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Ten Years On and Still Under Construction: African Peace and Security Architecture

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MALTE BROSIG, SEP 19 2012

When the African Union (AU) was inaugurated in 2002 in Durban, South Africa, it started with ambitious goals, among which one of the most prominent was the establishment of an African Peace and Security Architecture (APSA). Like no other AU organ, the APSA symbolizes the transformation from the Organization of African Unity (OAU) and its often criticized culture of impunity into the AU, which embraces the concept of non-indifference that has assigned the AU a much more proactive role as conflict mediator and peace facilitator of which the progressive Constitutive Act of the AU is testament.

Since 2002, the AU has put great efforts into operationalizing the APSA. On the institutional side, the APSA has established a number of organs at headquarters level in Addis Ababa and spans across the continent, thereby creating a regional and sub-regional system of governance. This is a unique system in which the AU is supposed to function as a pan-African coordinator for the different so-called Regional Economic Communities (RECs) in five African regions (North, East, Central, West, South). Classically the APSA consists of the Peace and Security Council (PSC), a Panel of the Wise (POW), a Continental Early Warning System (CEWS), an African Standby Force (ASF), and the Peace Fund (PF). These different component units have reached different degrees of operationalization and readiness, which have been well reflected in the 2010 APSA Assessment Report and wider literature.[1] Without a doubt, the PSC has been among the most active of these institutions. It has issued more than 320 communiqués since its inception in 2003. However, despite the APSA during the last ten years being a project under development, the AU has managed to get involved in the most heavily conflicted areas on the continent and has established itself as a serious partner for maintaining peace and security in Africa. Under extremely difficult circumstances the AU has launched peacekeeping operations in Burundi (2003), Darfur (2006), Somalia (2007) and the Comoros (2008) as well as playing a peace-facilitating role in many more conflicts. In conjunction with the many efforts the AU has undertaken, there are equally many challenges ahead which this essay will attempt to problematise. The APSA is built on the idea of African ownership, the principle of non-indifference and the endeavor to equip it with effective institutional instruments to actively engage and manage emerging conflicts. However, these three pillars are still evolving and carry their own problems.

African ownership

Historically, the idea of African ownership finds its roots in pan-African concepts and the fight against colonial rule in the last century. While Western regional organizations, absent their own colonization experience, never had to claim ownership of their lands and institutions, African states have to and thus it is an issue of political importance symbolizing independence from a colonial past even today. Beyond the historical dimension, regional ownership has many practical and pragmatic aspects. The AU Tripoli Declaration of 2009 has underpinned the importance of regional ownership strongly “because we understand the problems far better than those who come from far away; because we know which solutions will work, and how we can get there; and because, fundamentally, these problems are ours, and we will live with their consequences.”[2] Indeed, since the end of the Cold War, RECs and, increasingly since 2002, the AU, has been involved in an impressive number of peace initiatives and missions.

However, the question of ownership is far from being a simple one to answer. Who owns a conflict? In fact, different

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actors may issue legitimate claims of ownership. De facto, the African continent is fairly fragmented politically and several intersecting and overlapping regional organizations exist which can make legitimate ownership claims. A clear division of labor has not emerged despite efforts to harmonize AU-RECs and inter-RECs relationships.[3] Diffuse ownership can become a more serious problem when actors hold divergent views and priorities. Libya and Côte d'Ivoire are cases in point in which the AU, under South African leadership, preferred a strategy of power sharing between incumbent rulers and their opposition, while the Economic Community of Western African States (ECOWAS) under Nigerian leadership promoted a far more interventionist policy recognizing anti-Gaddafi forces and threatening an ECOWAS intervention in Côte d'Ivoire if incumbent president Gbagbo would not resign after he lost elections. African ownership without a united Africa behind it might thus undermine collective peace efforts. Furthermore, sub-regional competences in Africa are far from clear cut. In many regions, countries have multiple memberships in RECs and thus regional institutions overlap, especially in Eastern and Central Africa. In North Africa, the Arab League is even transcending Africa's geographical boundaries by extending into the wider Arab world. Furthermore, African ownership needs to be compatible with the UN Charter which still requires a UN mandate for any kind of use of force. However, the UN Security Council resists any major reform and thus represents an outdated post World War II order which happened to be favorable for the former colonial masters of many African countries. While the idea of African ownership is in itself appealing, it can only be realized if understood as a collective effort integrating different owners and reconciling potential differences between them. Concepts like subsidiarity will not work in practice as they aim at monopolizing responsibilities at one level (REC, AU or UN) and do not allow integrating actors but might instead assign them competing roles. Lastly ownership implies responsibility and cannot be simply left to external actors if circumstances are not opportune or African capabilities are not developed enough.

From non-interference to non-indifference to where?

The transformation from the OAU to the AU has rightly been praised as being of historic dimensions.[4] The most important change has been the departure from a political culture of impunity and absolute sovereignty in which notorious dictators such as Idi Amin or Mobuto had been elected Chairmen of the OAU to a culture of non-indifference embracing a more liberal and partly interventionist agenda.[5] In fact, compared with the OAU, the AU has taken a much more proactive position when it comes to coup d'états and applying sanctions to its member states. At the moment, Madagascar, Mali and Guinea Bissau are suspended.. However, a detailed look taken at the doctrine of non-indifference reveals its vagueness, if not empty content, which in some cases has enabled the AU to dither instead of taking decisive action. Non-indifference as such is not a codified norm but rather an aspiration and thus entails only minimal obligations if any. It can thus be stretched to the liking of those who apply the concept. It is difficult to pinpoint what the meaning of this concept really is. At a minimum, it entails some vague obligations to do something to prevent a crisis from deteriorating but obligations are rather diffuse. One example to which difficulties the concept of non-indifference can lead if not specified further is the currently debated issue of un-constitutional changes in government. The Constitutive Act of the AU explicitly rejects and condemns unconstitutional changes in government in Article 4 (p). This article aims at protecting democratically elected governments from military coup d'états and the illegal outstaying of prolonged terms in office. What makes this article highly problematic is its potential to cover and protect undemocratically sustained rule by discrediting democratic or popular revolutions. As Sturman so aptly pointed out, "the problem [...] is that constitutional democracy is seldom firmly in place prior to the 'unconstitutional change.'"[6] Nothing in the Constitutive Act explicitly clarifies that the ban of unconstitutional changes of government only refers to democratic systems.[7] Among many other factors, this led the AU to only recognize anti-Gaddafi forces in October 2011, the same day Gaddafi died. As much as non-indifference should be heralded for its departure from the dogma of non-intervention, if it is combined with improperly developed secondary norms such as the ban of unconstitutional changes of government, the AU risks to be perceived as an organization that is muddling through crises but not as an actor that can solve them sustainably.

Institutional Capacity

Due to its status as work in progress, the APSA has often been analyzed from the perspective of institutional capacities.[8] Indeed, without capacity to act, the AU becomes a bystander to conflict resolution and is forced to leave the field to others undermining its own desire for African solutions and African leadership to African problems. A sober look at the capacities of the AU quickly reveals its very limited nature. De facto, the AU cannot sustain its

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peacekeeping operations without massive international donor support. The projected size of its standby force (max 25,000) cannot realistically replace UN peacekeepers in Africa (up to 100,000). In many places, it is playing a subsidiary, not leading role. In defense of the AU, one also needs to recognize that from the beginning, the AU has been operating under very demanding circumstances and constant pressure to react to Africa's many crises, but at the same time is rather poorly equipped. In other words, it is very difficult to shine when sitting in the mud. Existing capacity limits are not the sole privilege of the AU. Institutional overstretch and resource scarcity can equally be identified at the UN, EU and RECs. Consequently, we can observe an increase in decentralized solutions to imminent security issues for example in the form of cooperative peacekeeping, in which different organizations are sharing burdens through a division of labor, sequential or parallel deployment of troops.[9]

Conclusion

Since its founding in 2002, the APSA has been a project under construction and is still evolving. Despite the many challenges the APSA is facing it has managed to establish itself as the premier and recognized African organization. However, its future successes are far from warranted. The issues of dispersed ownership, unfinished or vague security and policy doctrines and scarce resources will continue to hamper the AU from reaching its full potential. It seems that the solution to these problems requires the adoption of decentralized governance structures and an integrative leadership style. What the AU can achieve relies on collective efforts. Collective means first of all the ability to express common positions derived through internal deliberation and true commitment from AU member states. Secondly, it requires the AU's ability to craft partnerships with Africa's many RECs but also wider international community.

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Endnotes

[1] African Peace and Security Architecture (APSA) Assessment Study 2010, <http://www.peaceau.org/uploads/report-of-the-apsa-assessment-study-july-oct-2010-eng.pdf>

[2] AU, Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace, para. 21., 31 Aug. 2009.

[3] 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 Africa and Northern Africa, Addis Ababa, June 2008.

[4] Konstantinos D. Magliveras and Gino J. Naldi (2002). "The African Union: A New Dawn for Africa?" *The International and Comparative Law Quarterly*, 51: 2, 415-425.

[5] Paul Williams (2007) From Non-Intervention to Non-Indifference: the Origins and Development of the African Union's Security Culture' *African Affairs* 106/423, 253-279.

[6] Kathryn Sturman 2011 "Unconstitutional Changes of Government: the Democrat's Dilemma in Africa" Policy Brief 30, South African Institute for International Affairs, p.2.

[7] Ibid. p.3

[8] Engel, U. and Porto J.G. (eds.) (2010) *Africa's New Peace and Security Architecture, Promoting Norms, Institutionalizing Solutions*, Farnham and Burlington: Ashgate.

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[9] Malte Brosig (2010) "The Multi-Actor Game of Peacekeeping in Africa" *International Peacekeeping* 17(3) 327-342.

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