

GLOBAL SECURITY IN A CHANGING WORLD.



Africa's New Peace and Security Architecture

Promoting Norms,
Institutionalizing Solutions

EDITED BY

Ulf Engel

João Gomes Porto

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ASHGATE

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List of Abbreviations

ACDS	African Chiefs of Defense and Security
AMIB	African Union Mission in Burundi
AMIS	African Union Mission in Sudan
AMISOM	AU Mission in Somalia
AMU	Arab Maghreb Union
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ARS	Alliance for the Re-liberation of Somalia
ASC	African Standby Capability
ASEAN	Association of Southeast Asian Nations
ASF	African Standby Force
AU	African Union
C3IS	Command, Control, Communication and Information Systems
CAR	Central African Republic
CEN-SAD	Community of Sahel-Saharan States
CEWARN	(IGAD) Conflict Early Warning and Response Mechanism
CEWS	(African Union) Continental Early Warning System
CivPol	Civilian Police
CMD	(AU) Conflict Management Division
COA	Courses of Action
COMESA	Common Market for Eastern and Southern Africa
COPAX	Council for Peace and Security in Central Africa
CPMR	Conflict Prevention Management and Resolution
CSID	Cours Supérieur Inter-Armées de Défense
CSO	Civil Society Organization
DFID	(British) Department for International Development
DSC	Defense and Security Commission
EAC	East African Community
EAPSM	Eastern Africa Peace and Security Mechanism
EAPSS	Eastern Africa Peace and Security Secretariat
EASBRIG	Eastern African Standby Brigade
EASBRICOM	EASBRIG Coordination Mechanism
ECCAS	Economic Community of Central African States
ECCASBRIG	Standby Brigade of the Economic Community of Central African States
ECOMOG	Economic Community of West African States Monitoring Group

ECOSOCC	Economic Social and Cultural Council
ECOWARN	ECOWAS Warning and Response Network
ECOWAS	Economic Community of West African States
EDF	Economic Development Fund
EEML	Ecole d'Etat-Major de Libreville
EFOFAA	Escola de Formação de Oficiais, Forças Armadas Angolanas/ Officer Training School, Angolan Armed Forces
ESF	ECOWAS Standby Force
EU	European Union
EWS	Early Warning System
FOMAC	Multinational Force of Central Africa
FNL	Forces nationales de libération (also known as PALIPEHUTU)
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Development Agency)
HCNM	Office of the High Commissioner for National Minorities
ICC	International Criminal Court
IGAD	Intergovernmental Authority on Development
IGADD	Intergovernmental Authority on Drought and Development
IGOs	International Organizations
IncRep	Incident Report
MAES	African Union Electoral and Security Assistance Mission to the Comoros
MARACC	Early Warning Mechanism of Central Africa
MERCOSUR	Southern Common Market
MNC	Multi-National Company
MONUC	Mission de l'Organisation des Nations Unies en République Démocratique du Congo
MSC	Military Staff Committee
NAFTA	North American Free Trade Agreement
NARC	North Africa Regional Capability
NATO	North Atlantic Treaty Organization
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organizations
OAU	Organization of African Unity
ONUB	United Nations Operation in Burundi
OSCE	Organisation for Security and Cooperation in Europe
PALIPEHUTU	Parti pour la libération du peuple hutu (also known as FNL)
PCIA	Peace and Conflict Impact Assessment
PLANELMS	Planning Elements
PRC	(AU) Permanent Representatives Committee
PSC	(AU) Peace and Security Council
PSOD	Peace Support Operations Division
PTA	Preferential Trade Area for Eastern and Southern Africa
RDC	The Rapid Deployment Capacity

RECs	Regional Economic Communities
RMs	Regional Mechanisms for Conflict Prevention, Management and Resolution
SADC	Southern Africa Development Community
SADCC	Southern African Development Coordinating Conference
SCA	Strategic Conflict Assessment
SHIRBRIG	UN Standby High Readiness Brigade
SitRep	Situation Report
SitRoom	(CMD) Situation Room
SOPs	Standard Operating Procedures
SRCC	Special Representative of the Chairperson of the Commission (AU)
UEMOA	West African Economic and Monetary Union
UMA	Maghreb Arab Union
UN	United Nations
UNAMID	United Nations/AU Mission in Darfur
UNDG ECHA	UN Development Group – Executive Committee of Humanitarian Affairs
UNDP	United Nations Development Program
UNDPKO	UN Department of Peacekeeping Operations
UNEP	United Nations Environmental Program
UNMIL	United Nations Mission in Liberia
UNMIS	UN Mission in Sudan
WANEP	West African Network for Peacebuilding
WB	World Bank

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Chapter 1

Africa's New Peace and Security Architecture: An Introduction

Ulf Engel and João Gomes Porto

Africa is currently experiencing a potentially significant transformation with regard to the norms and institutions governing multilateral relations on the continent. This gradual shift has the potential to transform the way the continent addresses the mutually constituted challenges of peace, security and development and is likely to change the nature of bilateral relations within Africa as well as its interaction with the international system.

At the time it was founded in 1963, the Organization of African Unity (OAU) took it upon itself the duty of supporting collective struggles for national liberation from colonialism as well as the responsibility to act as the guardian of Africa's hard-won yet fragile independence from colonial rule. The principles of equality, respect for national sovereignty, non-interference as well as territorial integrity constituted cardinal principles that defined the modalities and parameters of multilateral cooperation within the OAU. Three decades later, the radically altered international environment that resulted from the collapse of the Berlin Wall in 1989 and the dissolution of the Soviet Union in 1991, the pressures of unrestrained globalization on an increasingly poor African continent in need of a new development paradigm, the unprecedented increase in the number and intensity of violent armed conflicts and the perception of the inability and gradual disengagement of the international community to respond to the worst forms of violence in the early part of the decade (Somalia and Rwanda come to mind) form part of the complex background within which the reinvention, repositioning and restructuring of the OAU took place. Furthermore, by the 1990s, the OAU had lost a great part of its credibility—often accused of indifference, of bureaucratic paralysis, of being an elite *club of dictators* far removed from the realities of daily life of the common African, too preoccupied with lofty political ideals and declarations, which bore little resemblance to the challenges posed by extreme poverty, conflict, governance or the respect of human rights in vast areas of Africa. A result of unwavering respect to the cardinal norm of non-interference in the internal affairs of member states, the OAU's lack of a more robust mandate on issues of peace and security had become unpalatable, difficult to justify and increasingly viewed as an obstacle to the repositioning of Africa in the new international post-Cold War environment. While the organization's traditional preference for softer options, such as consultation and mediation had had arguably some degree of

success during the Cold War, these were seen as inadequate and insufficient to the problems of high intensity civil wars, genocide and gross violations of human rights perpetrated by regimes, many of whom were members of the OAU.

As a result, during the latter half of the 1990s, African states took a series of decisions to overhaul the continental organization, endorsing new norms and adopting new rules to govern their interaction on matters of peace, security and development and establish new institutions to enforce these norms. In legal and institutional terms, this transformation had taken a concrete turn when, on 9 September 1999 in Sirte, Libya, African Heads of State and Government declared their commitment to transform the OAU into a new organization, the African Union. On 11 July 2000, at the 36th Ordinary Summit of the OAU in Lomé, Togo, the legal-institutional framework for the new organization was adopted in the form of the *Constitutive Act of the African Union* (African Union 2000).¹ To be sure, while for most observers the institutional transformation was remarkably swift in politico-diplomatic terms, the final agreement by all 53 member states on the final shape of the *Constitutive Act* was not entirely devoid of patient negotiation and accommodation of different, often opposing interests and agendas as noted by Tieku (2004).

The adoption of the *Constitutive Act* was a decisive step, showing that African states were not only conveniently changing the name of their continental organization, but indeed giving it a radically new vision and mission, a set of clearly defined objectives and responsibilities, perhaps “more teeth” (see Cilliers 1999; Cilliers and Sturman 2004; Tieku 2004). This transformation has indeed expanded the sources of authority of the Organization: in addition to the Assembly of Heads of State and Government, a judicial pillar (the Court of Justice) and a democratic pillar (the Pan-African Parliament) have been created. In executive terms, the largely ad hoc (even if, over time, stronger) power of initiative of the OAU's Secretary-General and the Secretariat have been given a more precise substance by the creation of a fully fledged AU Commission with important responsibilities in moving the new organization forward, including a fully recognized political mandate. In addition, the *Constitutive Act* creates a civil society pillar, the Economic, Social and Cultural Council (ECOSOCC), whose objective is to forge strong partnerships between Governments and all segments of African civil society.

What then are the fundamental objectives of this new African Union? According to the *Constitutive Act*, the AU shall, among others, accelerate the integration of the continent, defend the sovereignty, territorial integrity and independence of its member States, promote peace, security and stability on the African continent, promote democratic principles and good governance, protect human rights and promote sustainable development (African Union 2000, §3 (c), (b), (f), (g), (j)). Politically, the African Union is guided by some of the principles which had

1 Note that the *Constitutive Act* supersedes and takes precedence of any other OAU treaty documents (*Constitutive Act*, Article 33 (2)).

characterized the OAU: peaceful settlement of disputes and conflicts; respect for the sovereignty equality of Member States; non-interference by any Member State in the internal affairs of another; sovereign equality and interdependence of the Member States; and respect of borders inherited on achievement of independence (African Union 2000, §4 (e), (g), (a) and (b)).²

Yet, a set of new principles is endorsed by Member States in Article 4, particularly the respect for democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, and respect for the sanctity of human life (African Union 2000, §4 (m), (o)). Furthermore, while reiterating the principles of sovereignty, territorial integrity, independence and non-interference, the *Constitutive Act* gives the African Union a very important new right and as well as a new responsibility. Based on a decision by the AU Assembly of Heads of State and Government, the Union may intervene in Member States in respect of “grave circumstances, namely war crimes, genocide and crimes against humanity” (African Union 2000, §4 (h)). On 3 February 2003 this provision was amended also to include “serious threats to legitimate order.”³ In addition, the *Constitutive Act* gives member States the right to ask the Union to restore peace and security (African Union 2000, §4 (j)).

Core to the new organization’s vision is therefore the active promotion of peace, security and stability on the continent as emphasized by Heads of State and Government in the preamble to the *Constitutive Act*. In their words: “conscious of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent”, they recognize the “need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda” (African Union 2000). In order to enable the organization to carry out its new peace and security mandate, and guided by the general principles detailed above and the need to establish “an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peace-making, peace support operations and intervention, as well as peace-building and post-conflict reconstruction,” the AU adopted *The Protocol Relating to the Establishment of the Peace and Security Council of the African Union* (hereafter referred to as the PSC Protocol) in Durban, South Africa on 9 July 2002. Less than two years later, member States would agree on a Common African Defense and Security Policy (CADSP) during the second extraordinary session of the Assembly of the Heads of State and Government, in Sirte, from 27 to 28 February 2004. These two important legal instruments are regarded by the Commission to form the legal underpinning of the continental peace and security architecture (African Union Commission 2004).⁴

2 Mirroring in this important regard Article III of the OAU Charter, which defined the organization’s fundamental principles (OAU 1963, §3).

3 In this regard see Baimu and Sturman (2003, 39).

4 As noted in the Chairperson’s report on the establishment of a continental peace and security architecture and the status of peace processes in Africa, “the CADSP, which is