable law enforcement systems, while the civilians will provide administrative support and political, economic and development aspects in the mission area. To operationalize ASF, special military and police units will be maintained on standby in their home country, while a database of experienced and skilled civilian in requisite disciplines will be created and maintained by AU and RECs and RMs. Capacity building of these components will be achieved through joint multidimensional training in Peace Support Operations (PSOs).

The ASF structure is divided into five regional standby forces each corresponding to the five regions of Africa: Central African Standby Force (CASF), Eastern Africa Standby Force (EASF), North African Regional Capability (NARC), Southern Africa Standby Force (SASF) and Economic Community of West African States (ECOWAS) Standby Force (ESF).<sup>175</sup> The formation of the regional forces will include a full time Planning Element (PLANELM), a Logistics Base, a Brigade Headquarters, and the Pledged Brigade Units. The PLANELMs at each of Brigade Headquarters and AU will provide multidimensional strategic-level management capability and predeployment management during the startup phase of the missions. The core functions of the PLANELMs are planning, preparation and training, including the verification of brigade headquarters and standby elements. The ASF logistic concept provides that missions deployed in the field should initially be self-sustainable for between 14 and 90 days depending with the scenario of deployment. Thereafter the AU or UN should take over the responsibility for the sustainment of the missions. The logistic

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<sup>175</sup> African Union Handbook 2014, pp 38

support and strategic sea and airlifts are envisaged to be provided by continental and regional logistical bases.

The ASF is envisioned to provide peacekeeping forces on a high level of readiness and capable of rapid deployment in response to a request by the UN or the AU. Member States through the RECs/RMs are responsible for capacitating their designated ASF capabilities. The aim of ASF capacity building is to prepare designated military, police and civilians capabilities to conduct peace support operations within a multinational and multidimensional environment. Therefore, the RECs/RMs are responsible for continued improvement of the operational readiness of the ASF.

The range of functions assigned to the ASF includes: observation and monitoring missions, other types of peace support operations, intervention in a member state in respect of grave circumstances or at the request of a member state to restore peace and security, in accordance with Article 4(h) and 4(j) of the AU Constitutive Act, preventive deployments, peace building, humanitarian assistance, among other functions as may be mandated by the PSC or the Assembly of Heads of State. The ASF is intended to respond to six crisis management scenarios ranging from small-scale observation to military intervention. The six scenarios focus on peace operations and do not authorize the ASF to engage with other security challenges, such as those associated with counterterrorism, antipiracy and maritime security, disaster management, or broader questions of security sector reform.<sup>176</sup> Scenario 1 involves deployment of an AU/regional military advisor to a political mission within 30 days of an AU mandate provided by the PSC. Scenario 2 involves deployment of an AU/regional observer mission co-deployed with UN mission within 30 days of an AU mandate provided by the PSC. Scenario 3 involves deployment of a stand-alone AU/regional observer mission within 30 days of an AU mandate provided by the PSC. Scenario 4 involves deployment an AU regional peacekeeping force for preventive missions within 30 days of an AU mandate provided by the PSC. Scenario 5 involves deployment of an AU peacekeeping force for complex multidimensional peacekeeping

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<sup>176</sup>Moving Africa Forward: African Peace and Security Architecture 2010 Assessment Study, AU document, 2010, paragraph 8.

mission – low-level spoilers – within 90 days of an AU mandate provided by the PSC. Scenario 6 involves deployment of an AU intervention in cases of grave circumstances within 14 days of an AU mandate provided by the PSC. The Rapid Deployment Capability (RDC) should be capable of intervening, within 14 days, in cases of Genocide and gross human rights abuses under Scenario 6.

### **3.6.5 The African Capacity for Immediate Response to Crises (ACIRC)**

The African Capacity for Immediate Response to Crises (ACIRC) was established in principle by the AU Assembly at its May 2013 Summit, following the recommendations of the AU Commission for an interim establishment of an African capacity for immediate response pending the ASF and its RDCs becoming operational.<sup>177</sup> The ACIRC is meant to provide the AU with a flexible and robust force, capable of rapid deployment to effectively respond to emergency situations within the APSA framework. The ACIRC force is to be composed of military and police and components. The resources are to be voluntarily provided by member states. At the time of writing this report, the AUC Chairperson was tasked with working out the detailed modalities for making the ACIRC operational.

### **3.7 Analysis of APSA**

Different components of the APSA have been designed to come into play sequentially, from prevention, management to resolution of conflicts. CEWS should trigger the application of the APSA in which case the AUC Chairperson and the Commission for Peace and Security should arrive at the best course of action to take and subsequently initiate efforts for preventing the potential conflicts or making peace. At this stage, the Panel of the Wise is expected to support the process, especially in the area of conflict prevention. The ASF should come into action at the end of the process in cases where violent conflicts are about to erupt or have erupted and to intervene in respect of grave circumstances. However, depending on the conflict situation, the components can be applied flexibly or alongside each other.

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<sup>177</sup>Op. Cit., Moving Africa Forward.

The APSA enables AU to be a collective security and early warning arrangement with the ability to facilitate timely and efficient responses to conflict and crisis situations. The PSC Protocol which is the corn stone of APSA embraces an expanded and comprehensive agenda for peace and security that includes conflict prevention, early warning and preventive diplomacy, peace-making and peace building, the encouragement and promotion of democratic practices, intervention, humanitarian action and disaster management.<sup>178</sup> In addition, the Protocol empowers PSC to deploy APSA in peace keeping and quick intervention missions to assist in cases of genocide, war crimes and crimes against humanity. As already pointed out, this study's central argument which is line with conceptualization of APSA is that securing peace in Africa depends on functional frameworks and organizational structures within the AU that are guided by correct set of principles and objectives and equipped with appropriate capabilities to deliver on mandated tasks.

Again, the APSA components bring together regional counterparts with complementary responsibilities.<sup>179</sup> This allows for strengthening, coordinating and harmonizing prevention and peacemaking efforts in Africa under a single umbrella. This provision of consolidation and enrichment of peacemaking frameworks on the African continent has most notably been achieved through the Panel of the Wise who undertake activities such as mediation, conciliation and fact-finding missions, promote democratic principles, human rights and international humanitarian law. As earlier indicated in the conceptualization of this study such approach should be superior to international ones for the reason that regional organizations are better positioned for early detection and enjoy more local legitimacy. Unfortunately for the AU, it has not been so. The main reason is that APSA has not achieved its full operational capability due to lack of funding. This has constrained planning and implementation of activities. This ties with the conceptualization in this study that sees securing peace in Africa as dependent on provision of the capabilities and resources

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<sup>178</sup> Bah, A. S., et al, A Handbook of African Peace and Security Architecture, (Bonn: Friedrich Ebert Stiftung, 2013), pp 16-17.

<sup>179</sup> Assembly of the Union Twenty-First Ordinary Session 26 - 27 May 2013 Addis Ababa, Ethiopia

required by AU to implement mandated tasks. Since APSA is yet to be fully functional, analysis of its effectiveness cannot be done accurately and objectively as yet.

### **3.8 Summary**

The African Union's core mandate of peace and security saw it create bodies and establish policies and protocols such as the Common African Defence and Security Policy and the Protocol relating to the establishment of the Peace and Security Council. This constitutes part of its framework to help provide for common, unified and collective approach in the prevention, management and resolution of conflicts in Africa. The APSA which constitutes the operational arm of PSC has embedded rapid and timely to response to conflict and crisis situations into the AU peace and security instruments. However due to lack of funding and subsequent delay in operationalization of APSA, the AU devotes relatively little attention to structural and nonmilitary dimensions of security. A need to broaden consideration of its issues to cover emerging and contemporary issues has emerged. This demonstrates that the role of and manner in which AU Peace and Security Council discharges its mandate impacts on securing peace in Africa.

# CHAPTER FOUR: AFRICAN UNION REGIONAL ECONOMIC COMMUNITIES AND REGIONAL MECHANISMS AND PARTNERSHIPS

## 4.0 Over view

This section gives a brief analysis of the African Union Regional Economic Communities (RECs) and Regional Mechanisms and Partnerships (RMs). It begins by a brief overview of the Memorandum of Understanding (MOU) between the AU and the RECs. A brief description and analysis of AU RECs/RMs then follows. A discussion of the collaboration of the between AU its partner, especially the UN, EU and Civil Society Organizations end the section.

## 4.1 Introduction

Since the early 1960s, the United Nations Economic Commission for Africa (UNECA) encouraged African states to combine their economies into sub-regional markets that would form one Africa-wide economic union. In 1980 the OAU Extraordinary Summit adopted the Lagos Plan of Action as a major step towards the goal of integration. The Abuja Treaty, which came into force in May 1994, concretized the plan by establishing the African Economic Community (AEC) as a vehicle to promote economic, social and cultural development, as well as African economic integration. This was meant to increase self-sufficiency and indigenous development and create a framework for development and mobilization of human resources and material. Since May 1994, the OAU therefore operated on the basis of the OAU Charter as well as the AEC Treaty and the organization was officially referred to as the OAU/AEC. The AEC Treaty provides for the African Economic Community to be set up through a gradual process of six stages over 34 years.<sup>180</sup> Article 88 of the Treaty provides that AEC will be established mainly through the coordination, harmonization and progressive integration of the activities of the RECs. Since the RECs are recognized as the building

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<sup>180</sup>The Role of the Regional Economic Communities (RECs) as the Building Blocks of the African Union, [Online]<http://www.dfa.gov.za/docs/2003/au0815.htm>, [Accessed on 5 February 2015].

blocks of the AEC, member states are expected to promote the coordination and harmonization of the integration activities of the RECs with the activities of the AEC.<sup>181</sup>

The Sirte Extraordinary Summit of 9 September 1999, which preceded the birth of AU, stressed on the speedy establishment of all the institutions provided for in the Abuja Treaty. This underlies the fact that the African Union is premised on pursuing the objectives of the OAU Charter and Abuja Treaty. Again, OAU Summit in Lusaka from 9 to 11 July 2001 reaffirmed the status of the RECs as building blocks of the African Union and urged for their close involvement in the formulation and implementation of all programmes of the Union.

#### **4.2 Memorandum of Understanding (MOU) between the AU and the RECs**

Article 16 of the PSC Protocol recognizes the important contributions RECs and REMs make towards the maintenance and promotion of peace, security and stability in Africa.<sup>182</sup> It emphasizes that the PSC should harmonize and coordinate the activities of RECs and REMs to ensure they are consistent with the objectives and principles of the Union, as well as work closely with them to ensure effective partnership in the promotion and maintenance of peace, security and stability. In order to ensure that the relationship between PSC and RECs and RMs is operational and effective, article 16(9) of the PSC Protocol provides that a Memorandum of Understanding (MOU) on Cooperation shall be concluded between the AU Commission and the Regional Mechanisms. In 2008, an MOU was signed between the AU and the RECs.

Article VI of the MOU provides that the parties shall work towards full operationalization and effective functioning of the APSA and to ensure the full and effective functioning of the architecture and the continental early warning system and the full operational capability of the ASF pursuant to the provisions of Article 13 of the PSC Protocol. The MOU also provides that the parties shall where appropriate and within the framework of their conflict prevention strategies, establish structures

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<sup>181</sup> Article 88 of the Treaty Establishing the African Economic Community.

<sup>182</sup> Article 16 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union considers Regional Mechanisms as part of the overall security architecture of the Union.



similar to the Panel of the Wise.<sup>183</sup> The MOU further provides for the establishment of Liaison Offices to the RECs/RMs by the AU and vice versa by the RECs/RMs.

The Protocol on Relations between the RECs and the AU provides a coordination framework between the AEC and the RECs. This framework has a Committee on Coordination and Committee of Secretariat Officials. The Committee on Coordination provides policy advice and oversight of implementation of the Protocol. It is also tasked with coordinating and monitoring progress made by the RECs/REMs in meeting the regional integration goal stages detailed in article 6 of the Abuja Treaty. It comprises the AUC Chairperson, Chief Executives of the RECs/REMs, Executive Secretary of the UN Economic Commission for Africa (UNECA), President of the African Development Bank (AfDB) and the Chief Executives of the AU financial institutions. Under article 8 of the Protocol, the Committee must meet at least twice a year presided over by the AUC Chairperson.

At the regional level, the implementing organs include the conflict prevention, management and resolution mechanisms existing in the various RECs and REMs. The AU recognizes eight RECs: Arab Maghreb Union (UMA), Common Market for Eastern and Southern Africa (COMESA), Community of Sahel-Saharan States (CEN-SAD), East African Community (EAC), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Southern African Development Community (SADC) and the Intergovernmental Authority on Development (IGAD). The two REMs of the AU are the Eastern Africa Standby Force Coordination Mechanism (EASFCOM) and North Africa Regional Capability (NARC).

Six RECs and the two REMs namely, COMESA, EAC, ECCAS, ECOWAS, IGAD, SADC NARC and EASFCOM have already established Liaison Offices at the AU. The Offices have helped facilitate coordination and collaboration between the AU and the RECs/RMs. The following is a

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<sup>183</sup>Op. Cit., Memorandum of Understanding on Cooperation.

summary of the status of RECs and REMs as provided by the African Union<sup>184</sup> and United Nations Economic Commission for Africa (UNECA).<sup>185</sup>

#### **4.2.1 Arab Maghreb Union (UMA)**

The Arab Maghreb Union (UMA) was established under the Marrakech Treaty of 1989 with the primary purposes of strengthening ties between the five member states. It was aimed at promoting prosperity, defending national rights and adopting common policies to promote the free movement of people, services, goods and capital within the region. Current member states of UMA are: Algeria, Libya, Mauritania, Morocco, and Tunisia. The Marrakech Treaty provides for the Council of the Presidency, the only decision-making body, to meet once a year in ordinary session and in extraordinary session as required. The Council of the Presidency last met in 1994.

UMA has 10 main institutions: The Presidency Council, The Consultative Council, The Secretariat, The Monitoring Committee, The Meeting of the Prime Ministers, The Council of Foreign Ministers, The Ministerial specialized Commissions, The Judicial Organ, The University of Maghreb, and The Maghreb Bank for Investment and Foreign Trade (BMICE).

#### **4.2.2 Community of Sahel–Saharan States (CEN–SAD)**

The Community of Sahel - Saharan States (CEN–SAD) was formed in 1998 with the primary objective of promoting the economic, cultural, political and social integration of its member states.

CEN-SAD's current members are: Benin, Burkina Faso, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Eritrea, The Gambia, Ghana, Guinea Bissau, Liberia, Libya, Mali, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, and Tunisia.

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<sup>184</sup> African Union Handbook 2014, pp 118-128.

<sup>185</sup> African Union (AU) & Regional Economic Communities (RECs) In Africa, [Online], <http://www.uneca.org/oria/pages/african-union-au-regional-economic-communities-recs-africa> [Accessed on 6 February 2015].

CEN-SAD is governed by a Conference of Heads of State and Government. Its structure includes the: Executive Council, Special Ministerial Councils, General Secretariat, Economic, Social and Cultural Council (ESCC) and Sahel-Saharan Investment and Trade Bank.

The Conference of Heads of State and Government meet once a year in ordinary session, rotating among Member State capitals. It can meet in an extraordinary session at the request of one member state. CEN-SAD held an Executive Council extraordinary session in June 2012 in Morocco and a Conference of Heads of State and Government extraordinary session in February 2013 in Chad.

#### **4.2.3 North Africa Regional Capability (NARC)**

Due to the multiple numbers of RECs (AMU and CEN-SAD) in the Northern Africa region and politics in the region, North African Regional Capability (NARC) was created as a regional mechanism to enable Northern African countries and RECs contribute to the African Standby Force.

#### **4.2.4 East African Community (EAC)**

The East African Community (EAC) was initiated in 1999 and aims to develop policies and programmes geared towards strengthening co-operation among the partner states in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit. The EAC countries established a Customs Union in 2005 and a Common Market in 2010. Current Member States are: Kenya, Tanzania, Uganda, Rwanda and Burundi.

The EAC is overseen by the Summit of Heads of State and Government. Its structure also includes the Council of Ministers, 14 ministerial-level sectoral councils: East Africa Legislative Assembly, East African Court of Justice, and Coordination Committee. The Coordination Committee is responsible for regional cooperation and coordinates the activities of the sectoral councils.

The Summit meets at least once a year and may hold extraordinary meetings at the request of any of its members. It meets to discuss business submitted to it by the Council (which meets twice a year) and any other matter that may have a bearing on the EAC.

#### **4.2.5 Common Market for Eastern and Southern Africa (COMESA)**

The Common Market for Eastern and Southern Africa (COMESA) was established in 1993 to attain sustainable growth and development of member states, promote joint development in all fields of economic activity, cooperate in the creation of an enabling environment for foreign, cross border and domestic investment. It also aims to promote peace, security and stability among the member states, and cooperation in strengthening relations between the Common Market and the rest of the world. Its current member States are: Burundi, Union of Comoros, Congo DRC, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Sudan, Swaziland, Seychelles, Uganda, Zambia and Zimbabwe.

COMESA is accountable to the Heads of State and Government of its 20 Member States. Its structure includes the Council of Ministers, the Secretariat and a series of technical committees and subsidiary advisory bodies. COMESA Heads of State and Government meet annually and may hold extraordinary meetings when requested. The Summit discusses business submitted to it by the Council of Ministers (which meets twice each year) and any other matter of interest.

#### **4.2.6 Intergovernmental Authority on Development (IGAD)**

The Intergovernmental Authority on Development (IGAD) was established in 1996 and aims to promote joint development strategies, harmonize member states' policies, achieve regional food security, initiate sustainable development of natural resources, promote peace and stability in the sub-region, and mobilize resources for the implementation of its programmes. IGAD members are: Djibouti, Ethiopia, Eritrea, Kenya, Somalia, South Sudan, Sudan, and Uganda.

The IGAD Assembly of Heads of State and Government is the organization's supreme policy-making organ. Its structure also includes the Council of Ministers and the Committee of Ambassadors and the Secretariat. The Assembly Summit meets at least once a year and may hold extraordinary meetings at the request of any of its members. The Summit discusses business submitted to it by the Council (which meets twice each year). The Committee of Ambassadors convenes as often as the need arises.

#### **4.2.7 Eastern Africa Force Coordinating Mechanism (EASFCOM)**

Due to the multiple numbers of RECs in the Eastern Africa region (IGAD, EAC and COMESA), Eastern Africa Force Coordinating Mechanism (EASFCOM) was created as a regional mechanism to enable Eastern African countries and RECs contribute to the African Standby Force.

#### **4.2.8 Economic Community of Central African States (ECCAS)**

Economic Community of Central African States (ECCAS) was formed in 1983 and aims to promote member states' economic and social development and improve people's living conditions. ECCAS also pursues the promotion of peace and stability in Central Africa, and supports the electoral process of the member states. ECCAS member countries are: Angola, Burundi, Cameroon, Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Chad, and Sao Tome and Principe.

ECCAS is governed by its Conference of Heads of State and Government. Its structure also includes the Council of Ministers, General Secretariat, Court of Justice, Technical specialized committees and Consultative Commission. The Conference meets annually, while the Council meets twice a year in ordinary session. The Council can also meet as required in extraordinary session.

#### **4.2.9 Economic Community of West African States (ECOWAS)**

The Economic Community of West African States (ECOWAS) was established in May 1975 to promote cooperation and integration in the context of an economic union of West Africa in order to raise the living standards of its people, maintain and increase economic stability, strengthen relations

among the member states and contribute to the progress and development of the continent. The member countries of ECOWAS are: Benin, Burkina Faso, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo and Cape Verde.

ECOWAS has 8 main institutional organs: The Conference of Heads of State and Government, The Council of Ministers, The Community Parliament, The Economic and Social Council; The Court of Justice of the Community, The Commission, The Investment and Development Bank of ECOWAS; and The West African Health Organization. The Heads of State and Government meets at least once a year. It may also meet in extraordinary session. The community also took on political and security issues well by establishing a peacekeeping force (ECOMOG) in 1990 to help deal with various conflicts in the region.

#### **4.2.10 South African Development Community (SADC)**

The South African Development Community (SADC) was formed on 17 August 1992 to promote sustainable and equitable economic growth and development, promote common political values and systems, consolidate democracy, peace security and stability, and achieve complementarity between national and regional strategies. It also aimed to maximize productive employment and use of natural resources, achieve sustainable use of natural resources and effective protection of the environment, and combat HIV/AIDS and other diseases. Its member states include Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

SADC is composed of 9 main institutions: the Summit of Heads of State or Government, Summit TROIKA of the Organ on Politics Defence and Security, SADC Tribunal, SADC Council of Ministers, sectoral and Cluster Ministerial Committees, Standing Committee of Senior Officials, SADC Secretariat, SADC National Committees, and SADC Parliamentary Forum. The Summit meets at least once a year and may hold extraordinary meetings when requested. The Summit

discusses business submitted to it by the Council (which meets twice each year) and any other matter that may have a bearing on SADC.

#### **4.2.11 International Conference on the Great Lakes Region (ICGLR)**

The International Conference on the Great Lakes Region (ICGLR) is an inter-governmental organization of eleven member states in the African Great Lakes Region comprising Angola, Burundi, the Central African Republic, the Democratic Republic of Congo (DRC), Kenya, the Republic of Congo, Rwanda, Sudan, Tanzania, Uganda and Zambia. Its establishment was based on the recognition that political instability and conflicts in these countries constituted a major threat to international peace and security and had considerable regional dimension which therefore, required concerted joint effort in order to promote sustainable peace and development.<sup>186</sup> The AU provides it with support and cooperates with it within the framework of its activities.

The aim of ICGLR is to implement the Pact on Security, Stability and Development (PACT) which was adopted by the Heads of state and Governments of the ICGLR member states in Nairobi in December 2006 and entered into force in June 2008. The PACT serves as a legal framework and an agenda of the ICGLR with the aim of creating the conditions for security, stability and development between the member states.<sup>187</sup>

#### **4.3 Analysis of Regional Economic Communities and Regional Mechanisms**

The role of the RECs/RMs and the principles that guide the relationship between the AU and RECs/RMs in promoting peace, security and stability in Africa are clearly spelt out in the MOU. It is evident that the partnership is guided by comparative advantage of each and depending with the context of the conflict. It is also evident the MOU institutionalizes and strengthens the cooperation AU and RECs/REMs. It is an inbuilt mechanism that is meant to ensure coordination of activities

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<sup>186</sup>Githaiga, N., *Regional dimensions of conflict in the Great Lakes*, ISS Workshop Report, (Pretoria: Institute of Security Studies, 2011).

<sup>187</sup>The International Conference on the Great Lakes Region, *Pact on Security, Stability and Development*, 2006.

between the AU and RECs/REMs in sustaining sustainable peace, security and stability. The MOU affirms the contribution of the RECs/REMs towards the second objective of this study; that of analyzing the role of and manner in which Regional Coordination Mechanisms and Regional Economic Communities has been discharging their mandates in securing peace in Africa. Further the MOU emphasizes regionalization of security and principle of subsidiarity as conceptualized and operationalized in this study. Regionalization of security links the intensification of regional activities which gives rise to a set of coordinated policies and formal institutional frameworks within which to pursue conflict management collectively.

The involvement of the RECs/RMs in conflict management also factors emerging issues such as transitional organized crimes, capacity building, training and knowledge sharing, resource mobilization and any other areas of shared priorities and common interest as may be agreed by the parties.<sup>188</sup> Protocol on Relations between the RECs and AU between the AEC and the RECs and the establishment of Liaison Offices further provides a framework that further enhances coordination and monitoring of the progress made by the RECs/REMs in meeting the regional integration goal stages detailed in article 6 of the Abuja Treaty. At the regional level, the implementing organs include the conflict prevention, management and resolution mechanisms existing in the various RECs and REMs. It is evident that the AU RECs/RECs have the requisite structures and mechanisms to provide AU with capabilities and resources necessary for the management of peace and security. However due to lack of implementation of various provisions as stipulated in the MOUs and delay in operationalization of the RECS/RMs, they have been unable to provide the AU with the required capacities and capabilities to enhance security in Africa. The inference drawn from this is that well implemented regional approach to conflict management should be superior to the international ones for the reason that regional organizations are better positioned for early detection and enjoy more local legitimacy. This partly confirms the third hypothesis that securing peace in Africa is dependent

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<sup>188</sup>Op. Cit., Memorandum of Understanding on Cooperation.



upon the effectiveness with which the Regional Mechanisms and Regional Economic Communities discharges their mandates.

#### **4.4 Partnerships between the UN, EU and Civil Society Organizations**

Article XXI of the MOU between AU and the RECs and REMs provides that AU shall coordinate efforts to ensure that African interests and positions as defined at the continental level are effectively pursued.<sup>189</sup> As such AU members are to work together to mobilize the support of the UN and other actors in the international community in promoting and maintaining peace, security and stability in Africa. Article XXII of the same MOU specifically singles out the relationship between AU and the civil society and private sector as an important link in achieving peace in Africa.<sup>190</sup> The article stipulates that the AU should commit to harmonize and coordinate its effort with respect to interaction with Civil Society Organizations (CSO) and private sector in the furtherance of the continental peace and security agenda. This section will briefly discuss the AU partnership with UN, EU and CSO in promoting and maintaining peace, security and stability in Africa.

##### **4.4.1 Partnership between the AU and UN**

According to the provisions of Chapter VIII of the UN Charter, it can delegate a mandate to regional groupings arrangement to deal with issues relating to the maintenance of peace and security at regional level, provided such activities are consistent with its purposes and principles. Such a mandate authorizes the AU to undertake enforcement operations within the continent.<sup>191</sup> Bah, *et al* argues that due to that fact that majority of issues on the agenda of the UN Security Council have been focused on Africa, there is a need for strong partnership between the UN and AU. The partnership should involve mutually enriching relationships based on respect and collaboration

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<sup>189</sup> Article XXI Memorandum of Understanding on Cooperation in the Area of Peace and Security Between the African Union, The Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern and Northern Africa, 2008.

<sup>190</sup> *Ibid.*

<sup>191</sup> Article 52 of the Charter of the United Nations (1945).

established through dialogue.<sup>192</sup> Partnership between the AU and UN was formalized in a cooperation agreement between the OAU and UN in 1990. In November 2006, the Chairperson of the AU Commission and the Secretary-General of the UN signed the Declaration '*Enhancing UN-AU Cooperation: Framework for the ten-year capacity building programme for the African Union*'. The framework provides for extensive areas of cooperation including: peace and security as well as crime prevention), assistance in institution building, and political and electoral matters, peacekeeping and peace-building operations, governance, human rights and the rule of law, food security, social, cultural and health issues, and the environment. While most UN agencies, funds and programmes have been present in Addis Ababa for some time, a dedicated UN Office to the African Union (UNOAU) was established in July 2010. The focus of the UNOAU is to enhance the strategic partnership of both organizations on peace and security issues and to provide coordinated and coherent UN support to the AU on short-term operational and planning matters and long-term capacity building.

#### **4.4.2 Partnership between the AU and the EU**

Europe and Africa are two continents bound together by a common history, geography, and interactions at the social, economic and political levels. The Africa-EU partnership has gestated over a long period of time. Institutionally, it began with the first Africa-EU Summit in Cairo, Egypt, in 2000, followed by the 2<sup>nd</sup> Summit that took place in Lisbon, Portugal, in December 2007, which adopted a Joint Africa-EU Strategy (JAES) and its Action Plan as a framework of relations between AU and the EU<sup>193</sup>.

The JAES provides a long-term framework for relations and is intended to strengthened political partnership and enhanced cooperation at all levels between the AU and the EU in all existing and

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<sup>192</sup>Bah, A. S., et al, *A Handbook of African Peace and Security Architecture*, (Bonn: Friedrich Ebert Stiftung, 2013), pp 90-91.

<sup>193</sup>Africa-European Union (EU) Partnership, [Online], [http://au.int/en/partnerships/africa\\_eu](http://au.int/en/partnerships/africa_eu) [Accessed on 7 February 2015].

future cooperation. There are eight main areas targeted for cooperation ranging from peace and security to governance, human rights, trade, migration and climate change.

Based on the recognition that peace and security are necessary preconditions for sustainable development, the EU prioritized its interaction with the AU in the area of peace and security and established the African Peace Facility (APF) in 2004 in order to support the emerging African peace and security agenda.<sup>194</sup> The APF continues to be a key instrument for implementing the Africa-EU partnership on peace and security, and as an instrument of channeling funds. This is to support the AU and RECs/REMs in Africa in their respective roles in promotion of peace, security and stability in Africa. The APF combines the dual approach of short-term funding to address crises as they occur with a longer-term support of institutional capacity building in peace and security.

The EU has been focusing on promoting dialogue on challenges to peace and security in Africa, providing funding for African-led peace-keeping operations, enhancing effective operationalization of APSA and facilitating cooperation between the AU APSA components and corresponding structures in the EU.<sup>195</sup> Through the European Development Fund, the EU plans to provide predictable funding for the JAES programmes.

In the Fourth EU-Africa Summit held in Brussels from 2-3 April 2014, joint priorities were established and a roadmap charted for the period 2014-2017. The summit agreed that the implementation of the Joint Strategy shall focus on: peace and security, democracy, good governance and human rights, sustainable and inclusive development and growth and continental integration and Global and emerging issues. A number of actions have been identified at interregional, continental or global levels for each objective. These actions are in addition to cooperation at country and regional levels<sup>196</sup>.

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<sup>194</sup>Op. Cit., Africa-European Union (EU) Partnership.

<sup>195</sup>Op. Cit., Africa-European Union (EU) Partnership.

<sup>196</sup>Fourth EU-Africa Summit 2-3 April 2014, Brussels, Roadmap 2014-2017, available at [http://www.africa-eu-partnership.org/sites/default/files/documents/2014\\_04\\_01\\_4th\\_eu-africa\\_summit\\_roadmap\\_en.pdf](http://www.africa-eu-partnership.org/sites/default/files/documents/2014_04_01_4th_eu-africa_summit_roadmap_en.pdf) accessed on 7 February 2014.

#### 4.4.3 Partnership between the AU and the Civil Society

The World Bank refers to the term civil society as “*a wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations.*”<sup>197</sup> Civil society organizations therefore, refer to a range of groups: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations.<sup>198</sup>

The definition of civil society shows that they are important players in promoting peace, security and stability since they are able to provide specialized knowledge due to their proximity to the issues on the ground and their ability to engage a broad range of stakeholders. Civil society is especially important in building responses that are proactive, preventive and sustainable. They are normally knowledgeable about political nuances and socio-cultural sensitivities that may impact on strategies used to address and resolve conflicts. Since civil society is diverse and has different comparative advantages, engaging it in promoting peace and security ensures coherence, eliminates duplication and advances collaborative responses to a conflict situation at the local, national, regional and international levels.

The Constitutive Act of the African Union states that one of the objectives of the Union is “*to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples.*”<sup>199</sup> The PSC Protocol of the AU encourages the PSC to engage with civil society organizations in the course of undertaking its functions.<sup>200</sup> This is an expression of commitment of the AU to engage with civil

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<sup>197</sup> Defining Civil Society, [Online] <http://go.worldbank.org/4CE7W046K0>, [Accessed on 7 February 2014].

<sup>198</sup> Ibid.

<sup>199</sup> Constitutive Act of the African Union (2000), paragraph 7 of the preamble.

<sup>200</sup> Article 20 of Protocol Relating to the Establishment of the Peace and Security Council of the African Union states that the Peace and Security Council shall encourage non-governmental organizations, community-based and other civil society organizations, particularly women’s organizations, to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations may be invited to address the Peace and Security Council.

society in the implementation of its objectives, including the promotion of peace, security and stability in Africa. The mechanism for interaction between the PSC and civil society is provided in the Livingstone Formula (2008) which encourages non-governmental organizations, community based organizations and other civil society organizations to participate actively in efforts aimed at promoting peace, security and stability in Africa. The Formula stipulates that civil society may provide technical support to the AU by undertaking early warning reporting and situation analysis and feed such information into the decision making process of the PSC.

#### **4.5 Analysis of AU Partnerships between the UN, EU and Civil Society Organizations**

From the foregone, it can be concluded that AU have adequate framework which are critical in conflict management and allows AU to deal with its partners on basis of agreed principles. Indeed such partnership should aim at enhancing strategic partnership in areas of peace and security and provide for coordinated and coherent support to AU on short-term operational and planning matters and long-term capacity building. The partners have the universal perspective, long term experience and operational capacity. What remains is the need for AU to strengthen its collaboration and improve on innovative and flexible partnership arrangements that draw from the respective strengths of the partners. The lack of funding which is AU's main challenge could be improved if the UN would provide greater funding for AU peace missions since the ultimate responsibility for maintaining world peace and security still rests on the UN. As it is, the cooperation between the AU and its external partners have not reached the full potential since the nature and structure of most of AU's cooperation with its partners is often overshadowed and undermined by the interests of the partners. This confirms Fawcett argument that regionalization of security does not exclude the possibility that many security problems are also global and therefore, best dealt with by multilateral

institutions like the UN. However, regional sources of insecurity can also be met with regional security provisions which could be better matched to regional needs and interests.<sup>201</sup>

#### **4.6 Summary**

The AU inherited and built on the concept of working with and through other bodies both within and from outside Africa since maintaining peace and security requires both collaborating and relegating certain function and resources. To this end, the AU has brought on board regional economic bodies in Africa and the civil society. It has also collaborated fruitfully with world bodies such as the UN and politico-economic groupings from other regions such as the EU. However uneven development and tensions between, Africa's RECs have continued to impede the effective functioning of the continent's peace and security framework. In general, the RECs, which are to serve as the building blocks of African integration, need to be strengthened and operationalized and the partnership between AU and the UN need to be strengthened to compliment AU in its main challenge which is lack of funding for its peace operations. This is necessary as already pointed out in this study's central argument that, if well implemented, a regional approach to conflict management should be superior to the international ones for the reason that regional organizations are better positioned for early detection, prevention management and resolution besides enjoying more local legitimacy.

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<sup>201</sup> Fawcett, L., *The Regional Dimension of Global Security*, Department of Politics and International Relations, University of Oxford, [Online], <http://www.eolss.net/sample-chapters/c04/e1-68-02.pdf>. [Accessed on 04 March 2015].

# **CHAPTER FIVE: ASSESSMENT OF THE EFFECTIVENESS OF THE AU INSTRUMENTS OF PEACE AND SECURITY**

## **5.0 Overview**

This chapter provides an assessment of the effectiveness with which the AU instruments of peace and security have been utilized in securing peace and security in Africa. It examines the Constitutive Act and analyzes the weaknesses, challenges and constraints faced by the different AU organs and institutions in promoting peace, security and stability in Africa. This section will draw heavily from AU Constitutive Act<sup>202</sup> which will be referred to frequently.

## **5.1 Normative Provisions of the Constitutive Act of the AU**

Eight defining moments characterize efforts to unify Africa, and in the context of this study, promote peace, and stability in African security. These include the creation of OAU in 1963, the adoption of Lagos Action Plan 1980, the signing of Abuja Treaty in 1991, the establishment of OAU Mechanism for Conflict Prevention, Management and Resolution in 1993, the Sirte Declaration of 1999 and the adoption of the Constitutive Act of 2000, the birth of the AU 2002, the adoption of the Protocol relating to the establishment PSC and the establishment of African Peace and Security Architecture.

At the time of the creation of the OAU in 1963, most African countries were focusing on nation-state building and safeguarding their hard worn independence. The task of integration was not high in their priority. The bipolar world system and economic order that followed, negatively affected development in Africa and planted seeds of conflict. The Lagos Plan of Action was a reaction to remedy the ensuing challenges then. No sooner had the Lagos Plan of Action been adopted than the Bretton Woods Institutions put pressure on individual African nations to adopt Structural Adjustment Programmes. This was followed by the end of the Cold War and the emergence of new

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<sup>202</sup>The Constitutive Act of the African Union (2000).

types of threats and conflicts, and a new world political realignment that shifted focus away from Africa. These changes devastated African economies and embroiled the continent in conflicts that resulted in millions of deaths, internally displaced persons and refugees. Consequently, the African integration agenda and collective responsibility in securing peace in Africa was put in abeyance. In 1993, the OAU Mechanism for Conflict Prevention, Management and Resolution was adopted with the aim of bringing peace and stability to the continent. The Sirte Declaration of 1999, the adoption of the Constitutive Act of 2000 and the birth of the AU 2002, alongside the creation of APSA and PSC, were meant to forge a common framework within which to realise African shared destiny and rid the continent of the scourge of conflicts. The preamble of the Constitutive Act acknowledges the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and therefore, emphasizes the need to promote peace, security and stability as a prerequisite for development and integration in Africa.<sup>203</sup>

Articles 3 (f) and 3 (l) of the Act contains the key objectives regarding peace and security<sup>204</sup>, while Articles 4 (d) to 4 (j) and 4 (p) contain the key principles relating to peace and security.<sup>205</sup>The Act empowers the Union to retain 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. The Act also recognizes the right of member states to request intervention from the Union in order to restore peace and security.

## **5.2 Assessment of the Normative Provisions of the Constitutive Act of the AU**

The AU's Act establishes tasks related to the prevention, management, and resolution of conflict across Africa. In substantive terms, AU's Act has elements of continuity from the old OAU Charter while in terms of conflict management; it retains emphasis on the sovereign equality of members, upholds preference for non-use of force and peaceful settlement of disputes and maintains the

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<sup>203</sup>Preamble of the Constitutive Act (2000).

<sup>204</sup>Article 3 of the Constitutive Act (2000).

<sup>205</sup>Article 4 of the Constitutive Act (2000).



general commitment to non-intervention in the affairs of its member states. This implies that the Act addresses the main conceptual and normative problem with the OAU Charter which explicitly prohibited member states from interfering in internal affairs of others. This provision was interpreted and applied by the OAU member states such that conflicts within a state were placed beyond the purview and jurisdiction of the OAU. This flawed conceptualization of OAU's international relations shaped its (weak) response to African internal conflicts, including genocide, which continued to rage unabated. In contrast, Article 4 (h) gives the AU the right to intervene in a member state pursuant to a decision of the Assembly in response to grave circumstances, namely war crimes, genocide and crimes against humanity. Article 4 (j) provides for the right of member states to request intervention from the Union in order to restore peace and security. While intervention under 4 (h) requires both UN Security Council Resolution and AU Assembly decision, intervention under article 4(j) only require AU Assembly decision. These articles not only create the legal basis for intervention but also impose an obligation on the AU to intervene to prevent or stop the perpetration of grave crimes such as the Rwanda Genocide. However, despite these obligations and strengthened conceptualization of response to African internal conflicts, the AU has not been able to intervene to prevent perpetration of grave crimes such those that happened in DRC, CAR, Libya and South Sudan. This has mainly been due to internal divisions among its members on common positions to adopt in such situations, self-interests by some leaders, lack of resources to support the interventions and UN Security Council's unwillingness to authorize some interventions. This confirms the fact that the extent to which the Act empowers AU to take effective measures to intervene and enhance continental peace, security, and stability, efforts should be made to mobilize resources and ensure necessary political commitment from UN and member states to support AU initiatives in enhancing continental stability. This is in line with the principle of subsidiarity which recognizes that conflicts should always be managed at the lowest possible level or closest to where they will have the most effect, but external interventions may be necessary if there are inadequate

structures and institutions in place to deal with conflict. This has been one of the reasons behind AU's ineffectiveness and inefficiency in securing peace in Africa.

There are a number of ambiguity and contradictions in the Act. First, despite the fact that seven out of sixteen principles of the AU Constitutive Act (Articles 4 (d) to 4 (j)) are dedicated to maintenance of peace and security, which illustrates the priority of the AU to make the continent secure, the Act leaves open the question of interpretation of thresholds for interventions in internal affairs of member states. Second, Article 4 (p) also remains unclear and the definition therein contentious. It condemns and rejects unconstitutional changes of governments, yet the Act does not provide a clear definition of what unconstitutional changes of government means. Third, there are functional contradictions between Articles 4 (a), 4 (f), 4(g), 4(h) and 4 (j) of the Act, all of which relate to non-intervention in internal affairs of Member State. The contradiction relates to the fact that while the Constitutive Act maintains the principles of sovereignty and respect for borders and prohibits the use of force or threat to use force among member states, it also upholds the right of the Union to intervene in a member state pursuant to a decision of the Assembly in respect of grave circumstances, namely, war crimes, genocide and crimes against humanity. Fourth, there is also the problem of intervention under Article 4(h) which implies that the AU Assembly could authorize use of military force for humanitarian protection purposes without the host government's consent or prior to a UN Security Council (UNSC) resolution. This would possibly contradict Article 53 of the UN Charter which states that no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council. Such action would then be deemed illegal under international legal opinion.

Due to the foregone contradictions and lack of commitment of interests of member states, AU has not been able to intervene in cases of humanitarian situation. To this end, Article 4(h) of Act has never been invoked by AU to justify military action even in situations where crimes against humanity have been identified such as those in South Sudan, Libya, Ivory Coast and Darfur. This

clearly shows lack of commitment and possibly misgivings to interpretation of humanitarian intervention as stipulated in Article 4 (h) of the Act. The contradictions and ambiguity are evidenced by rare opposition victories in many elections held in Africa signalling that there are other illegal means used to maintain power by the incumbent. Again, while the Act is comprehensive on how the Union relates with member states at the national level; it does not elaborate how the Union should relate regionally with Regional Economic Communities and Regional Mechanism both of which are recognized in the Act as key components of continental integration. This ambiguity has resulted in tensions between AU and sub-regional organizations in mandating regional interventions. This defeats the essence of the principle of subsidiarity and complementarity whose main aim is to enhance effectiveness and efficiency in conflict management. This partly contributes to the objective of this study; to examine and analyze the role of and manner in which institutional frameworks and coordination mechanisms have been utilized in securing peace in Africa.

Africa is not exempt from the changes associated with contemporary globalisation. However, the history of Africa reveals that it has been reactive rather than proactive in respect of changes occasioned by globalisation. As discussed previously in this report, such past mistakes cost Africa dearly and should not be repeated. Contemporary globalisation, which is accelerated by technological innovation and information and communications systems can spread and intensify conflicts rapidly. As such, strategies to arrest the negative impacts of conflicts must be put in place well in advance. Since globalization is already recognized as a challenge by the Act, appropriate steps should be taken to address it.

It is evident that the Constitutive Act of the AU has addressed some of the normative weaknesses identified in the Charter of the OAU. This has provisioned for a strengthened response to conflict prevention, management and resolution. However, the Act cannot be a perfect instrument and there are areas that may need improvement. The very fact that the Act is progressive means that focus should initially turn to implementing those aspects which help promote peace, security and stability

while efforts should be made to identify and overcome areas of weaknesses. The AU therefore, should take all necessary measures to strengthen common institutions and provide them with the necessary powers and resources to enable them contribute towards enhancing continental peace, stability and security.

### **5.3 The Assembly and the Commission**

The provisions of the act spell out clear functions and powers of the assembly and provide the principles and mechanisms for the Assembly to promote peace, security and stability in Africa. The act further provides for some form of enforcement mechanism, even though in a limited way. Since the launch of the AU in July 2002, the Assembly has held 24 Ordinary and 3 Extraordinary Sessions<sup>206</sup>. The Assembly used to meet once till July 2004 but thereafter changed to two ordinary sessions. The work programme of the sessions of the Heads of State and Government is generally two days.

The Constitutive Act states that African Union Commission (AUC) shall be the Secretariat of the Union. The structure, functions and regulations of the commission shall be determined by the assembly. AUC is responsible for the AU's executive functions and day-to-day management and its specific functions. The AUC is also involved in elaborating, promoting, coordinating and harmonizing AU's programmes and policies with those of the Regional Economic Communities (RECs), ensuring gender mainstreaming in all AU programmes and activities and taking action as delegated by the Assembly and the Executive Council.

### **5.4 Assessment of the Assembly and the Commission**

Based purely on the working programmes, the Assembly of the African Union has achieved a lot. It has not only met as required but also increased the frequency of the meetings to meet the evolving demands. However, a number of issues have been observed with regards to the outcomes of the

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<sup>206</sup>Decisions and Declarations of the Assembly, [Online], <http://www.au.int/en/decisions/assembly>, [Accessed on 9 February 2015].

summits. These concern the agenda, the manner of the conduct of sessions, the decisions and their implementation, adoption of protocols and other instruments, imposition of sanctions, resolution of conflicts, condemnation of unconstitutional changes of government and interventions as provided in the Constitutive Act. The Assembly need to organize its meetings and therefore, the agenda to allow sufficient time to implement issues agreed upon and decisions arrived at in previous meetings. Being the supreme organ, the Assembly should adopt a thematic approach in its meeting to be able to prioritize and systematize review of implementation of previous decisions made. These gaps have resulted in Summit proceedings and decisions not being effectively cascaded down and implemented accordingly by the member states. This has contributed to the lack of effectiveness of Assembly resolutions and decisions having substantive impact on securing peace in Africa. It also is clear that the Constitutive Act and its derived Statutes and Protocols vest clear powers, authority and functions in the AUC to not only provide administrative support to the Union but also promote peace, security and stability in the continent. The AUC is also supposed to monitor and implement decisions taken by the policy organs of the union. This AUC has been unable to do this task effectively. This partly confirms the hypothesis that securing peace in Africa is dependent upon the manner in which the AUC discharges its mandate.

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

The dawn of the 21<sup>st</sup> century saw the peace and security scene of Africa change fundamentally. In view of this, the development of a robust framework for peace and security architecture in Africa became imperative. In this connection, the protocol relating to the establishment of the Peace and Security Council (PSC) was adopted in the inaugural meeting of the assembly of the AU held in July 2002 and entered into force on 26 December 2003. The establishment of the PSC Protocol marked a more determined action by the AU to promote peace, security and stability in Africa. Article 2 of the Protocol defines PSC as a standing decision-making organ for the prevention, management and resolution of conflicts. Article 4 of the Protocol reinforces principles in the Constitutive Act under

which PSC is to operate. The Protocol stipulates that the PSC shall be supported in its work by the Commission, a Panel of the Wise, a Continental Early Warning System (CEWS), an African Standby Force (ASF) and a Special Fund. It is also authorized to establish subsidiary bodies as well as seek other forms of expertise as necessary.

African Peace and Security Architecture include a Panel of the Wise, which promotes high-level mediation efforts. The Continental Early Warning System adds the preventive perspective of early warning and response mechanisms to PSC mechanisms and institution, which are mostly reactive. Although it is yet to be fully operational, CEWS has registered good progress in terms of its development. It has established an observation and monitoring centre at African Union Headquarters which operates 24 hours a day and links to early the warning units of the Regional Mechanisms.

The PSC Protocol establishes the Peace Fund for the purpose of financing peace operations. It is partly financed from the AU's budget and partly by voluntary contributions from AU member states and fundraising efforts. However, the fund remains minimal and unreliable while most AU peace support operations are externally funded. This is worrying since both peacekeeping and peace building are expensive undertaking. The ASF which is the operational arm of the APSA is still under development and is expected to be fully operational soon. The operationalization of the APSA components have not preceded as initially planned.

### **5.6 Assessment of the Peace and Security Council**

The PSC is the collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa. Its objectives embrace a comprehensive agenda for peace and security in Africa which include promotion of peace, security and stability in Africa, anticipation and prevention conflicts, promotion and implementation of peace-building and post-conflict reconstruction activities, development of a common defence policy for AU and promotion of democracy, the rule of law and good governance. Due to permanent representation at the AU

headquarters, PSC has been able to function continuously and has an impressive record of meeting. This has mainly been at Ambassadorial-level. Heads of State and Government and Ministers meetings have normally coincided with annual ordinary sessions of the Assembly. However, given the complexity of peace and security issues, decisions on substantive issues arrived at such meetings are subject to the approval of the Assembly which meets twice a year in regular sessions. This negates the advantage of the continuous and frequent meetings of the PSC. This is bound to affect the Council's effectiveness and compliance with its decisions.

In spite of some of its drawbacks, the PSC has brought visibility and credibility to AU's conflict management and resolution capability. It has established a peace and security architecture (though still under development), and has deployed a number of field missions and mediated a number of conflicts. African Union Mission in Somalia (AMISOM) is one of its largest active field missions. This is commendable achievement considering that PSC is barely a decade old. The PSC has also cooperated closely with UN, EU and other international partners to manage other conflicts in Africa such as those in Mali and CAR. All these achievements of the PSC have been attained in the face of severe constraints. This is a display of AU's commitment to the promotion of peace and security in the continent. However, inadequate funding, staffing and logistics support continues to negatively affect its effectiveness and efficiency. Coordination between the components supporting it and immediate operational of APSA components will contribute to its effectiveness in enhancing peace, security and stability in Africa.

The individual components of APSA which support the PSC have also made some contribution to enhancing peace in Africa. The Panel of the Wise continues to play an important role in providing advisory role in decision-making on conflict prevention, management and resolution. It taps into knowledge and wisdom of experienced African leaders and elders in dispute and conflict resolution. It is recognition of the importance of customary, traditional conflict resolution mechanisms and roles

and the continuing relevance of these mechanisms in contemporary Africa. It captures, experience, maturity, respect and incorporates them in promoting peace, security and stability in Africa.<sup>207</sup>

The CEWS has contributed appreciably in enhancing early warning. However, due to inadequate numbers of experienced analysts and support staff, coupled with political sensitivities which hinders flow of intelligence and information, CEWS has been struggling to play its advisory role of providing appropriate information on potential conflicts and threats to peace and security in Africa and recommending the best course of action to prevent such conflicts from escalating into violence. CEWS has been unable to effectively monitor and analyze conflict dynamics across the entire continent. Besides avoiding to report sensitive matters (especially political ones) affecting members states, CEWS has experienced difficulty in analyzing information and using it to influence prompt decision-making within the PSC. For example, discussions concerning Kenyan elections crisis in 2007 and instability in Guinea-Bissau in 2008 were not generated early enough by CEWS to allow preventive measures to be put in place by PSC. Given the focus on prevention as underlying the peace and security architecture, the need for the immediate full operationalization of the CEWS and de-politicization of its process are urgent.

Regarding the Peace Fund, AU member states have not consistently made funds available for continental conflict management activities. As such, the AU has failed to secure sustainable, predictable, and flexible financing for its conflict management activities.<sup>208</sup> In 2009, the AU Peace Fund had a negative balance.<sup>209</sup> Member states' general lack commitment to provide AU with sufficient financial resource has been symbolized by its inadequate funding. Inadequate funding is serious shortcomings of the African Union's peace and security architecture. Reforming the African

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<sup>207</sup> The African Union, *The African Union Panel of the Wise: Strengthening relations with similar regional mechanisms*, (Addis Ababa: AU, 2013), pp 7 – 8.

<sup>208</sup> Aboagye, F. B., *Global and Regional Approaches to Peacekeeping and Security in Africa*, (2008), [Online], [www.sef-bonn.org/download/veranstaltungen/2008/2008\\_pfg\\_presentation\\_aboagye\\_en.pdf](http://www.sef-bonn.org/download/veranstaltungen/2008/2008_pfg_presentation_aboagye_en.pdf), [Accessed on 13 April 2015].

<sup>209</sup> *Moving Africa Forward: African Peace and Security Architecture 2010 Assessment Study*, paragraph 177.



Union's Peace Fund is central to effective and meaningful conflict management in Africa. There is need for the AU to strategize how to mobilize resources.

The operationalization of the African Standby Force (ASF) has been delayed. The ASF faces a range of technical, logistical and political challenges. First, the AU does not have updated doctrine and standard operating procedures, systems, tactics, techniques, and procedures for its units. This means that ASF units, once constituted, will have difficulty collaborating due to varying national approaches and interoperability challenges.<sup>210</sup> Second, the AU lacks strategic lift capabilities and remains largely dependent on donors to provide airlift support.<sup>211</sup> The logistical capabilities and financing to sustain forces in the field continue to be hugely problematic.<sup>212</sup> Third, the civilian component of ASF lags behind in development and their relationship with Humanitarian activities is still not very clear. Politically, low levels of interstate cooperation and challenge of availing the required capabilities could negatively impact on effectiveness of AU operations. Fourth, which is the political challenge and which could negatively impact on effectiveness of AU operations, concerns ensuring that member states actually deploy assets when the union calls. Marshall argues that building capacity in countries that will not support continent-wide peace operations will only waste precious resources.<sup>213</sup> This is attested to the fact that very few ASF regional mechanisms had signed a memorandum of understanding with their member states regarding troop deployment.<sup>214</sup> Furthermore, there is no continental communication and information system nor logistic support arrangement necessary to make the whole ASF construct work. These challenges point to the fact that regional capabilities of the ASF are still developing towards what may be described as full operational capability. The ASF as a whole is not yet able to function as an entity; completely and independently plan, deploy, manage, sustain, and liquidate ASF missions. AU must prioritize

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<sup>210</sup> Marshall, J. E., *Building an Effective African Standby Force to Promote African Stability, Conflict Resolution and Prosperity*, Crisis States Discussion Papers No.16, London School of Economics, (2009), p 19.

<sup>211</sup> Cilliers, J., *The African Standby Force: An Update on Progress*, ISS Paper No. 160, Institute for Security Studies, (2008), p 17.

<sup>212</sup> *Ibid*, pp 6-7.

<sup>213</sup> *Op cit.* Marshall, p 18.

<sup>214</sup> *Moving Africa Forward: African Peace and Security Architecture 2010 Assessment Study*, paragraphs 27, 227

Operationalization of the ASF to promote peace, stability and security in the continent. As earlier indicated in this research, the ASF is envisaged to ensure that trained police, civilian and military formations, troops and individuals are rapidly available for deployment on AU mandated operations, including AU humanitarian missions. Its lack of operationalization and continued conflicts in Africa partly confirms the hypothesis that securing peace in Africa depends on the harmony and effectiveness with which the Peace and Security Council and its supporting mechanisms discharge its mandate

In summary, the score of the PSC in managing its PSO varies greatly from its ability to respond quickly to crisis and the sustenance of the mission thereafter. Whereas the PSC has demonstrated through the deployment in various missions that it has the comparative advantage in deploying robust forces even under situations of high violence such as in Somalia, CAR and Mali, the inability to finance and support its forces beyond the initial period of deployment is glaring. In all its PSO endeavors so far the AU has been heavily dependent on the UN and other partners to fund and provided the requisite logistics support. It is unfortunate that the PSC cannot claim to have developed the required capacity from its experiences in terms of managing and administering PSOs. It is evident that the APSA has become the main reference for conflict management in Africa. Subsidiarity principle should guide the relationships between and among the APSA components, between the PSC and RECs/REMs, and between the PSC and UN. In essence, the principle of subsidiarity should help strengthen complementarity in AU's conflict management. The principle is meant to exploit areas of comparative advantage but at the same time retain control of the overall situation. It is basically about levels at which conflict is managed. Since subsidiarity principle entails decision-making mechanism, the division of labour and burden sharing and consensus is important in terms of its implementation.

## **5.7 Regional Economic Communities and Coordinating Mechanisms**

Article 16 of the PSC Protocol recognizes the important contributions Regional Economic Communities (RECs) and Regional Mechanisms (REMs) make towards the maintenance and promotion of peace, security and stability in Africa.<sup>215</sup> One of the main objectives of the establishment of Regional Economic Communities and Regional Mechanisms is to promote strengthening stability in the continent. The RECs and RMs are envisaged to be the implementing organs regarding conflict prevention, management and resolution mechanisms at the regional level.

## **5.8 Assessment of Regional Economic Communities and Coordinating Mechanisms**

The AU and the RECs/REMs have made progress in promoting peace, security and stability in Africa through mediation, preventive diplomacy and peacekeeping. They have also supported creation of early warning systems, democratic transitions in member states, and post-conflict reconstruction and development assistance. Comprehensive Peace Agreement under IGAD, ECOMOG under ECOWAS, AMISOM under AU and Force Implementation Brigade under SADC are examples of activities of RECs/REMs which have resulted in great continental breakthroughs in the area of promoting peace, security and stability in Africa. There is some coordination between the AU and RECs/REMs which has been enhanced by establishment of Liaison Officers in the RECs/RMs. However, there is need to enhance coordination between RECs/REMs to RECs/REMs; this is necessary since some RECs and REMs have overlapping mandates. Member states that belong to more than one REC are often burdened technically, operationally and financially due to multiple memberships. The harmonization and coordination between the RECs/REMs will ensure that the steps in the roadmap of operationalization of APSA are consistently followed throughout the continent and gaps, challenges and opportunities are also identified to enhance promotion of peace, security and stability in Africa.

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<sup>215</sup> Article 16 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union considers Regional Mechanisms as part of the overall security architecture of the Union.

There also need to establish a level of coordination between the APSA components. This is important in ensuring that decisions arrived at by the PSC are informed by all its components and therefore unified in purpose and approach. The other issue between the AU and the RECs/REMs is that of subsidiarity. While Article VIII of the UN Charter clearly spells out who mandates missions, such provisions are not provided in the AU constitutive act and therefore, introduces ambiguity in terms of who mandates and who coordinates the missions if the need arises. Lastly, partnership between AU, RECs/REMs and CSOs needs a review. AU has been heavily dependent on the EU to finance its operations and also to operationalize APSA. This is not healthy since a withdrawal or withholding of support would have severe consequences on the promotion of peace and security. Strategies need to be designed to diversify and concretize AU funding.

The AU-PSC in collaboration with sub-continental Regional Economic Communities (RECs) like ECOWAS, SADC, and IGAD, as well as some individual states, has attempted to solve many on-going crises in the continent. So far, experiences show that this approach has had some glaringly painful failures as manifested in the continuing crises in, Zimbabwe, Darfur, Sudan and the Democratic Republic of Congo. They demonstrate the weaknesses of the way of AU's approach in solving crisis in Africa. The weaknesses stem mainly from three key areas; adherence to protecting state *sovereignty*, *dependency* on forces from outside the continent, and lack of *quality and insightful leadership*.<sup>216</sup> It is vitally important to note that, the PSC Protocol provides for partnerships between the AU, on the one hand, the UN and other relevant international stakeholders, on the other hand. This implies that AU's method of resolving does not suggest exclusion of or non-cooperation with the international community with regards to providing solutions to African problems. It simply emphasizes that AU, in terms of its institutions, leadership and peoples should lead the processes of initiating, designing, and implementing solutions to its problems but should be complemented by the international community who should play a supporting role.

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<sup>216</sup>Petlane, T., Africa: Leaders Must Rethink 'African Solutions for African Problems'. Guest column, [Online], as published in [www.allafrica.com](http://www.allafrica.com): <http://www.saiia.org.za/opinion-analysis/africa-leaders-must-rethinkafrican-solutions-for-african-problems>, [Accessed, October 26, 2013].

This study recognizes the collaborative ventures of AU and RECs as amongst the best option for resolving the continent's security challenges. In line with principle of complementarity and subsidiarity described earlier in this study, RECs need to be empowered to take actions to restore peace and security within their regions. The AU and the RECs should work in harmony in attaining overall continental security. The RECs have the advantage of being well positioned to detect early warning signs of impending conflict, legitimacy in conflict zones and have the local knowledge to deal with the conflicts. This is partly confirms the third hypothesis of this study that securing peace in Africa is dependent upon the effectiveness with which the Regional Mechanisms and Regional Economic Communities discharge their mandates.

Lastly, it is evident that many parts of Africa still experience instability due to a number of reasons; failure to address the structural causes of conflict, lack of adequate mechanisms to monitor and stabilize post conflict areas and overlap of the several actors in the field of conflict management. This calls for the Union and RECs to work together with the international community to work towards establishing response mechanisms to maintain peace and security in Africa. The RECs/RMs are mostly lacking in terms of material and logistical resources that can be provided by international bodies, hence the need for partnership. This agrees with the study's central argument that a proper analysis of the regional dimension of security starts first from regionalization of security which allows regional activities to be analyzed closely and the region itself to become a unit of analysis.<sup>217</sup> This means that threats can be located and dealt with at the regional level while factoring the interdependent relationship between global and regional security.<sup>218</sup> It therefore, implies that regions are looked at first as a source of the problem and second as a solution of the cotemporary problems. As earlier indicated in the study, regionalization of security does not exclude the possibility that many security problems are also global and therefore, best dealt with by multilateral

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<sup>217</sup>Langenhove, L., Farrel, M. and Hettne, B., *Global Politics of Regionalism, Theory and Practice*, (London: Pluto, 2005).

<sup>218</sup> Ibid.

institutions like the UN. However, it also recognizes that regional sources of insecurity can be met with regional security provisions which could be better matched to regional needs and interests<sup>219</sup>.

## 5.9 Summary

The African Union has done much to remedy the weaknesses of the Organization of African Unity. It represents a realization towards a stable and prosperous Africa. It has relied on a set of instruments of peace and security in the attempt to secure peace and security in Africa. Chief among these is the Constitutive Act whose main highlight is the discarding of the policy of non-interference in the internal affairs of other member states. The Peace and Security Council is the standing decision-making organ for the prevention, management and resolution of conflicts. The AU Act and PSC protocol also provides for cooperation and collaboration between the PSC and other entities in the implementation of the peace and security architecture through anticipating and preventing conflicts and in circumstances where conflicts have occurred, peacemaking and peace-building functions. A major factor that has emerged in maintaining peace and security in Africa is the need for partnership between the AU, RECs/RMs, Civil Society and international community. The AU should therefore, strengthen its relationship with these partners and stakeholders. The inference drawn from these assessment agree with the conceptualization of this study that the issue of securing peace in Africa cannot be divorced from the broader context of regionalization of security which inherently implies that certain security problems are best dealt with at regional level. Securing peace in Africa therefore, depends on functional frameworks and organizational structures within the AU that are guided by correct set of principles and objectives and equipped with appropriate capabilities to deliver on mandated tasks. This means that peace secured becomes a function of the degree of the integration and coordination of the various peace and security efforts that takes place within AU, across the entire continent as well as globally.

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<sup>219</sup> Fawcett, L., *The Regional Dimension of Global Security*, Department of Politics and International Relations, University of Oxford, (Online), <http://www.eolss.net/sample-chapters/c04/e1-68-02.pdf>. [Accessed on 04 March 2015].



# **CHAPTER SIX: ANALYSIS OF THE ROLE OF INSTITUTIONAL FRAMEWORKS AND COORDINATION MECHANISMS IN SECURING PEACE IN AFRICA**

## **6.0 Introduction**

This chapter discusses the findings of the study based on the objectives and study variables. The study had four main objectives. The first objective was to analyze the role of and manner in which the AU Commission discharges its mandate in securing peace in Africa. The second objective was to analyze the role of and the manner in which AU Peace and Security Council has been discharging its mandate in securing peace in Africa. The third objective was to analyze the role of and the manner in which Regional Coordination Mechanisms and Regional Economic Communities has been discharging their mandates in securing peace in Africa. The fourth objective was to assess the success with which the institutional frameworks and coordination mechanisms of the AU have been discharging their mandates in securing peace in Africa.

## **6.1 The African Union – Constitutive Act and Organs**

What is the role of and manner which the AU discharges its mandate in securing peace in Africa? The answer to this question is discussed on the basis of success with which the institutional frameworks of the AU have been discharging their mandates in securing peace in Africa. It is further premised on the supposition that securing peace in Africa is dependent upon the manner in which the African Union Commission discharges its mandate. In general, the majority of the correspondents stated that the bold move from the principle of non-interference in the former OAU to one of non-indifference in the AU Charter encapsulated the psyche and disposition of the AU in its collective approach to conflicts on the continent. This agrees with earlier findings of a number of AU assessment and audit reports reviewed, notably the United Nations Special Security Council Report



of 2011<sup>220</sup>, the African Peace and Security Architecture 2010 Assessment Study<sup>221</sup> and the 2007 Audit of the African Union.<sup>222</sup> These documents point the fact that the establishment of the AU is a step forward and African governments have moved away from the rigid stance that sovereignty trumps everything and now recognize the right of the AU to intervene in member states if war crimes, genocide or crimes against humanity are occurring. The findings are further discussed under specific objectives related to the main objective, earlier stated.

### **6.1.1 AU Constitutive Act and Conflict Management**

Respondents were asked to comment on how the AU Act has provided for effective collective approach and organizational intervention in managing conflicts in Africa. Majority stated that the Act provided for the AU to play a major role in preventing, managing and resolving Africa's conflicts and the AU in itself provided African countries with an arena in which to interact and discuss peace and security issues and mediate approaches to conflict management with those of international state and non-state actors. They also stated that the Act has provided the AU with peace and security instruments with which to manage conflicts. They however, observed that the AU was struggling to build institutions and instruments, especially the ASF, to enable it play a much greater role in conflict management. The AU has also been unable to ensure that Member States domestic policies set at the continental level. These findings agree with Report of the Chairperson of the AUC on the operationalization of African Standby Force which reported that the operationalization may be materialized in the medium term and not in 2015 as earlier expected. The report concludes that it remains unlikely that ASF could be upgraded to a satisfactory operational level within a reasonable timeframe, in a way that translates the political will expressed at the highest level by the Member

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<sup>220</sup> The United Nations, Security Council Report – Special Research Report (2011 No. 2), (New York, UN, 2011), p 1.

<sup>221</sup> The African Union, African Peace and Security Architecture 2010 Assessment Study, (Addis Ababa: AU, 2010), pp 1

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<sup>222</sup> The African Union, Report of the High Level Panel of the Audit of the African Union, (Addis Ababa, AU, 2007)

States into practical action.<sup>223</sup> AU Media Release of 04 May 2015 pertaining to validation exercise, AMANI II, to ascertain operational readiness of the African Standby Force, echoed the same.<sup>224</sup> This partly confirms the first and second hypothesis of this study that securing peace in Africa depends on harmony and effectiveness with which the AUC, the PSC and its supporting mechanisms discharge their mandates. The quote below from a respondent captures the essence of these findings:

*"For me the AU Act has strengthened conflict management. It also has the intention of strengthening the various regional responses and will eventually culminate into a continental mechanism which is a good idea. However, its effectiveness is challenged by the fact that most of these regions save ECOWAS and SADC are weak, and the AU relying on them for any collective security will make it difficult."<sup>225</sup>*

#### 6.1.2 AU Assembly Guidance Conflict Management

Regarding strategic guidance in conflict management, respondents were asked to comment on the effectiveness of the Assembly of the African Union in giving directives on the management of conflicts, war and other emergency situations and restoration of peace. Many indicated that the AU Assembly meetings of the Heads of State and Government which usually last two days has so far gone well in terms of affirming proposals by the technical arms of the AU. Substantively, it was reported that the summits are dominated by politics and routine issues and therefore, critical items, including peace and security are left to be handled by Ministers and Ambassadors who are constrained in making decisions. This leads to postponement of sensitive and critical peace and security issues. Respondent were of the opinion that this need not happen so. After all, AU boasts a strong membership of 54 countries which would be expected to translate in its effectiveness.

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<sup>223</sup> African Union, Report of the Chairperson of the Commission on the Operationalization of the Rapid Deployment Capability of the African Standby Force and the Establishment of an "African Capacity for Immediate Response to Crises (RPT/EXP/VI/STCDSS (2013), (Addis Ababa: AU, 2013).

<sup>224</sup> African Union Media Release: AU-RECs/RMs Conference on AMANI Africa II Field Training Exercise in Harare, [Online], <http://www.peaceau.org/uploads/media-release-amani-africa-ii-reccs-conference-harare-04052015-ed.pdf>, [Accessed on 5 May 2015].

<sup>225</sup> Key Informant Respondent

Respondents also stated that political disagreements on priority objectives in peace and security issues, divisions within PSC and lack of sustained political engagement to support AU peace initiatives continue to negatively affect AU performance in conflict management. This clearly demonstrates, as conceptualized in this study that securing peace in Africa require the identification of the correct set of principles, priority objectives and urgent security challenges, the factors that drive these challenges and the consequent need to establish appropriate institutions, which are provided with the necessary powers and resources to effectively discharge their respective mandates. The quote below captures how a respondent summarized the Assembly's effectiveness in providing guidance to African conflict management and how it is affected by politics:

*"It is the power-play as is the case with political decisions which is important in determining the effectiveness of the directives by the Assembly. Another aspect is the interference of strong Member States in the decision making loop"<sup>226</sup>*

### **6.1.3 The AU Organs - Division of Duty and Powers**

How is the division of duty and powers among the principle organs the AU affecting management of conflicts? The answer to this question was discussed on the understanding that the African Union Commission is the Union's Secretariat and a permanent organ responsible for the AU's executive functions and day-to-day management. It is the organ mandated to provide administrative support to various AU institutions, coordinate and monitor the implementation of the decisions of the policy organs and provide operational support to the Peace and Security Council of the Union. It was reported that there are times when successful operations have been marred by competition among section heads and bureaucratic red tape that slow decision making. This has led to little or no delegation of duties and protracted decision making and dismal performance in conflict management. Also, cascading decisions down to the field missions has been problematic due to

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<sup>226</sup>Key Informant Respondent

multiple channels used to relay the decisions. This problem is made worse by powerful member states view of certain position as theirs and can even fill them with an incompetent person. These personality factors and individual interests of nations negates the premise that securing peace by the union is dependent on its functional frameworks and organizational structures within the AU and steered by a set of laid down principles and objectives. These finding agrees with earlier observations of independent audit that concluded that administrative failures, ineffective coordination and problems of political infighting negatively affect conflict management by AUC.<sup>227</sup> The findings further confirm the first hypothesis that securing peace in Africa is dependent upon the manner in which African Union Commission discharges its mandate. As noted earlier in this study, one of the main challenges facing regional organizations in conflict management is lack of political will. Political will is a critical factor in conflict management which determines involvement whether AU involves itself in conflict or not, whether it contributes resources or not and lastly whether it implements conflict management, resolution and post conflict reconstruction programmes.<sup>228</sup> The quote below by a respondent also captures a description of how the division of duty and powers among the principle organs affects management of conflicts by AU:

*The OAU, like any other organization, experiences, experiences 'turf wars' and 'political interests' of member States which can interfere with the work of principle organs of the AU.*<sup>229</sup>

#### 6.1.4 AU Staffing

When asked to comment on AU structural and organizational conflict management mechanisms, most respondents stated that effective conflict management required effective staff, bureaucratic structures and efficient management of conflict, which were limited in AU. Besides being under

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<sup>227</sup> Paterson, M., *The African Union at Ten: Problems, Progress, and Prospects*, (Berlin: Friedrich Ebert Stiftung, 2012),

p 13.  
<sup>228</sup> Op. cit. Workshop on Perspectives of the UN & Regional Organizations, p 17.

<sup>229</sup> Key Informant Respondent

resourced, respondent stated that the AU continues to suffer from inadequate number of professional staff. This severely constrains its capacity to plan, implement and sustain peace initiatives. The human resource of the requisite expertise is missing in terms of force generation and sustenance and military planning. These problems were partly attributed to recruitment procedure, competitive remuneration and supporting organizational structure. Another problem reported was the high turnover of staff which implied little institutional and operational continuity. The staffing issues appears to be a constant factor affecting AU's effectiveness since the same problem had also been earlier reported in the 2013 AU-UN report of the AU Chairperson.<sup>230</sup> The report had indicated that the configuration and staffing level of the AUC did not allow it to discharge its functions and play the role expected of it in an effective and efficient manner. The quote below from a respondent captures the staffing challenge at the AU:

*"AUC is suffering from staffing problem both in terms of skills, competencies and numbers. It is an issue which could negatively affect conflict management."*<sup>231</sup>

## 6.2 Peace and Security Council (PSC)

Asked to comment on whether the AU Assembly has given strategic guidance to the PSC for the prevention, management and resolution of conflicts in Africa. Most respondent stated that the Assembly has allowed the PSC to have the flexibility required in managing conflicts on the continent. They reported that the PSC has achieved a lot in terms of managing its Peace Support Operations (PSO) which have contributed to stabilizing the continent. The PSC was reported to have demonstrated, through the various mediations and deployment in various missions, that it is now gaining some experience in deploying robust forces even under situations of high violence such as in Somalia, CAR and Mali. They also observed that despite the fact that the AU Assembly has allowed PSC to manage conflicts in Africa without interference; the challenge has been more to do with

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<sup>230</sup> African Union, Report of the Chairperson of the Commission on the African Union – United Nations Partnership: The Need for Greater Coherence, (Addis Ababa: AU, 2013).

<sup>231</sup> Key Informant Respondent

political expediency that at times results in initial confusion before the policies are outlined and explained. For example, interface of the African Capacity for Immediate Response to Crises (ACIRC), the African Union's African Standby Force (ASF) and the Rapid Deployment Capability (RDC) has caused considerable confusion and continues to do so. However, due to problems of funding, equipping and sustaining its PSOs, the AU and by extension the PSC, has not performed as envisaged.

Decision making within the AU peace related organs and other arms was observed by many respondents as problematic. This is because it suffers from attempts by some countries to exert undue influence and also form hiccups with other bodies such as the UN. One of the major challenges facing decision making regards how to deal with conflict. This is due to the fact that decision making is not the preserve of the AU PSC and its parent body the AU; it involve other players such as the UN and RECS/REMs, apart from competing interests of some member states and interested external powers and parties. Due to national interests, getting to a consensus position in AU regarding conflicts at times becomes difficult. Despite this, a majority of the respondents agreed that the advantage within AU and its PSC is that it has less politics in decision making as compared with the UNSC (the politics of interests of China and Russia versus US, UK and France). They also stated that there is much improved strategic communications between AU and UN and better coordination between AU and Member States. Internally within the AU, respondents indicated that there are conflicts between office or organs such as that between AUC Chairperson and PSC Chair in terms of decision, and those between RECs such as ECOWAS and AU where the former feels it can take certain PSO decisions on its own since it has the experience and capabilities. Documents reviewed reflected this as a concern. As such AU is now finalizing on common position it intends to adopt in dealing with UN and other partners when managing peace operations in the continent. In this regard, the principle to underpin AU-UN relations in respect of decision making will be based on consultative decision-making. This would mean that the UN and AU would engage in a dialogue

to foster coherence. The same principle will be applied to the relationship between the AU and the RECs/RMs for Conflict Prevention, Management and Resolution. In this way AU hopes to enhance strategic partnership with UN while situating the role of the RECs/RMs in the partnership.<sup>232</sup> This study conceptualized that securing peace in Africa concerns provision of the capabilities and resources required by AU to implement mandated tasks. The UN, the RECs/RMs and ASF are supposed to provide these resources and capabilities. Therefore, the effectiveness and efficiency of securing peace in Africa largely depends on AU's closer collaboration with UN, RECs/RMs. It is through such collaborations that leverage of these institutions would be cohered. This confirms that the last hypothesis that securing peace in Africa dependent upon the effectiveness with which the Regional Mechanisms and Regional Economic Communities discharge their mandates. The quote below from a respondent captures the essence of the extent to which the AU Assembly gives strategic guidance to the PSC in managing conflicts in Africa:

*"The AU Assembly has been generous in its leeway to the PSC in managing conflicts on the Continent. The challenge may be more to do with closer partnership and resources."*<sup>233</sup>

### 6.2.1 Subsidiarity and Complementarity

What is your comment on the principle of subsidiarity between the UN, AU and RECs/REMs, especially as pertains to the mandating process in conflict management? The response to this question is discussed on the understanding that principle of subsidiarity implies that conflicts should always be managed closest to where they occur and where they will have the most effect. The thought behind this is that local institutions and actors are better placed to understand the situation. However, external interventions may be sought if there are inadequate structures and institutions in place to deal with conflict. In the African Union context, it means that before any intervention can take place, the regional body or AU conflict management mechanisms are the right organs to deal with it. Respondents stated that the PSC and the AU have had differences with both the regional

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<sup>232</sup> AU, PSC/PR/2(DII) - Common African Position on the UN Review of Peace Operations, (Addis Ababa, 2015), pp 2

<sup>233</sup> Key Informant Respondent

bodies such as ECOWAS and the UN on decisions about conflict mandates. Many were of the opinion that the AU sometimes views the UN as having failed Africa in terms of peace maintenance and therefore feels that its organs such as the PSC are better placed to deal with interventions and the UN should play a secondary role. At the regional level, a proper and agreed approach on subsidiarity between the AU and the RECs/RMs is yet to take root. This is made worse by the fact that the Constitutive Act does not clearly spell out the principle of subsidiarity. Majority of the respondents indicated that there appears to be competition between issues as well as a feeling that bureaucracy and subordination of the RECs/REMs by the AU is detrimental to Principle of Subsidiarity. This is worsened by the fact that AU at times plays 'catch-up' to the RECs/RMs initiatives and at the same wants to domineer in the processes. Despite these reservations, majority of the respondents concurred that the UN being a global body should have global perspectives and regional bodies like the AU should dovetail their operation into that of the UN. Complementarity should be given more emphasis even as subsidiarity guides the relationship between the AU and its partners. The same should apply to AU and the RECs and REMs.

A Communiqué by AU PSC Underscored the importance of building more collaboration and synergy between the AU and all stakeholders, particularly the collaboration between other AU Organs and the RECs/RMs in the promotion of peace, security and stability in Africa as envisaged in the PSC Protocol. They stressed the need to uphold the principles of subsidiarity and comparative advantage in a way that strengthens the efforts of Africa to achieve durable peace and sustainable development.<sup>234</sup> A quote from a respondent dealing with capacity building captures how subsidiarity ought to be interpreted:

*"In the issue of subsidiarity and complementarity, it should be noted that the UN and AU should harmonize their efforts since the UN deals with global issues and there are some conflicts that could span more than a geographic region, for example the Arab spring which*

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<sup>234</sup>PSC Communiqué, PSC/PR/COMM.2 (CDLXXVII), Peace and Security Council 477<sup>th</sup> Meeting 18 December 2014 Addis Ababa.



*involved both AU and the League of Arab States. The point here is that the UN deals with several regions and therefore the AU should harmonize its operations with those of the UN. In the same manner, the AU and the RECs/REMs should operate based on the same principle. Therefore, the case of ECOWAS and SADC taking unilateral decisions in issues concerning the particular regions concerning Africa should be given the same holistic look.*<sup>235</sup>

### **6.2.2 Gender Mainstreaming**

Regarding whether issues of gender were mainstreamed into all the APSA components at the continental and regional levels and the steps and plans to mainstream gender into all the APSA components, majority of the respondents stated that little progress had been achieved. They noted that the bigger challenge with gender mainstreaming was not necessarily limited to APSA but rather to the entire AU structure, starting with the Member States. This was due to the fact that AU gender mainstreaming process and engagement of stakeholders, as would be expected, was slow and perceived to be expensive and the outcomes of the interventions were hopefully expected to appear later. Concerning the steps to mainstream gender, many reported that the AU had dedicated the 2010-2020 as African Women's Decade. The AU did this, hoping to keep gender issues a priority for Member States of the African Union. A review of the documents confirmed that AU actually intends to elevate the visibility of women's rights and gender equality, jump start the implementation of relevant programmes in AU member states, as well as to celebrate achievements.<sup>236</sup> The AU hoped to realize this achievements through undertaking activities that would result in tangible positive change for African Women at all levels, contributing, at the same time, to the achievement of the Sustainable Development Goals.<sup>237</sup> Despite such hopes, little was reported to have been achieved on ground, especially in the area of peace and security. This was echoed during High Level Seminar on

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<sup>235</sup> Key Informant Respondent.

<sup>236</sup> African Union, *Walking the Talk: Gender Equality in the African Union*, October 2010/ Issue Number 2/ Quarterly Publication/ Addis Ababa – Ethiopia.

<sup>237</sup> *Ibid*, African Union, *Walking the Talk*.

Gender and Inclusive Mediation Processes in Oslo in which African Union perspectives on Women, Peace and Security was elaborated by Commissioner for Peace and Security. He reiterated that despite AU's desire to enhance the role of women in creating an enabling, stable and peaceful environment for the pursuit of Africa's development agenda, ensuring concrete and effective implementation of programmes to that end remained a challenge.<sup>238</sup> It is clear that the AU have talked more about gender than initiated substantive efforts to mainstream gender in its initiatives of securing peace in Africa. Unless the issue of gender is adequately addressed, the AU will continue to achieve minimal gains in securing peace in Africa since more than a half of those affected will be technically left out in the conflict prevention, management and resolution process.

### **6.3 African Peace and Security Architecture (APSA)**

Regarding whether the current configuration and conceptualization of African Peace and Security Architecture (APSA) was flexible enough to cover all the existing and emerging conflicts and security situations, respondents were divided in their response. Some stated that APSA was fashioned to deal with conventional war and was therefore unable to deal with emerging warfare involving nonconventional non-state actors and organized criminal groups. The majority stated that the APSA was broad enough and could cater for most of the conflicts on the Continent. A critical examination of the relevant foundational documents, especially, the AU Act<sup>239</sup>, the PSC Protocol<sup>240</sup> and the Common African Defence and Security Policy<sup>241</sup> reveals that APSA is conceptualized to address the entire spectrum of peace and security in the continent. Despite the fact that the principal organs of the architecture are specified as the PSC, POW, CEWs, ASF, and the PF, other entities, policy frameworks and polices such as the Common Africa Defence and Security Policy are deemed to be part of APSA thus giving it a wide scope and flexibility. Besides, the PSC Protocol gives the

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<sup>238</sup>Introductory Remarks by the Commissioner for Peace and Security of the African Union, Ambassador Smail Chergui, to the High Level Seminar on Gender and Inclusive Mediation Processes , Oslo, Norway, 24-26 March 2015

<sup>239</sup>The Constitutive Act of the African Union (2000)

<sup>240</sup>The 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union

<sup>241</sup>Solemn Declaration on a Common African Defence and Security Policy.

PSC the power to decide on any other issue having implications on the maintenance of peace, security and stability on the continent.

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

Concerning the establishment and staffing of the CEWS in the AU and the regions (RECs and RMs) and its collaboration with other actors, many respondents appreciated that CEWS has been critical in several PSC and AU peace efforts. The critical issue and often the drawback have been due to political sensitivities that affected how and when the information from CEWS was acted upon. This resulted in lack of linkages between early warning and early response. This was reported by respondents as regrettable since CEWS was established to help prevent conflicts by assisting the PSC with early warning arrangements and provide it with the ability to facilitate timely and efficient responses to conflict and crisis situations. AU PSC Communiqués reviewed, including those of 29 April 2015<sup>242</sup>, 18 December 2014<sup>243</sup> and 22 March 2013<sup>244</sup>, all run a message consistent with the above observations by respondents; encouraging Member States to take full advantage of the CEWS in their efforts towards the structural prevention of conflict and consolidation of peace and stability.

### **6.3.2 The Panel of the Wise (POW)**

The Panel of the Wise is made up of five members who must be highly respected African personalities of high integrity and independence and who have made outstanding contributions to Africa in the areas of peace, security and development. When asked to comment on the effectiveness of Panel of the Wise and its collaboration and link with other APSA components at the AU and at the RECs/REMs, many respondents stated that The Panel of the Wise has made significant contributions in enhancing stability like in the Kenyan Post-election crisis of 2007/8 where the efforts restored stability in Kenya. The challenge appears to be the fact that its operations are mainly in the political realm and thus subject to political expediencies of target states and other interest

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<sup>242</sup>AU Communiqué (PSC/PR/COMM.2 (DII) of the PSC 502<sup>nd</sup> Meeting, (Addis Ababa, AU, 2015).

<sup>243</sup>AU Communiqué (PSC/PR/COMM.2 (CDLXXVII) of the PSC 477<sup>th</sup> Meeting, (Addis Ababa, AU, 2014).

<sup>244</sup>AU Communiqué (PSC/PR/COMM. (CCCLX) of the PSC 360<sup>th</sup> Meeting, (Addis Ababa, AU, 2013).

groups. There was a concurrence that Panel of the Wise advisory role has been played well given that it is at the nascent stage. ECOWAS and IGAD were reported to have established regional dedicated Secretariats of Panel of the Wise Equivalents. ECOWAS Panel of the Wise equivalent has been critical in determining peace and security situations, especially those relating to democratic governance and unconstitutional change of governments. These observations agree with the findings of a High Level Retreat on AU Panel of the Wise Relation which concluded that the Panel of the Wise provided an avenue for consolidation and enrichment of peacemaking frameworks on the African continent but needed greater engagement and more concerted efforts by governments and development partners to address factors driving conflict in post-conflict societies.<sup>245</sup> Prevention plays an important role in conflict management. Therefore, for the AU to be effective in conflict management, it needs to fully operationalize the Panel of the Wise to enable them play the envisaged roles.

### **6.3.3 Peace Fund**

The Peace Fund is meant to provide financial resources for peace support missions and is funded as part of the AU Operational budget and through voluntary contributions of AU member states and partners. Asked to comment on AU's current source of funding and the success with which the fund has managed to mobilize resources to support AU peace and security needs, respondent stated that although AU has several sources of funding it was largely unsuccessful in mobilizing adequate funds to support its activities. Funding by the UN is mainly through the UN administered Multi-National Trust Fund and EU's support come from the EU African Peace Facility (APF) and Early Response mechanism (ERM). Other bilateral and multilateral donors were reported to make their contributions either through the trust fund or directly to the Peace Fund. On its part, respondents stated that the AU, and by extension Peace Fund, main source of funding remains the mandatory contributions from member states. Member states' contributions were reported either to be not fully honoured or

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<sup>245</sup>The African Union, The Seminar on Strengthening Mediation in Africa held in Addis Ababa, Ethiopia, 4 May 2015.

paid in time. Many attributed this problem to lack of commitment from member states. It was observed that where member states had interests, they invested heavily and hence the issue of lack of funding could not be a good excuse. Furthermore, the contribution rates were reported as inadequate given the scope of AU operations. Again, all other funding apart from member states' contributions has their own caveats and conditions apart from lengthy procedures of acquisition and approval. The funding problem was reported to affect AU's conflict management since the AU cannot meet its own financial obligations without external help. Many respondents appreciated AU's demonstrated ability to launch peace operations missions but regretted that it has not been able to sustain the missions beyond the initial period due to lack of funding. This meant that the burden of sustaining AU missions have been carried by the UN and other partners such as the EU. This was reported to be denying AU the ability to develop the required capacity through field experiences in terms of managing and administering PSOs, since decisions involving external partners would be tedious and out the control of AU.

The above findings agree with the outcomes of the 2015 AU Summit on review of outcomes on pressing peace and security issues. In summary, the need for member states to increase their contributions, and the consideration of the report on alternative sources of funding for the AU was emphasized. The Summit highlighted that Peace fund remained small and precarious and a serious source of challenge regarding peace operations in Africa. In the field, inadequate and unpredictable funding for Peace Support Operations has contributed to the operational difficulties.<sup>246</sup> Lack of funding and resourcing of AU peace explains limited success in its initiatives. As earlier pointed out in this study, a regional approach to conflict management should be superior to the international one if well implemented, since regional organizations are better positioned for early detection and enjoy more local legitimacy. However, the main obstacle facing the AU has been lack of funding which

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<sup>246</sup> 24<sup>th</sup> AU Summit (23-31 January 2015) Decisions, Declarations and Resolutions, [Online], <http://summits.au.int/en/24thsummit/documents/24th-au-summit-decisions-declarations-and-resolutions>, [Accessed on 5 May 2015].

has affected its planning and implementation of conflict management, resolution and post conflict reconstruction programmes. The quote below from a respondent captures the AU funding dilemma:

*"The problem with AU has been political commitment and this is where there is a real problem which needs further investigations. The weakest indicator of commitment of AU is the funding support to the missions. All the African PSOS are supported by the West and the UN. Funding from outside is the weakest link in AU PSO. There is no plan that can be achieved without resources."<sup>247</sup>*

#### **6.3.4 African Standby Force (ASF)**

Responding to the question of the status of the operationalization of African Standby Force and the implications on conflict management, majority of participants stated that the status is varied between the RECs/RMs. The ASF units in the RECs home countries are at different stages of development with only ECOWAS and EASFCOM having declared full operational capability. This presents a problem for the PSC to mount a PSO since the plan is to have a rotational Regional Standby Forces every year to act as the initial response force in case of the crisis. This cannot happen when some regions have not created and operationalized their forces. It was reported that ASF full operationalization date has had to be pushed forward several times and is slated for October 2015: This implies that the AU readiness to respond to crisis is critically low. Furthermore, command and control structures for the force is yet to be fully developed and implemented. Operationalization of the AU is also affected by lack of knowledge of the state of readiness of the standby forces. This is due to the fact that the ASF has not developed a mechanism and a standard procedure for verifying the states of readiness of the pledges.

Overall, respondent indicated that the progress in the development of the military component has been relatively good, though AUC is yet to conduct an assessment of the earmarked forces. In regard to police and the civilian component, some capabilities were reported to have been established at the

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<sup>247</sup>Key Informant Respondent.

PLANELM and appreciable amount of work have been done on the development of policy documents. The most significant outstanding issue is the establishment of a Roster for both the Civilians and the police. The quote below from a respondent summarizes the operationalization of the ASF:

*"The operationalization of the ASF is varied between the RECs/RMs ranging from the significant success with the EASF and modest steps by the NARC."<sup>248</sup>*

When asked to comment on the status of establishment of the Rapid Deployment Capabilities of the ASF, many respondents pointed out obvious disparities in terms of the status of RDC in the respective RECs /RMs. The East African region have already declared a Full Operational Capability (FOC) for their RDC, though this is yet to be ratified by the AU, being overall responsible for overseeing the development of the ASF. The West, South, and Central have achieved Initial operational capability by fully implementing their Planning Elements (PLANELMS) and developing the requisite policy and mission documents. Progress in the North was reported to be the least, mainly owing to the instability in some of the key countries.

However, in view of the delays in the operationalization of the ASF, the AU was reported to be fast tracking the establishment of African Capacity for Immediate Response to Crisis (ACIRC). ACIRC is based on the principle of voluntarism and twelve African Union member states have pledged resources to this initiative. These include Algeria, Angola, Burkina Faso, Benin, Chad, Egypt, Rwanda, Tanzania, Uganda, Sudan, South Africa and Senegal. ACIRC was reported to have come to the fore and is taking priority over full operationalization of ASF. A number of respondent however expressed concern at the issue of ACIRC taking priority over ASF. Their main fear arises out of the fact that the development ASF which is the long term solution for conflict management is being sacrificed for the development of ACIRC which is temporal. A quote from a respondent captured this concern:

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<sup>248</sup>Key Informant Respondent.

*"ACIRC is just temporal and meant to address arising crises as ASF is developed; therefore, there is need for both to be developed concurrently. ASF is meant to sustain peace in Africa in the long term and ACIRC now temporarily holding forte. This is a bad philosophy and ASF should be maintained and not put to the back."*<sup>249</sup>

In responding to the issue of staffing of the Planning Elements at the AU and the RECs/RMs, respondents reported that they are inadequately staffed with skilled personnel in all the three areas of police, military and civilian to undertake their mandated tasks. Respondents stated that deployment planning for ASF is minimal. They reported minimum requisite structure to plan for deployment of PSO, especially the complex strategic movement plan for force from the home country to areas of deployment. They also stated that due to resource problem and lack of funding, desired human capacities cannot be adequately developed and retained. In regard to police and the civilian component, respondent stated that some capabilities have been established at the PLANELM and appreciable amount of work have been done on the development of policy documents. The most significant outstanding issue singled out was the establishment of a Roster for both the Civilians and the police. Respondents noted that the AU has made a good start especially with the contextualization of its PSOs and its working relationship with the UN Security Council. However, there was a need for AU to work more on the Principle of Subsidiarity especially with the RECs/RMs in order to enhance its planning and conduct of peace and security operations. A quote below from respondent captures the inadequacy of staffing:

*"Unfortunately, the PLANELMs are not adequately resourced and staffed; neither at the AU nor at the RECs/RMs levels. AUC is suffering from staffing problem both in terms of skills, competencies and numbers. It is an issue which could negatively affect conflict management."*

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<sup>249</sup>Key Informant Respondent.



Concerning logistic support of AU Peace Operations, respondents reported that the Continental Logistics Depot (CLB) and Regional Logistics Depot (RLD) have been conceptualized and various scoping studies have been undertaken to develop Road Maps for their establishment. In responding to the question of whether the AU, RECs and REMs have established continental and regional logistics depots as envisaged in the operationalization of ASF, respondents stated that due to funding constraints neither the CLB nor RLD have been implemented. The designated location for the CLB was reported to be port of Doula in Cameroon, while none of the regions was reported to have designated locations for the RLD. In view of the costing consideration and changing nature of operations envisaged for African Union led PSOs, respondents stated that there is a shift in the idea of stockpiling huge stocks to a contracted logistics concept and also the prospect of partnering with the UN to allow access to their Logistics Base at Brindisi and Entebbe seemed to be the preferred options.

The findings above concur with the report of the Chairperson of the Commission on the operationalization of the Rapid Deployment Capability of the African Standby Force and the establishment of an African Capacity for Immediate Response to Crises.<sup>250</sup> The report highlighted that due to lack of adequate support from Member States and the partners in providing the necessary support with respect to capabilities for the effective establishment of the ASF, operationalization of ASF and its RDCs continues to be delayed and this negatively affects conflict management. The Malian and the Central African Republic crisis highlighted the need to expedite the operationalization of the ASF and its RDCs. The report also highlighted the shortcomings of the AU in terms of capability and the need for the continent to urgently take necessary measures to address these shortcomings, pending the full operationalization of the ASF and its RDC. The report concluded that the political credibility of the AU and its ability to give meaning to the principle of

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<sup>250</sup> AU, RPT/EXP/VI/STCDSS/(i-a)2013, (Addis Ababa, AU, 2013).

African solutions to African problems are at stake.<sup>251</sup> Lack of operationalization of ASF partly explains the reasons for why Africa continues to experience persistent conflicts.

### **6.3.5 Summary of APSA Components**

The relationship, synergy and cooperation between the PSC and other APSA components continue to improve. The PSC as the main pillar of the APSA has been working towards cooperation and collaboration with and among the pillars and structures of APSA; the Commission, the Panel of the Wise, the CEWS, the ASF and the Peace Fund. Coordination and harmonization of individual efforts by the different pillars of APSA as well as communication between them need to improve. There could also be frustrations among the pillars e.g. the ASF might expect funding from the Peace Fund but the latter does not have the resources or the Panel of the Wise could be expecting input of warning indicators from Continental Early Warning System which could not be forthcoming due political sensitivities or infrastructural limitations. In summary, the PSC conflict management in Africa is mixed. While the Panel of the Wise has made significant contributions to date, the delay in operationalization of the ASF and lack of funding and resources is affecting AU's capability to respond to continental conflicts effectively. This mainly confirms the third hypothesis that securing peace in Africa depends on the harmony and effectiveness with which the Peace and Security Council and its supporting mechanisms discharge its mandate

### **6.4 Coordination and Partnership**

When asked to comment on how AU generally coordinates and collaborates with its partners in managing African Conflicts, respondents indicated that AU has constructively engaged both its international and regional partners including international bodies such as the UN, the EU, RECs, RMs and CSOs in managing African conflicts. Documents reviewed revealed that the AU continued to enhance its collaboration and coordination with external partner in peace and security issues. On 9 April 2015, it consulted with the Organization of Islamic on Cooperation on Peace and

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<sup>251</sup> Ibid.

Security<sup>252</sup>; on 8 January 2015, China donated USD 1.2 million to AU Peace Fund<sup>253</sup>; from 10 - 14 February 2015, AU and EU undertook a joint field mission in Mali<sup>254</sup>; on 16 October 2014, AU launched a Strategic Dialogue with UK<sup>255</sup> and on 05 September 2014, AU received the Representative to the AU and UNECA of the Joint United Nations Program on HIV/AIDS (UNAIDS).<sup>256</sup> In addition, most of the coordination and collaboration between AU and its partners have been institutionalized. At the regional level, the AU efforts has brought into picture organs that otherwise were geared towards trade and integration only. In general, the collaboration between the AU, RECs/REMs and the UN and other world bodies was reported to have had positive bearing in peace and security domains. This created a boost for the AU in many fronts as could be seen in such mission as AMISOM. However, respondent felt that a lot still needs to be done if the AU is to fully manage conflicts in Africa. Such efforts include the need for better coordination, cooperation and communication between the AU and its partners and stakeholders as well as mutual learning and exchange of experiences. Some respondents felt that despite the crucial support provided to AU peace operations by UN and other partners, such support did not come as promptly as would be desired and therefore, would delay the response by AU. This was most evident during the Mali crisis where the AU mandated forces were only able to deploy after six months of authorization by the AU PSC.

Asked to specifically comment on the coordination and collaboration between AU and its international partners, especially the UN and EU, in managing conflicts in Africa, most respondents inferred that the UN has primacy in ensuring international peace and Security and therefore AU's

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<sup>252</sup> AU Press Release, Consultations between the African Union and the Organization of Islamic Cooperation on peace and security (9 April 2015), (Addis Ababa: AU, 2015).

<sup>253</sup> AU Press Release, China donates USD 1.2 million to AU Peace Fund – Commissioner Chergui expresses AU appreciation for China's continuous support (8 January 2015), (Addis Ababa: AU, 2015).

<sup>254</sup> AU, Joint Field Mission of the Peace AND Security Council of THE African Union and the European Union Political and Security Committee to Mali, 10 - 14 February 2015.

<sup>255</sup> AU Press Release, Commissioner Chergui Launches Strategic Dialogue with the United Kingdom, (16 October 2014), (Addis Ababa: AU, 2014).

<sup>256</sup> AU Press Release, Commissioner Chergui receives UNAIDS Representative (05 September 2014), (Addis Ababa: AU, 2014).

role should mainly be within the context of chapter VIII of the UN Charter which delegates the responsibility of regional peace to regional organizations like the AU. This implied that AU's role is therefore supposed to be complementary and should not substitute the UN in any manner. The AU owing to geographical proximity and other comparative advantages would ideally be the initial respondent awaiting the deployment by the UN of a fully multidimensional mission that is configured to execute the peace operations in its full spectrum. Respondents indicate that the AU has interacted fairly well with UN in the prevention, management and resolution of crises and conflicts and post-conflict reconstruction in the continent. They reported that the AU has also enhanced the coordination and collaboration through conferences, liaison and meeting. Respondents indicated that there have been efforts to improve on the integrated planning between the AU and UN i to ensure an effective unified approach in responding to conflicts while collaborating with the UN and other international partners. Respondents felt there was need to improve coordination between the AU PSC and UN PSC in the issuance of (mission) mandates concerning African conflicts. Despite the provisions of Chapter VIII of the UN Charter which encourages regional organizations to deal with such matters related to peace and security as are appropriate for regional action, respondents pointed out that article 53 of the UN Charter specifically spells that no enforcement action shall be taken under regional arrangements without the authorization of the security council. On the other hand, the Constitutive Act of the AU does not prescribe such restrictions. Therefore, although AU PSC may mandate deployment of a PSO, it would be necessitated to communicate its decision to the UNSC which may endorse it or not. This observation above agrees with the common position that was adopted by the African Union in 2015 regarding AU-UN partnership in Peace Operations. Acknowledging the provisions of Article 52 (1) of the UN Charter which encouraged regional organizations to give priority to finding peaceful solutions to conflicts and recognizing that the Charter for the UN Security Council reserves the right to authorize enforcement action<sup>257</sup>, the AU PSC noted a challenge in the spirit of application of this Article. The challenge for the AU and the

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<sup>257</sup>Article 51 of the Charter of the United Nations and Statute of the International Court of Justice (1945).

UN was how to apply the spirit of Article without prejudice to the role of the UNSC, on one hand, and without undermining the efforts of the AU to develop its own capacity to provide adequate responses to the peace and security challenges in Africa, on the other.<sup>258</sup> Taking into account the need for appropriate consultative decision-making framework, division of labor and burden-sharing in the UN and the AU Peace Operations, the AU identified a number of principles to ensure that AU-UN cooperation is not ad hoc but systematic, principled and predictable. These principles include: Collective security, in the context of Chapter VII of the UN Charter; Support for African ownership and priority setting; Partnership on the basis of consultative decision-making division of labor and burden sharing; Mutual respect and adherence to the principle of comparative advantage and Division of labor underpinned by complementarity.<sup>259</sup>

The quote below from a respondent captures the dynamics of coordination between AU and UN in managing African conflicts

*“The AU’s thinking and philosophy is that the UN as the body charged with the responsibility to maintain international peace has failed and the AU can do something. This implies that the UN should support the AU in the missions they are undertaking. But as much as that is recognized, peacekeeping is not the panacea for the root causes of conflict; subsidiarity and complementarity should go together.”<sup>260</sup>*

Regarding collaboration and coordination between the AU, RECs, RMs, member states and other sub-regional partners in managing conflicts in Africa (including the extent of the coordination and complimentary of activities), respondents stated that the APSA envisages the RECs as the building blocks of the architecture. They stated that AU and the regional organizations have also closely collaborated in the establishment of AU led missions, with the RECs participating closely with the

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<sup>258</sup> AU Common African Position on the UN Review of Peace Operations (PSC/PR/2(DII), Peace and Security Council 502<sup>nd</sup> Meeting Addis Ababa, Ethiopia 29 April 2015.

<sup>259</sup> Op Cit., AU Common African Position on the UN Review of Peace Operations.

<sup>260</sup> Key Informant Respondent.

AU in the planning process, recruitment of staff and development of mission documents, including development of Concept of Operations (CONOPS). Respondents, however, noted that there is no policy framework on coordination between and among the RECs. They envisaged that under situations where conflicts would be overlapping among different RECs/RMs, then AU will assume the responsibility of coordinating and leading the peace efforts. Respondents also observed that the Constitutive Act was silent on whether the RECs/RMs can mandate their own missions without the approval of the AU PSC. This lack of clarity on the mandating process at the continental and regional level was reported to have led to apparent tensions and confusion after the RECs mandate intervention without seeking the AU PSC authority. The AU mandating process was also reported to be silent on the role of the RECs in the decision making process. Respondents indicated that political will to support the RECs/RMs has been demonstrated in some regions. Eastern Africa was reported to have registered the greatest commitment when the Heads of States met and agreed to fast track operationalization of EASF. This resulted in a strategic review and a directive to move forward the Full Operational Capability of the EASF from 2015 to 2014. The West and Southern Africa were also reported to be making good progress. The North and Central were reported as making limited progress because of the instability in these regions. Lastly, respondents noted that regional interests of certain member states have seen one or two states trying to assert themselves on certain issues as is the case of ECOWAS feeling that it can bypass AU in launching PSOs or South Africa and Nigeria throwing their weight around. This has resulted in tension that has slowed down operationalization of these regions.

Asked to comment on how AU has engaged with civil society on matters of peace and security, respondents stated that the AU Act, the PSC Protocol and the Common African Defence and Security Policy encourage civil society organizations to participate actively in efforts aimed at promoting peace, security and stability in Africa. Unfortunately, with the exception of a few mostly international non-governmental organizations, many African Civil Society actors in the area of peace

and security were reported not to be aware of how to go about engaging the African Union in advocacy work. Respondents also stated that despite certain areas of progress, the interaction between the PSC and CSOs has not fully taken advantage of all the opportunities outlined in the Livingstone Formula.

The above findings on coordination and partnership were reflected in the discussions during the PSC of the African Union (AU) 477<sup>th</sup> meeting held on 18 December 2014. The meeting considered the issue of partnership between the PSC, other AU Organs, the RECs/RMs and decided to hold a meeting with other AU Organs and the RECs/RMs in 2015, to exchange views, *inter alia*, on working methods for enhancing collaboration among all relevant stakeholders in the promotion of peace, security and stability in Africa.<sup>261</sup> The UN Secretary General Ban Ki-Moon, while briefing the Security Council on the evolution of the cooperation between the AU and UN, reiterated the need for the partnership to adapt with evolving peace and security landscape of Africa. He noted that it was vital that the UN and the AU continue to strengthen their strategic partnership, and work more effectively together to prevent, manage and resolve conflicts.<sup>262</sup> His quote below captures the urgent need for the UN-AU partnership to adapt with evolving peace and security landscape:

*“The time has come for us to take our partnership to a new level of clarity, practicality and predictability. This Council knows well that crises in Africa are far from an African problem. They concern the entire international community; and they will only be resolved by all the parts of that community acting as one.”*<sup>263</sup>

## 6.5 AU Challenges in Conflict management

Comment on the challenges and constraints hindering efforts of PSC to effectively manage conflicts in Africa? This question attracted the most contributions from the respondents. Many respondents

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<sup>261</sup> PSC Communiqué, PSC/PR/COMM.2 (CDLXXVII), Peace and Security Council 477<sup>th</sup> Meeting 18 December 2014 Addis Ababa.

<sup>262</sup> UN, UN-AU partnership to adapt in evolving peace and security landscape (16 December 2014), [Online], <http://www.unmultimedia.org/radio/english/2014/12/un-au-partnership-to-adapt-in-evolving-peace-and-security-landscape/#.VU4d9ZPlx2A>, [Accessed on 5 May 2015].

<sup>263</sup> Ibid.

stated that effective management of conflict requires capabilities as well as political and infrastructural support. AU was reported to be suffering from a number of gaps.

Regarding military capabilities, respondents stated that the AU consistently struggles to marshal the requisite military capabilities needed for complex peace operations. For example, AMISOM was reported to be still suffering from lack of critical force multipliers such as helicopters (utility and attack) seven years into its establishment. It continues to rely on partners to provide some of the required capabilities and sustain its operations in the field. Respondent stated that the AU is also deficient in specialist personnel with niche skills such as medicine, engineering, and intelligence gathering required in the field missions. They confirmed that such gaps are filled through bilateral agreements between external donors and troop contributing countries in a process that is often not transparent to AU systems which means lack of control by AU.

In terms of civilian capacities, respondents stated that AU Headquarters generally suffer from a shortage of experts in the rule of law and security institutions. Its biggest civilian deficit in conflict management was its lack of mediation experts. Although it has successfully employed high level personalities such as those in the Panel of the Wise and Special envoys to conduct mediation, they were reported to be overwhelmed with issues and unable to cope with the high demands of mediation.

Staffing was also reported to be an issue in the Regional Brigade Headquarters and PLANEMS. The problem is both in terms of numbers, competency and remuneration. In Eastern Africa Standby Coordinating Mechanism for example, the staff that are posted on secondment basis over a short period of time and some do not have the necessary qualifications and experiences. Although recruitment is done competitively, there is still the issue of member states politics influencing the process due to perception of entitlement. As such it becomes difficult to fail selected nominees who at times do not meet the requirement. This affects AU's capacity and capability which are important in making things happen.



The Achilles Heel of the AU was reported as lack of adequate funds and optimal and prudent use of what is available to the RECs and RMs from donors. At the moment, most of the RECs do not have funds to launch PSOs and mostly depend on partner support. Respondent indicated that mobilization of funds was only possible if a mission mandate was issued by either AU or UN and that international organizations and donors would only support AU or UN mandated missions. In this regard, respondent stated that RECs/RMs found it difficult or ran into problem in mobilizing funds. Donors were reported as unwilling to commit funds to lie idle in banks for future operations. Respondents suggested mobilizing funds including pooling initial funding from Member States and having MoU with partners on how to plan and fund PSOs.

Respondent also indicated that AU's conflict management suffered due to infrastructural gaps, especially those required in sustaining Peace Support Operations. AU PSO missions like the AMISOM suffers from adequate Level II/Level III hospitals and effective logistics chains to facilitate the deployment and sustainment of capabilities in the missions. The AU continues to rely on the UN and external partners to provide field support for its missions since the Peace Support Operations Division in the AUC does not have a department dedicated to support field missions.

Respondents also highlighted that there existed some challenges in the way PSC and the AU more broadly were to engage with the CSOs. Chief among the identified challenges is that of CSOs access to the PSC. This is largely due to the delay in establishing a formal space for interaction between CSOs and the PSC which was to be done by ECOSOC. ECOSOC was supposed to have developed capacity, readiness and mechanisms to act as an effective focal point in the facilitation of interaction between PSC and CSOs. However, to date, ECOSOCC has not been able to co-ordinate and facilitate the expected annual consultative meetings between PSC and CSOs hence creating barriers for CSOs to meaningfully engage and provide useful inputs into the work of the PSC.

The quote below from a respondent confirms the challenges faced by AU in conflict management:

*“Probably the biggest challenge with AU is its resourcing as the continent has not yet put in place a sustainable resourcing strategy (Peace Fund is grossly inadequate). The other challenge is to do with the question of sovereignty and priorities (political interests are real) among member states.”<sup>264</sup>*

## **6.6 Assessment**

To sum up the assessment of the effectiveness of AU in securing peace in Africa, it can be said that the results are varied. A quick glance through the African peace and security landscape reveals an overall picture of reduced number of civil and interstate wars but continued incidences of violent conflicts and general insecurity which continues to impact on lives and livelihoods of many. These conflicts and insecurities are a manifestation of the serious and changing threats the continent continues to face. Terrorism, organized crime and proliferation of arms symbolize the changing nature of the threats, the changing nature of armed opposition groups and the rise in transnationalization of the character of conflict. This in turn means that while some responses remain unchanged, others have to adapt with the evolving nature of conflict. While the continuing situations in Mali, CAR, Darfur, DRC, and Somalia requires renewing the efforts of the AU, the situations in South Sudan, Nigeria, Libya and Ebola Crisis call for new responses to be devised.

### **6.6.1 AU Act and the Organs**

The Act has a built in ability that empowers AU to play a major role in managing and resolving Africa’s conflicts. Due to the provisions in the Act, the AU has been able to establish integrated frameworks to address Africa’s security. Normatively, the bold move from the principle of non-interference to non-indifference and right of the AU to intervene in member states if war crimes, genocide or crimes against humanity are occurring have empowered the AU to have the capability to be effective in managing continental conflicts. Organizationally, the Assembly of the Union and the AUC has provided the AU to give directives on the management of conflicts, war and other

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<sup>264</sup>Key Informant Respondent.

emergency situations and restoration of peace. The AU has provided African countries with an arena in which to interact and discuss peace and security issues and mediate AU's approach to conflict management with those of international state and non-state actors. In this regard AU has been able to identify urgent threats to continental security and come up with mechanisms to try and address them. However, due to politics focus on peace and security issue have been divided and as such resulted in these issues not being given high priority.

In terms of outcomes, one of the biggest failures has been the inability of the Union to ensure that all its Member States integrates within their domestic policies all the decisions they adopt at the Continental level as binding African policies. This has weakened the impact of many progressive all-Africa policies in terms of the transformation of the continent as visualised in these policies. It is also obvious that the AU did not succeed in obliging all its Member States to respect the imperatives for democratic rule as spelt out in the Constitutive Act, and related decisions, centred on the strategic perspective that the people - the African masses - must govern. It remains unclear what lessons the AU has learned from the coups which took place in Mauritania (2008), Guinea (2008), Niger (2010), and Mali (2012).

### **6.6.2 PSC**

The establishment of Common African Defence Policy and the Protocol Relating to the establishment of the Peace and Security Council (PSC), alongside the creation of PSC and the establishment of African Peace and Security Architecture has enabled the AU adopt a holistic approach and play a much greater role in securing peace in Africa. These frameworks and institutions have also enabled AU to engage with regional and international partners in addressing its security challenges. However, the AU's lack of influence over external powers and interventions has sometimes resulted in undesirable outcomes.

The AU has conducted a significant number of complex peace operations and pursued a much more active peace operations agenda than the OAU. Its interventions have grown in number and

complexity as can be seen in the case of Somalia where troop levels are above 17,000. AU missions are no longer only military but are multidimensional with civilian, police and other components. Whereas the AU has demonstrated through the deployment in various missions that it has the comparative advantage in deploying robust forces even under situations of high violence such as those in Somalia, CAR and Mali, the inability to finance and support its forces beyond the initial period of deployment is glaring.

Although PSC has been empowered to manage conflicts, the inter-relationship between AU and its partners, internal politics within the AU impact on its ability to promote and enhance peace in Africa. Political will and commitment is also lacking in such hard decisions like imposing sanction and deploying interventions forces in nations. There is also the problem of political decision making within the Union's organs regarding giving directives on the management of conflicts, wars and other emergency situations. It has been observed that decisions take an inordinately long time hence affecting timely interventions. Also, member states' unwillingness to cede autonomous power to PSC to set the agenda in peace and security continues to affect effective management of conflict. This is a blot in terms of political commitment of the AU members which negatively impacts on the body's effectiveness

The key principle of subsidiarity which implies that conflicts should always be managed at the lowest possible level or closest to where they will have the most effect<sup>265</sup>, have not been practiced by AU and its RECs/REMs. Ideally, the AU and the RECs/RMs should be mutually complementing each other in managing conflict even as they are guided by this principle, yet this has not been the case. Subsidiarity is a serious problem and if not resolved may eventually undermine effective and efficient functioning of APSA. For example, for AU to deploy Regional Brigades, it would first be required to meet with the heads of states within the region to get the go ahead to deploy the Brigade. This undermines the concept of subsidiarity and effectiveness of deploying the regional brigades and

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<sup>265</sup>Sousa R. P., African Peace and Security Architecture (APSA) Subsidiarity and the Horn of Africa: The Intergovernmental Authority on Development (IGAD), (Lisbon: Centre of African Studies -University Institute of Lisbon, 2013), pp 59-60.

Rapid Deployment Capacities directly. Closely related to this is the issue of the mandating authority for ACIRC. The question of who the mandating authority for ACIRC remains unanswered. Added to this, ACIRC's establishment is also affecting (slowing down) the operationalization of the ASF which is the operational arm of APSA.

Capability and infrastructural gaps are the core problems facing the AU in securing peace in Africa. As a result, incidents of violent conflicts have persisted in Africa despite AU's initiatives in stabilizing Africa. Generally, AU operations have been relying on external assistance. AU's problems arise mainly from its lack of resources of leverage crucial for resolving armed conflicts. Despite significant steps in the right direction, these deficiencies retard the performance of AU's principal conflict management instruments: early-warning and response systems, mediation initiatives, sanctions regimes, and peacekeeping operations. For example it failed to marshal effective responses in Mali and CAR crisis which created the need for the deployment of French troops. These shortcomings are not fatal. They can be bolstered, given proper strategic focus.

Other factors that hamper the effectiveness of the PSC include the reality that despite all the existing and historic decisions with regards to peace, security and stability, the AU did not develop the capacity to forestall impending military seizures of power, and therefore the overthrow of democratically elected governments and the imposition of undemocratic rule as noted in an earlier section of this Chapter. Part of the explanation to this is that despite the correct decision of the AU to establish an effective Early Warning System, this was not done because the bulk of the budget of the PSC is financed by Western powers which have their own unique interests relating to the African Continent. Because African States have been unable to fully finance the operations of the PSC, it has proved unavoidable that the AU has mainly undertaken such operations as would secure the approval of the non-African funding authorities. Thus, in many respects it can be argued that the failure of the AU to achieve what was visualised when it was established has little to do with the absence of will, but more to do with who will provide the resources to express Africa's will in practice. In addition,

the AU has been unable to establish its authority with regard to its decisive role in the peaceful and legal resolution of electoral disputes of member states.

### **6.6.3 Coordination and Partnership**

The RECs/RMs and international partners play an important role in providing the AU and the ASF with the necessary capabilities required to effectively manage conflict. Without them, the PSC and the APSA would be ineffective. Their involvement is meant to ensure integrated planning and resourcing which is an important aspect in securing continental peace. The conflict cycle in APSA, which is meant to manage conflicts in Africa, is generally working well. Although coordination between AU and ASF is lacking, there is generally good coordination between various APSA components. The main problem with ASF presently is how to assure that pledged capabilities are ready and well prepared for rapid deployment. Ideally, the RECs/RMs are supposed to ensure that standby pledges are well prepared, but again the question arises as how to verify the readiness of the pledges. A mechanism for verification of the pledges has not been established by the AU. Again, the pledges do not belong to the RECs but rather to the Member States and again the question of ownership arises. The linkage between ownership of pledges and their readiness will continue to affect operations and readiness of ASF.

As earlier indicated in this report, subsidiarity continues to be a serious problem which may undermine effective and efficient functioning of APSA. Due to lack of resources, collaboration between AU and international partners remain critical in strengthening AU's role in conflict management. A deeper level of partnership between the UN and other external partners, the AU and the RECs is therefore a key dimension in conflict management in Africa. Lastly, CSOs, whose role continues to be critical in conflict management, have not been able to make meaningful contribution in enhancing peace and security in Africa due to lack of facilitation and clear mechanisms of engaging with PSC.

## **CHAPTER SEVEN: CONCLUSIONS AND RECOMMENDATIONS**

### **7.0 Conclusions**

This study has examined and analyzed the role of institutional frameworks and coordinating mechanisms in securing peace in Africa. The general objective of the study was to examine and analyze the role of and manner in which institutional frameworks and coordination mechanisms have been utilized in securing peace in Africa. The study had four specific objectives. First, to analyze the role of and manner in which the AU Commission has been discharging its mandate in securing peace in Africa. Second, to analyze the role of and manner in which AU Peace and Security Council has been discharging its mandate in securing peace in Africa. Third, to analyze the role of and manner in which Regional Coordination Mechanisms and Regional Economic Communities has been discharging their mandates in securing peace in Africa. Fourth, to assess the success with which the institutional frameworks and coordination mechanisms of the AU has been discharging their mandates in securing peace in Africa.

A qualitative method of research was utilized and both structured mailed questionnaires and structured and semi-structured oral interview schedules were used in gathering data. The questionnaire served as the instrument for collecting data. Key decision makers and senior staff at the AU and REMs/RECs based outside Kenya, practitioners and scholars of conflict and peace studies were respondents for the mailed structured questionnaires. EASFOM staff and scholars and practitioners of conflict and peace studies based in Kenya were interviewed using structured and semi-structured oral interview schedules. The study was conducted between 2014 and 2015.

The study is considered significant and is expected to fill a knowledge gap which has been identified in the literature review and will contribute to the efforts within the AU, UN systems and beyond to maintain international peace and security. The literature review is centered on the concept of conflict

prevention, management and resolution, regional organizations and OAU mechanisms for conflict prevention, management and resolution. The theory of regionalization of security was used. According to Langenhove, a proper analysis of the regional dimension of security starts first from regionalization of security which allows regional activities to be analyzed closely and the region itself to become a unit of analysis.<sup>266</sup>

The study arrived at a number of findings. The AU has established integrated institutional frameworks to address Africa's security and conflict management. At the institutional level, the PSC has been established as a principle organ of the African Union and an operational structure to enhance peace, security and stability in Africa. The PSC and the security umbrella of APSA which brings together CEWS, POW, ASF, Military Staff Committee and Peace Fund have worked together to help AU achieve its mandate of securing peace and security. Although these organs of APSA have generally functioned in harmony, there is need to improve on coordination between and among the various components.

The UN, external partners, Regional Economic Communities and Regional Mechanisms have been instrumental in providing the AU with the capabilities and resources necessary for the management of conflict in Africa. However, the study reveals that the AU institutional frameworks have several weakness and lapses which hampers their efforts to secure peace in Africa. Within the AU and the peace and security architecture, there are decision making failures between the organs which is exacerbated by competing interoffice supremacy contest and interests as seen between the AUC chairpersons and PSC Commissioner. Political, infrastructural, capability and resource gaps have negatively impacted on AU's conflict management.

The study results show that to a large extent the AU management of peace and security in Africa as undertaken within the institutional frameworks and coordinating mechanism of the continental body

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<sup>266</sup>Langenhove, L., Farrel, M. and Hettne, B., *Global Politics of Regionalism, Theory and Practice*, (London, Pluto, 2005).



have achieved measurable success when all mitigating and constraining factors are considered. Based on the finding of the study, four main conclusions have been drawn concerning the institutional frameworks, the PSC, coordinating mechanisms and partners and the effectiveness of the AU peace and security instruments in securing peace in Africa. These are expounded in the following paragraph.

The AU has established normative and structural provision in its Act that has empowered it to play a major role in preventing, managing and resolving Africa's conflicts. The bold move from the principle of non-interference in the former OAU to one of non-indifference in the AU Act together with integrated institutional frameworks and mechanisms is a positive step forward for AU in managing African conflicts. However, the success the AU in conflict management has been hampered by the weakness and failures originating from within and without the AU. Although the Assembly has actively been involved in the affairs of the AU, it could have done more in providing leadership in the conflict management, resolution and reconstruction. It is more preoccupied with political issues and national interests that have no direct bearing on enhancing peace and stability in Africa. The AU has also been unable to ensure that Member States domestic policies set at the continental level and contribute in funding AU activities. Consequently, under resourcing and under staffing severely constrains its capacity to plan, implement and sustain peace initiatives. One of the major challenges that the AU faces is its sheer membership size. At over 50 member states, potential pitfalls that could stall and even reverse the progress of the AU are manifold. They include, but are not limited to, decision-making moving at slow pace.

The Peace and Security Council which is the key organ charged with actual maintenance of peace in Africa and supporting framework of the APSA have worked together to help AU achieve its mandate of securing peace and security. The APSA brings together key components that together deliver political decision making. The organs of APSA have functioned to enhance conflict management in Africa, with PSC being its fulcrum. This mounting of peace missions as in Somalia

and CAR are cases in point. The various mediations in several areas such as CAR, Darfur, Abyei, and South Sudan are concrete examples of work in progress for the AU peace mechanisms. However, coordination and harmonization of individual efforts by the different pillars of APSA as well as communication between them need to improve. AU has not practiced the key principle subsidiarity in relating with RECs/RMs to manage conflicts closest to where they occur and as such has achieved limited success. Closely related to this is the issue of who the mandating authority for ACIRC should be. Again, ACIRC's establishment has been prioritized over operationalization of the ASF which may have negative effect on long term management of conflicts in Africa. Internal politics with AU, lack of political commitment from Member states, slow decision making, capability and infrastructural gaps are some of the challenges the PSC continue to face in managing African conflicts. Since AU has been relying on external assistance to finance its activities, it often lacks the crucial leverage necessary for determining effective interventions.

AU has constructively engaged both its international and regional partners including international bodies such as the UN, the EU, RECs, RMs and the CSOs in managing African conflicts. There is still need for AU to enhance its collaboration and coordination with these partners in peace and security issues. The need for the UN and the AU to continue to strengthen their strategic partnership, and work more effectively together to prevent, manage and resolve conflicts was identified. Lack of clear mandating processes for AU missions is a source of tension between the AU and the RECs/RMs. The RECs, which are expected to provide AU with the various capabilities required in conflict prevention, management and resolution, have been constrained by logistical factors, overlapping memberships, lack of cooperation between them and lack of coordination and harmonization of their activities at the continental level. This is worsened by lack of policy framework on coordination between and among the RECs. The PSC has also not optimized in engaging with CSOs in peace and security issues and therefore, not utilized their comparative advantage.

In summary, effectiveness of AU in securing peace in Africa can be summed up as varied. The AU has made important strides in discharging its mandate in securing peace in Africa through effecting normative, structural and institution changes. It has put in commendable efforts in reducing the number of violent conflicts in Africa. But there are loopholes which hinder the body from achieving comprehensive success in its operation. The key areas yet to click include funding and resource mobilization, decision making and resolve to solve African problems, political commitment and making the member states comply with its decisions, and staffing. Overall, assessment is that the AU has built-in institutional frameworks and coordinating mechanisms to become effective and efficient in securing peace in Africa but its conflict management effectiveness depends largely on whether its members want it to be effective. For now, it faces extensive challenges which can only be overcome with extensive external support.

## **7.1 RECOMMENDATIONS**

Finally, the study proposes some recommendations which are organized in terms of the key organs of the AUC framework for peace and security; African Union Commission, Peace and Security Council and Regional Economic Communities and Partners.

### **7.1.1 African Union Commission**

It is recommended that there be some Assembly Sessions dedicated specifically to peace and security. The Assembly could focus on critical policy issues and delegate the routine and procedural issues to be dealt with at lower levels. This would allow the Assembly to undertake an in-depth review of the implementation of past decisions and provide the necessary guidance based on the insights gained. Again, the Assembly would identify priority areas adversely affecting the continent's stability. This can be done by thematically grouping peace and security issues, investigating how they interact and prioritizing the ones considered to be at the root. It is also recommended that AUC improve on staffing and also improve coordination with RECs.

The importance of the political will of Member States to be involved in conflict management should be promoted by linking national interests to the advantages of stability. A collective call for more resources for conflict prevention should be made. RECs and RMs should be made more aware of and support political initiatives to strengthen conflict management.

### **7.1.2 Peace and Security Council (PSC)**

To enhance the performance of PSC, it is recommended that immediate operationalization of all the components of the AU peace and security architecture; the Panel of the Wise, the Continental Early Warning System and the African Standby Force is undertaken. It is also recommended that AU member states should provide more funding and logistical support for AU peace operations rather than the Union being compelled to rely heavily on external funding, especially from the EU and the UN. It is also recommended that African Union considers developing strategic movement concept for deploying ASF capabilities within the various regions and further explore innovative options of strategic movement. The UN model could be adapted to suit AU's context.

The peace and security organs and institutions and institutional framework and infrastructure of the African Union play a decisive role in enhancing peace, stability and security in Africa. Their strengthening and efficient functioning is necessary preconditions in reducing conflicts in Africa. It is also recommended that security organs and institutions be adequately staffed by skilled personnel, while the capacity of the institutional framework and infrastructure need to be enhanced.

It is recommended that the operationalization of the ASF as the main mechanism be expedited to improve rapid response capability and effectiveness and efficiency of the AU in conflict management. It is further recommended that the concepts of African Capacity for Immediate Response to Crises and Rapid Deployment Capabilities within the various regions be harmonized to avoid redundancies in the African Standby Force framework.

### **7.1.3 Coordination and Partnership**

There is a need for more cohesion and structured coordination between and among the RECs/RMs and it is recommended that a framework be established for such. The framework should include sharing of best practices, knowledge of the activities and strengths of other regions. The AU should take a leading role to further develop capacities of RECs/RMs in conflict management to complement its efforts.

Due to lack of funding, it is recommended that regional peace fund be established. The establishment of a regional peace fund for the purposes of supporting Regional PSO should be premised on regional ownership. The objective in creating this fund is both to consolidate the various current sources of support from other quarters. The fund will enable build capacity at the regional level and conduct the range of activities associated with early warning, conflict prevention, conflict resolution and post-conflict reconstruction. Member States can make voluntary contributions to the Fund. It is also recommended that the establishment of the Continental Logistics Base be expedited and, in this respect, stress the need for the development of Regional Logistics Depots, as a way of expediting the operationalization of the CLB. It is further recommended that a strategy be devised by AU to enable the RECs play a more active role in conflict prevention, management and resolution at regional and continental levels.

### **7.1.4 Civil Society Organization**

The AU could establish an annual (or biannual) conference between it and the civil society on thematic areas where it could actively engage them, including think-tanks, universities, individual renowned experts in the development of AU tools and instruments for promoting peace and security in the continent. It also recommended that AU comes up with more innovative ways of reaching and engaging with the civil society besides the communication through the Ministries of Foreign Affairs. The initiative to have dedicated desks/offices in member states, at the AU and at the RECs/RMs or

other partner organizations is commendable. More engagement with CSOs could also be achieved through workshops and meetings between the AU and these groups.

## 7.2 Further Research: Principle and Practice of Subsidiarity in AU Conflict Management

As earlier defined in this study, the principle of subsidiarity implies that conflicts should always be managed at the lowest possible level or closest to where they will have the most effect.<sup>267</sup> This makes it possible to avoid unnecessary external interference and external interventions may only come if there are inadequate structures and institutions in place to deal with conflict. As such intervention would be focused and strengthen local capacity for conflict management.<sup>268</sup> In the African context, it means that before any intervention can take place, existing AU regional conflict mechanisms and their capacity ought to be assessed to know how best to coordinate and cohere them.

In the provisions of the UN Charter, subsidiarity is entrenched principle in maintenance of international peace and security.<sup>269</sup> The philosophy of '*finding African solutions to African problems*' and the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity<sup>270</sup>, also appear to reflect the principle of subsidiarity. The principle also appears to have informed the framework relating to the establishment of the APSA/ASF.

Although the principle of subsidiarity is reflected in the various provisions of the AU Act, the understanding, interpretation and application of this principle varies and could be a source of tension in AU's engagement with RECs/RMs in managing conflicts in the continent, as earlier elaborated in this study. Therefore, there is need for clarity surrounding the application of the principle of subsidiarity by AU, especially by the APSA/ASF, in securing peace in Africa. This study

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<sup>267</sup> Sousa R. P., *African Peace and Security Architecture (APSA) Subsidiarity and the Horn of Africa: The Intergovernmental Authority on Development (IGAD)*, (Lisbon: Centre of African Studies -University Institute of Lisbon, 2013), pp 59-60.

<sup>268</sup> Ibid.

<sup>269</sup> Articles 52-53 of the UN Charter.

<sup>270</sup> Article 4h of the Constitutive Act of the AU

recommends that further research be done to investigate and policy recommendations be proffered to the AU on how the principle of subsidiarity can be incorporated and articulated in the institutional frameworks and coordination mechanisms in securing peace in Africa.

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# ANNEX A RESEARCH QUESTIONNAIRE

## Securing Peace in Africa: The Role of Institutional Frameworks and Coordination Mechanisms

Data Collection Tool

March 2015

Paul Otieno Owuor

I am conducting a Research on *The Role of Institutional Frameworks and Coordination Mechanisms in Securing peace in Africa* towards attainment of Masters in International Relations from the Institute of Diplomacy and International Studies, University of Nairobi.

The research acknowledges that due to African Union's efforts, the continent is relatively more peaceful now than it was in the 1990s. However, despite the efforts of the AU in enhancing peace and stability in Africa, incidents of violent conflicts have persisted in Africa and many countries in the continent continue to remain fragile. The research seeks to examine and analyze the role and manner in which institutional frameworks and coordination mechanisms have been utilized in securing peace in Africa with a view to proposing recommendations to improve the same.

As a practitioner and an expert in Conflict Prevention, Management and Resolution process, I have identified you as part of key informants. Your insights will greatly enrich the research and benefit the AU Peace and Security frameworks and improve continental security. The information provided shall strictly be used for research purposes only.

May I take this opportunity to register my appreciation, in advance, for your kind consideration and professional support.

## RESEARCH QUESTIONS

### ABBREVIATIONS

**APSA** - African Peace and Security Architecture

**ASF** - African Standby Force

**CEW** - Continental Early Warning System

**PSC** - Peace and Security Council

**REC** - Regional Economic Communities

**REM** - Regional Mechanisms

### THE AFRICAN UNION

1 1.1 What is your comment on how the AU has provided for effective collective approach and organizational intervention in managing conflicts in Africa? <Type your response below>

1.2 How is the division of duty and powers among the principle organs of affecting management of conflicts? <Type your response below>

1.3 What is your comment on the effectiveness of the Assembly of the African Union in giving directives on the management of conflicts, war and other emergency situations and restoration of peace? <Type your response below>

1.4 What is your comment on AU structure and organization in regards to conflict management? <Type your response below>

1.6 What is your assessment of the degree of the inter-relationship, coordination and integration of the various peace and security efforts that takes place within AU and across the entire continent? <Type your response below>

**PEACE AND SECURITY COUNCIL (PSC)**

2 2.1 Do you think that the AU Assembly has given strategic guidance to the PSC for the prevention, management and resolution of conflicts in Africa? <Type your response below>

2.2 What is your comment on the principle of subsidiarity between the AU and RECs/REMs, especially as pertains to the mandating process in conflict management? <Type your response below>

2.3 Are issues of gender mainstreamed into all the APSA components at the continental and regional levels? If not, are there steps and plans to mainstream gender into all the APSA components? <Type your response below>

2.4 In your opinion, is the current configuration and conceptualization of African Peace and Security Architecture (APSA) flexible enough to cover all the existing and emerging conflicts and allow it to a central role in bringing about peace and stability in Africa? <Type your response below>

2.5 Comment on the relationship, synergy and cooperation between the PSC and other APSA Components. Suggest possible areas of improvement. <Type your response below>

2.8 Briefly comment on the status of operationalization of the various APSA components. <Type your response below>

**THE CONTINENTAL EARLY WARNING SYSTEM (CEWS)**

3 3 What is your comment in regards to establishment and staffing of the CEWS in the AU and the regions (RECs and REMs) and its collaboration with other actors? <Type your response below>



**PANEL OF THE WISE (POW)**

4 4 Comment on the effectiveness of Panel of the Wise and its collaboration and link with other APSA components at the AU and at the RECs/REMs? <Type your response below>

5 5.0 Briefly describe AU's current source of funding and the success with which the fund has managed to mobilize resources to support AU peace and security needs? <Type your response below>

**AFRICAN STANDBY FORCE (ASF)**

5 5.1 What is the status of the operationalization of African Standby Force and the implications on conflict management? <Type your response below>

5.2 What is the status of establishment of the Rapid Deployment Capabilities and Rapid Response Capacity in the Eastern, Western, Northern, Southern and Central Africa Standby Brigades? <Type your response below>

5.3 Are the Planning Elements at the AU and the RECs/RMs adequately staffed with skilled personnel in all the three areas of police, military and civilian to undertake their mandated tasks? <Type your response below>

5.4 Have the AU, RECs and REMs established continental and regional logistics depots as envisaged

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|   | in the operationalization of ASF? <Type your response below>  |
|   | 5.5 How is resource problem and lack of funding affecting AU's conflict management? <Type your response below>  |
|   | 5.6 What is your assessment of the mandating process and the manner in which the AU has been managing its peace support operations? <Type your response below>  |
| <b>PEACE FUND</b>   |   |
| <b>COORDINATION WITH PARTNERS (UN, INTERNATIONAL PARTNERS, REGIONAL ECONOMIC COMMUNITIES (REC), REGIONAL COORDINATING MECHANISMS (REM) CIVIL SOCIETY ORGANIZATIONS (CSO) AND OTHERS</b> |   |
| 7   | 7.1 How does the AU relate and interact with the UN and other international partners in the prevention, management and resolution of crises and conflicts and post-conflict reconstruction in the continent. <Type your response below>   |
|   | 7.2 What is your assessment of the collaboration and coordination between the AU, RECs, REMs, member states and other sub-regional partners in managing conflicts in Africa (what is the extent of the coordination and complimentary of activities)?<Type your response below> |
|   | 7.3 Are there instruments and mechanisms to ensure that the results of AU decisions and plans are cascaded down to the RECs/REMs and other regional partners dealing with Peace and Security in Africa? <Type your response below>  |

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|  | <p>7.4 Comment on the mechanisms or programmes that RECs and REMs use for engaging and reaching out to the civil society, other stakeholders and interest groups involved in peace and security? &lt;Type your response below&gt;</p> |
|  | <p>7.16 Suggest some possible ways in which the civil society could engage with AU in enhancing peace and managing conflicts in Africa. &lt;Type your response below&gt;</p>  |
|  | <p><b>GENERAL</b></p>   |
|  | <p>8.1 Comment on the challenges and constraints hindering efforts of PSC to effectively manage conflicts in Africa? &lt;Type your response below&gt;</p>   |
|  | <p>8.2 Any other comments and contributions &lt;Type your comments and contributions below&gt;</p>  |