

How can the African Union improve on its Function of being the “African Solution to African Problems” with Regard to Conflict Resolution?

Ebiokpo Botei

The American Graduate School in Paris
France

Introduction

Africa is a continent that has been host to numerous amounts of conflicts. These range from intra or inter-state conflicts to state-state conflicts that escalate into full grown wars. These conflicts are driven by a number of factors: ethnicity, economic interests, marginalization, identity and religion. In addition to this continuous violent nature that faces the continent, it is also plagued with health concerns, institutional dysfunction, illiteracy and bad governance. In order to effectively work out a smooth transition from colonialism and slavery, a group of African elites invented the idea of Pan-Africanism. This idea was developed to foster cooperation and development in the African continent. It is this initiative that informed the creation of the defunct Organisation of African Unity (OAU), which is currently the African Union (AU). This paper analyses how useful the AU has been in handling and resolving conflicts around the continent since its inception and provides possible suggestions for improvement. Statistics presented by the Uppsala Conflict Data Program show 116 conflicts globally from the end of the Cold War to 2003. Only 7 were between states, while 109 were internal. More than 32 of these took place within Africa from 1989 to 2003.¹ To this end, authors have described it as a continent ‘that lacks well developed security communities’² that foster an environment where peace can be reached without resorting to violence. This description fits perfectly into realists’ theory of international relations viewed through the lens of Lockean and Hobbesian cultures which posit that states see neighbours as rivals who are less likely to share common security policies.³ The African situation started off adopting this realist approach of International relations where power defined and influenced virtually everything, and has only until recently started developing the culture of collective thinking.

This improvement goes against the Lockean and Hobbesian predictions of realism but align, still within the construct of realism, with Wendt’s idea of ‘Kantian anarchy’, which he opines is a political environment that allows states work collectively to tackle security challenges.⁴ Kantian theory, in its essence is much closer to the theory of institutionalism which states that agencies or institutions organise co-operation among conflicting states and administer their common interests.⁵ Institutionalists, to this extent believe that institutions are made up of ‘norms, rules, practices and decision making procedures that shape expectations’.⁶ The Pan-African movement and the creation of the OAU very much identifies with this theory and it is in this light that the functions of the current AU will be judged.

Transition from OAU to AU

¹ Brian, Vincent, Jubril Dauda. African Union, Conflict, and conflict Resolution in Africa. Comparative Analysis of the Recent Kenyan and Zimbabwean Conflicts. International Journal of Development and Conflict. World Scientific Publishing. www document retrieved 19th April 2013, http://www.academia.edu/892730/African_Union_Conflict_and_Conflict_Resolution_in_Africa_A_Comparative_Analysis_of_the_Recent_Kenya_and_Zimbabwe_Conflicts

² Paul, Williams. From Non-Intervention to Non-Indifference: The origins and Development of the African Union’s Security Culture. African Affairs, Published march 2007.p 12

³ Alexander Wendt, Social Theory of International Politics (Cambridge University Press, Cambridge, 1999)

⁴ Ibid

⁵ Slaughter, Anne- Marie. International Relations : Principle theories. (Oxford University Press, 2011)

⁶ Ibid

Given it was not a smooth sail for African territories to find ground after the exit of colonial masters, it was generally presumed by African elites that it will be much harder for individual states to address the underlying problems that accumulated over the years alone.

The need for solidarity and cooperation was the core spirit behind the Pan-African movement. Its primary objective was and is still is mainly to end racial, social, economic and political discrimination against people of African descent, with the OAU as the premier body set up to achieve these goals-just as the theory of institutionalism posits. In 1963, the Organisation of African Unity was formed and, according to Haile Selassie, described as 'a single institution to which we all belong, based on principles to which we all subscribe'.⁷ It was agreed that African disputes will exclude any non-African involvement.⁸ These positions however were not as easy to uphold in practice. There were three major internal conflicts that occurred within member states of the OAU: Congo, The civil War in Sudan and the Biafra Civil War of Nigeria. The OAU became reluctant to involve itself with internal affairs of its member states after the Congo crisis, more so following the stand of Sudan, stating it did not wish to have its matter put up on the agenda for discussion.⁹ During the Nigerian civil war, while the OAU was on the side of the federal government, four AOU member states (Cote d'Ivoire, Gabon, Zambia and Tanzania) supported and provided aid for Biafra.¹⁰ The position of these states in itself reflected the level of division amongst the states that were supposed to be working towards common unity and advancement. Still highlighting the irregularities of the OAU on the issue of non-interference, the charter expressly stated secession as a matter within the domestic jurisdiction of the member state, but on the other hand, it passed resolutions condemning the act.¹¹ These double standards are further exemplified in the varying positions of the OAU in the liberation movements in Angola, Guinea-Bissau and Mozambique, were it supported the liberation group, while in the case of Nigeria, South Sudan and Chad it supported the federal government.¹²

Yet another prominent instance of the weakness of the OAU was allowing Idi Amin of Uganda serve his term as president of the organisation despite his wide spread activities of human rights violations within the country.¹³ According to Welsh, 'hear no evil, speak no evil, see no evil' best explained the views of most OAU member states.¹⁴ While a number of theorists have argued from various sociological views, none has been able to conclusively provide a wholesome explanation as to why supposed insurgent groups within African states wanted to secede. One reason, however, that stands out is the 'unwillingness of government in question to provide adequate safeguards for human and minority rights'.¹⁵ But those are social and economic issues which are outside the scope of this paper. Most exposing, was the incapacity of the OAU to attend to the security needs of member states, who for the most part sort help from outside the continent-as was the case with Rhodesia and the Military troops, and Gabon and Central African Republic seeking aid from French troops. All these deficiencies highlighted the greater need for a reform in the organisation- one that will reconcile contradictions with desired results while still upholding the core norms of solidarity and unity and working towards communal development. These setbacks set the stage for the transition from the OAU to the African Union (AU). The AU was created in 2001 and launched in 2002 after the OAU was dissolved. It currently comprises of 54 Member states, with the exception of Morocco, and has its headquarters in Addis Ababa, Ethiopia. The AU in its attempt to integrate international human rights standards in the African community developed two new elements of its security culture: condemnation of unconstitutional changes of government and support for the responsibility to protect principle. This paper discusses only the latter.

⁷ Haile, Selassie. 'Towards African Unity', *Journal Of Modern African Studies*, I, 3 (1963), p285

⁸ Ibid, p287

⁹ Paul, Williams. *From Non-Intervention to Non-Indifference: The origins and Development of the African Union's Security Culture*. African Affairs, Published march 2007.p 14

¹⁰ Ibid

¹¹ Onyeonoro S. Kamanu, 'Secession and the right of self-determination: an OAU dilemma', *Journal of Modern African Studies*, 12, 3 (1974), pp. 362-3.

¹² Paul, Williams. *From Non-Intervention to Non-Indifference: The origins and Development of the African Union's Security Culture*. African Affairs, Published March 2007.p 15

¹³ Ibid p17

¹⁴ Claude, Welch. 'The Organisation of African Unity and the Promotion of Human Rights', *Journal of Modern African Studies*, Vol.29, No 4, Dec 1991. p 538

¹⁵ Onyeonoro S. Kamanu, 'Secession and the right of self-determination: an OAU dilemma', *Journal of Modern African Studies*, 12, 3 (1974), p 370

The African Union through the Peace and Security Council

The Peace and Security Council is an organ under the AU, saddled with the responsibility of addressing and responding to threats on peace and security within the continent. The AU charter gives the Peace and Security Council a mandate to intervene in the affairs of other states in “grave circumstances, namely war crimes, genocide and crimes against humanity.”¹⁶ The Peace and Security Council, by the wordings of the charter is to ‘resolve disputes peacefully and prohibiting use of force’, which in effect accords the AU legitimacy to intervene. The power to intervene is a significant departure from the principle of non-intervention practiced by its predecessor. After the inception of the AU in 2002, it was hit with its first security situation: the crisis in Darfur that escalated into ultimately, genocide. At this point, the AU was just trying to internalise the idea of the responsibility to protect, albeit not in a stringent manner. But like its predecessor, the AU’s response to the situation in Darfur fell short of what was expected, given article 4h of the charter provides that the AU through the Peace and Security Council may intervene in the affairs of other states in “grave circumstances, namely war crimes, genocide and crimes against humanity.”¹⁷ Functionally, this provision should allow for intervention of the AU in a member state that violates any humanitarian norm. But, reliving previous shortfalls, the AU was caught up in a web of incapacity and thus failed to act.

Francis Mading posits that, “The normative principles of sovereignty, responsibility and accountability... has to do with cooperation of sovereign states in helping or checking one another when a fellow state loses or refuses to use its capacity to provide protection and assistance for its citizens.”¹⁸ In this sense, sovereignty can be viewed from two different lines of thoughts. Externally, sovereignty could mean that the AU is a close circuit that can handle its member states’ problems without interference from the West. While internally, it could mean member states must ensure that they are very well capable of handling insurgencies within their territories if they are going to claim sovereignty, and failing this, they relinquish every right to stand sovereign. In either case, both levels of responsibility have been left unfulfilled. As much as neighbouring states are expected to salvage the situation, if the AU that provides the legal and legitimate platform for them to exercise same is redundant, what takes the scene is a total deviation from this principle of collective responsibility. With the division of AU member states on the crisis in Libya, Zimbabwean president Robert Mugabe; amidst all speculations of his violation of human rights, chairing the union and the recurrent crises in the Democratic Republic of Congo (DRC) one can only question what purpose the AU is serving altogether. In all, one point rings through: the commitment of the AU and its member states to the concept of humanitarian intervention is lacking. In his article, Paul Williams highlighted three main reasons for the unwillingness of the AU to invoke article 4(h) of the charter. First, the strength of the host state, the residual power of the principles of non-interference and imperialism within the African society of states and the last which is core to this discussion, the AU’s lack of practical military capacity for human intervention.¹⁹ The latter will be discussed in-depth alongside another factor; division among AU member states.

Lack of Practical, Institutional and Military Capacity for Human Intervention

Timothy Murithi, in his book ‘The African Union, Pan Africanism, Peacebuilding and Development’ mentioned genuine development being the best facilitator of peace.²⁰ By extension, he discussed that effectively addressing the conflicts meant identifying the root cause(s). He argues that there are intertwining security challenges within Africa that can only be addressed through a continent-wide strategy and further expresses that the AU and other regional economic committees will be best suited institutions to confront these challenges²¹. Realistically, the AU does not have the institutional framework and more so groundwork to carry out combating of root causes. However, one of the means the AU devised to control conflict is early detection and early warning through the Continental Early Warning System (CEWS).

¹⁶ Article 4(h) Charter of the African Union http://www.au.int/en/sites/default/files/ConstitutiveAct_EN.pdf

¹⁷ Article 4, Charter of the African Union http://www.au.int/en/sites/default/files/ConstitutiveAct_EN.pdf

¹⁸ Francis, Mading et al. (1996) ‘Sovereignty as Responsibility: Conflict managing in Africa’. Brooking Institution Press, Washington DC, 3.

¹⁹ Paul, Williams. (2011) ‘The African Union’s Conflict Management Capabilities’. Council on Foreign Relations.

²⁰ Timothy, Muirithi. (2005), The African Union, Pan Africanism, Peacebuilding and Development. Ashgate Publishing Company, Burlington.

²¹ Ibid, pg 41

This mechanism provides news on instability in any member state and reports to the PSC.²² But over the years, some states have pulled out the sovereignty card and prevented the CEWS from reporting on situations that are likely to tarnish the image of the country. With a function as pivotal as this barred in its entirety, and according to the Africa Briefing report, the AU is often taken by surprise and found reacting to crisis situations when it has gone beyond a manageable stage²³ or escalated into something much bigger than the AU can curb. Unfortunately, The PSC of the AU, unlike the SC of the UN does not have the practical authority to issue binding resolutions on member states neither can it induce behaviour through the use of 'carrots and sticks'. In an attempt to replicate the UN peace keeping forces, The African Standby Force, a 2003 initiative, took full effect in 2010. The force is to be the provider of military might in conflict resolution strategies. So far, the standby force is experiencing setbacks through logistics of location, base, weapons and equipments and organisation, and as such, not metamorphosed into an adequate peacekeeping tool. Extensively, on the issue of prosecuting warlords and human rights offenders, the respective national legal institutions are still manipulated by governments of member states that should be upholding the human rights principle, not to mention the fact that the region does not have any prosecution mechanism in place.

Division and Unequal Application of the principle of Non-Indifference by Member States

Some states do not evenly apply the principles and norms that form the core tenets of the organisation. They abide by them only as far as it does not impede their freedom to do what they please without being subjected to sanctions or suspensions from their affiliated organisations. To this extent, the AU cannot twist the arm of any member state to sustain a norm or prevent it from committing grave violations against its citizens because the AU itself is still functioning, however subconsciously, on the transcended principle of non-interference from its predecessor. In addition, not all member states within the AU are running with the same vision. Involvements are centred on sentiments and based on geographical locations and convenience.²⁴ More so, the internal division within this body prevents it from mustering strength to fulfil its obligations. Take for instance the UNSCR resolution 1973 to Libya; while the AU high panel was in support of it, Nigeria, South Africa and Gabon voted against it.²⁵ Even at the 17th AU meeting in Malabo, the final decision passed by the Assembly did not indicate their position in support of the rebels or Qaddafi leaving power²⁶. Member states are more concerned about their interests and less-if at all- about the realisation of African unity: a situation that has continued to reflect in the level of participation of states in AU related matters. It could stem from the logical presumption that maybe even the member states do not have as much confidence in the ability of the AU to handle its problems.

The situation in Mali is similar to that of Libya only to the extent that it is a political one- of overthrow of government. Another core principle of the AU is "the disapproval of an unconstitutional government". The Malian crisis in 2012 was sparked up by the desire of rebel groups to overthrow existing government. France asked to retain its troops separate from the UN peacekeeping missions in order to apply force to overpower the rebels as the UN peacekeeping troops are very restricted in what they can do- especially regarding the use of force. Furthermore, the UN secretary General, Ban Ki Moon, proposed and got approval for a 9,000 AU peace-keeping force to work alongside already present French troops. On this occasion, the AU spoke on time and made clear its position to support the government but added that the UN peace keeping forces engage in combat operations against the rebels; a position that was out rightly rejected by the UN secretary General.²⁷

²² Birikit, Tiruneh. 'Establishing an Early Warning System in the African Peace and Security Architecture: Challenges and Prospects'. Sept 2010. KAIPTC Occasional Paper no 29

²³ Observatoire De L'Afrique. 'Africa Union's Role in the Libya and Cote D'Ivoire Conflicts' Africa Briefing Report, Brussels May 2011. www document retrieved March 2013 http://www.obsafrique.eu/wp-content/uploads/2011/06/ABLibya-Report_11-07-2011.pdf

²⁴ Observatoire De L'Afrique. 'Africa Union's Role in the Libya and Cote D'Ivoire Conflicts' Africa Briefing Report, Brussels May 2011. www document retrieved March 2013 http://www.obsafrique.eu/wp-content/uploads/2011/06/ABLibya-Report_11-07-2011.pdf

²⁵ Kasaija. P. Apuuli. 'The principle of 'African solutions to African problems' under the spotlight: The African Union and the Libya Crisis'. Open Society Institute. www document retrieved March 2013 from http://www.afriMAP.org/english/images/paper/AfriMAP_NAfrica_Kasaija_EN.pdf

²⁶ Ibid

²⁷ Aljazeera : Ban proposes mali peacekeeping force www document retrieved 26th April form <http://www.aljazeera.com/news/africa/2013/03/201332763715263413.html>

As Apuuli Kasaija argued in his article, the marginalisation of the AU “led to its slow or inadequate response to the Libya crisis”.²⁸ But the efforts of the AU in the Malian crisis started off with a beam of hope. Its strategic conflict resolution concept put on ground a good framework for international response and cooperation.²⁹ In January 2013, the AU Assembly unanimously voted in support of a \$50million donation to peace keeping operations in Mali. How these funds were expended still leaves more to be desired as the conflict is still ongoing. Although factional politics’ tilted its head once again with Chad, the most actively involved AU member country in the Malian conflict both in funds and military personnel, withdrawing its troops for the crisis, stating their mission there is over³⁰. Majority of the forces on ground now are the UN peace keeping forces and the French soldiers, who are also scheduled to withdraw by the end of the year. This reiterates the point that, as far as military interventions go, the AU is still going to be very much dependent on foreign help. The following session of this paper proposes possible suggestions that will effect change within the AU and improve its antics on fulfilling the Pan African dream.

The ‘How’ Question

Burundi remains the biggest success story of the AU- it was initiated, planned and executed by the AU alone,³¹ a testament that the AU, though not matching expectations, can still deliver, if reformed. So far our discussion have highlighted a number of problems, with specific reference to unequal levels of commitment to the AU mission, disunity among AU member states and physical incapacity to act when needed. First off, if the AU is going to carry any leverage among its member states, there must be a higher level of responsibility and accountability by the member states. Presidents who have led authoritarian and oppressive regimes have been invariably commended by serving their turns as presidents of the AU. Rather trade bans, and in extreme cases, suspensions, should be imposed and their regimes publicly condemned.

Secondly, the member states should work on getting along more and running with the same objective with equal commitment and dedication. Whatever changes required should address “the absence of a strong and effective multi-level co-ordination and interfacing of the integration agenda.”³² That way, they can build towards development within their country (a fundamental element of peace building) and extend that development to their relationship with other member states within the continent. Leaders should be more citizens’ centric and more responsible towards the needs of its people. It goes without saying that the borders of African states are porous and the conflict in one state almost always spreads into territories of neighbouring states through influx of refugees; and even provides hide-outs for the rebels. Hence, helping the other is indirectly helping one’s self. Laying strong emphasis on the importance military capabilities, significantly improving the African standby force would be a step in the right direction. The different battalion of soldiers in all 5 regions of the continents should be well equipped and easily released by their controlling states when the situation demands. In addition, the AU needs to stop being totally dependent on external funding. These contributions, although pivotal to the peace keeping operations of the AU do not in themselves encourage total responsibility of the AU in handling its own issues.³³ More so, the donations are not made directly to the AU but to the individual member states, based on their level of involvement in the conflict. This action only builds the military might of the affected state and not the PSC of the AU. To that extent, states should provide more funding internally and maximise the already existing components of the security architecture, like the Continental Early Warning System.³⁴

²⁸ Kasaija, P. Apuuli. ‘The principle of ‘African solutions to African problems’ under the spotlight: The African Union and the Libya Crisis’. *Open Society Institute*. www document retrieved March 2013 from http://www.afriMAP.org/english/images/paper/AfriMAP_NAfrica_Kasaija_EN.pdf p1

²⁹ UN secretary General report on the Malian crisis. para 32 www retrieved 24th April 2013 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N12/616/29/PDF/N1261629.pdf?OpenElement>

³⁰ BBC News. www document retrieved 24 April 2013 from <http://www.bbc.co.uk/news/world-africa-22150625>

³¹ Even though it got UN support later, at the initial stage, the violence was curbed by the presence of the AU peacekeeping mission.

³² Geert Laporte and James Mackie. ‘Building the African Union: An assessment of past progresses and future prospects for the African Union;s institutional architecture’. Policy and Management Report. P 54

³³ Ibid p30

³⁴ Audit of the African Union. www document retrieved 20th May 2012 from <https://www.google.fr/url?sa=t&rc=tj&q=&esrc=s&source=web&cd=2&ved=0CDkQFjAB&url=http%3A%2F%2Fwww.securitycouncilreport.org%2Ffat%2Fcf%2F%257B65BFCF9B-6D27-4E9C-8CD3->

The combat strength of multiple armies from the different regions, surely, will be more than enough to stand a single rebel group and repress conflicts. Ultimately, achieving this will require the active involvement of all member states for the collective good of the continent.

Conclusion

The peace and security principle rests hugely on economic development which in turn provides security for the state and people. Member states ought to invest more in peace keeping operations and also fund effective bureaucracies that foster development of the African community. The mentalities of the leaders need to improve to be more responsible and people centric. Political and financial commitment of member states equally requires improvement to increase the functionality of the AU. The Mali and Burundi instances are not perfect depictions of the AU, but worthy of note nonetheless, given its physical limitation. Independent states have peculiar problems and as such no one approach can fix all. But total cooperation by all states could avoid foreseeable shortfalls. The AU should attempt to deal with the common issues while also attempting to address the state-specific issues together. There are the sentiments, as the Africa report rightly put it, that the AU is the African solutions to African problems; but as far as these setbacks continue to linger, that responsibility will not be fulfilled. In closing, the paper finishes off with a quote which seems to capture the very essence of the AU mandate, addresses its setbacks and proffers a solution to cater for the long run. "...But it must also be increasingly accepted that integration is the product of a political decision by likeminded countries voluntarily to come together because they share a set of common interests and hopes for which they are prepared to pool their individual sovereignties and to embody this collective sovereignty in common institutions that they imbue with the necessary power of action. It is not a moral choice; it is a matter of how best to secure national interests in a world where the sovereignty of less powerful states is assailed on a daily basis. Africa may no longer be able to postpone the making of a strategic choice".³⁵

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