

Mehari Taddele Maru

## The First Ten Years of AU and Its Performance in Peace and Security<sup>(\*)</sup>

### Introduction

No region is more plagued with violent conflicts than Africa. The presence of more than 11 peacekeeping missions composed of nearly 50,000 strong UN and AU peacekeepers in areas such as Darfur, Abyei, Somalia and the Democratic Republic of Congo, as well as thousands of western military forces in Djibouti, are evidence of some of Africa's many peace and security challenges.

The collapse of Somalia in 1991 and its continued fragility; Somaliland's declaration of independence; 21 years of civil war in Sudan; the crises in Darfur since 2003; and the independence of both Eritrea and South Sudan, followed by ensuing border disputes, demonstrate the violent nature of Africa.

In addition, atrocities committed by the Lord's Resistance Army (LRA) in some Eastern and Central African countries; civil war in the Great Lakes region; and border wars in many African countries, involving new states such as Eritrea and South Sudan and their older neighbours such as Ethiopia, Sudan and Djibouti, have disrupted the livelihood and development of inhabi-

tants in border areas. The recent devastating *Boko Haram* violence in Nigeria, terrorist attacks in the Sahel region and North Africa, election related violence and unconstitutional changes of government in more than 20 African countries, and drug trafficking as well as organized crime, including arms proliferation, constitute Africa's major peace and security threats.<sup>1</sup> Maritime security in the Gulf Aden and Gulf of Guinea are on the rise, and insecurity at sea is a direct reflection of "on-land" instability.

Coup attempts still seriously threaten Africa. In addition to recent coup in Mali, on 26 December 2011, high officials of Guinea Bissau, including the Prime Minister and his Chief of Staff, faced assassination attempts and the Chief of Staff is the safety of European Union delegation compound. Similarly, July 2011,

<sup>1</sup> See African Union Reports of the Fourth Session of the AU Conference of Ministers for Drug Control and Crime Prevention, Addis Ababa, Ethiopia, on 28 September to 2 October 2010; and The United Nations Office on Drugs and Crime (UNDOC) *Transnational Trafficking and the Rule of Law in West Africa: A Threat Assessment*, Vienna, July 2009.

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### Abstract

While Africa and the AU have a long way to go in terms of addressing the causes, triggers and accelerators as well as consequences of conflicts, the AU has, however, shown dramatic increase in its response to the peace and security challenges. Moreover, the AU has also contributed to the surge in democratic profile of Africa and the AU assembly of heads of states.

Africa now faces fewer inter-state wars and more intra-state conflicts and new emerging transnational threats. With more localized manifestations and geographic coverage, current African conflicts are not civil wars that engulf an entire country. Although local, their impact is usually regional and global. International responses and the role of global actors such as the UN and the NATO have been too intrusive. Conflicts could not be handled locally by a state or a community affected, or by the sub-regional organs or regional bodies. As a result, the AU Constitutive Act has increased the interventionist posture of the AU inline with the "African Solutions for African Problems".

Despite progress, the AU faces serious binding constraints in facilitating the achievement of a peaceful, prosperous and integrated Africa: leadership and management deficiency, lack of the will and commitment to implement already existing policies and treaties. Thus, while the AU has been extremely successful in the formulation and adoption of norms and institutional frameworks, however, it rather failed in implementing these policies.

In order to remove these deficiencies, the AU needs to swiftly implement these policies in cooperation with member states to increase its impact and relevance on the ground. Through delivery, the AU can gain popularity and legitimacy at grassroots level.

*Mehari Taddele Maru is Programme Head for Conflict Prevention and Risk Analysis Programme of the Institute for Security Studies.*

<sup>(\*)</sup> The opinions expressed herein are strictly personal and do not necessarily reflect the position of ISPI.

the residence of Guinea's President Alpha Condé was attacked<sup>2</sup>.

Africa has faced grave famine due to drought and difficulties in distributing aid, particularly in the Horn of Africa and West Africa. More than 12 million people, mainly in Somalia, are in need of humanitarian food assistance<sup>3</sup>. Such drivers and aggravating factors pertaining to conflict often result in population displacement<sup>4</sup>. Poor socio-economic and environmental conditions as well as armed conflicts<sup>5</sup> have resulted in a significant increase in refugees and Internally Displaced Persons (IDPs).

### Causes of a Diffuse Instability

Competition for resources among communities, and the

central states' encroachment into peripheral areas not controlled by state authorities, in search of minerals and oil, have brought governments into conflict with communities. Some, if not most, conflicts in Africa are related to nation-state formation processes. They are conflicts between government attempts to control and exercise jurisdiction and exploit resource of the peripheral land, and resistance by people in peripheral areas.

Africa faces fewer inter-state wars and more intra-state conflicts. With more localized manifestations and coverage, current African conflicts are not civil wars that engulf the entire country. African conflicts are more complex than inter-state wars. Although local, their impact is usually global. Another important trend relates to the nature of international responses and the role of global actors such as the UN and the North Atlantic Treaty Organization (NATO). These responses to local conflicts have been too internationalized and intrusive. The intervention in Libya, Darfur (Sudan), Somalia, South Sudan, and DRC are good examples. They could not be handled locally by the state or community affected, or by the sub-regional organs or regional bodies. In this regard, dominant powers such as the United States of America (USA), European Union and China, and international actors such as the International Criminal Court, introduced too many internationalized interventions. In some interventions, as in the Libyan civil war, the AU was marginal-

ized. In other conflict situations, where global powers had no direct interest, such as Somalia, the AU was left alone to deal with these situations without adequate international support.

Regardless of the responses, the main causes and accelerators of conflicts in Africa are human insecurity and deficiency in democratic constitutionalism. Extreme poverty and injustice of various kinds breed discontent, violence and war. Thus, extreme poverty will remain the main constraint to a meaningful life and indirectly to stability in Africa. In many conflict areas, majority populations in number are minorities in power. Or in some cases, the majority in power is actually the minority in numbers. At the same time, majority populations in numbers, who also exercise majority power, fail to protect minority rights<sup>6</sup>. The antithesis to democratic constitutionalism, all these cases creates situations whereby people are forced to use violence to change governance in their countries. Violent extremism and deficiencies in democracy, including election related violence, will continue to directly cause conflict.

<sup>2</sup> See S. ELLIS, *West Africa's Drugs Trade*, in «African Affairs», 2009; *Cocaine Coast*, in «Africa Confidential», 14 March 2008; *Cables Portray Expanded Reach of Drug Agency*, in «New York Times», 25 December 2010; *A Cocaine Coup Falls*, in «Africa Confidential», 30 April 2010, 51, 9; B. WEISER – W.K. RASHBAUM, *Liberia Aids US in Drugs Fight*, in «New York Times» 1 June 2010; R. BOOTH, *Embassy cables reveal concerns over Latin American cartels and terror groups using West Africa as drug route into Europe*, in «the Guardian», 14 December 2010.

<sup>3</sup> *AU famine meet raises \$351m; figure questioned*, Reuters, 25 August 2011.

<sup>4</sup> M.T. MARU, *Migration, Ethnic Diversity and Federalism in Ethiopia*, MSc Thesis, University of Oxford, 2004, pp. 1-2.

<sup>5</sup> The Norwegian Refugee Council, *Internally Displaced People: A Global Survey*, available from [www.idpproject.org/regions/Africa\\_idps.htm](http://www.idpproject.org/regions/Africa_idps.htm) (accessed May 21, 2010).

<sup>6</sup> M.T. MARU, *Federalism, Human Rights and Conflicts*, in «Africa Insight», 39, 4, 2010, «Africa Journals Online», also available from <http://ajol.info/index.php/ai/article/view/54669> (accessed 28 November 2011); M.T. MARU, *Federalism and Conflicts in Ethiopia*, «Conflict Trends», 1, May 2010, African Centre For the Constructive Resolution of Disputes (ACCORD), [http://www.accord.org.za/downloads/ct\\_2010\\_1.pdf](http://www.accord.org.za/downloads/ct_2010_1.pdf) (accessed 28 November 2011).

## Transformation from the OAU to AU

As successor to the Organization of African Unity (OAU), the AU is a continental organization with 54 member states including the newest African nation—the Republic of South Sudan<sup>7</sup>. Since the end of the Cold War, African leaders have been pressured both domestically and internationally to find solutions to African problems. Civil wars in the Democratic Republic of Congo (DRC), Liberia, Sierra Leone, Burundi, Central African Republic and Guinea Bissau; genocide in Rwanda; state failure in Somalia; and secessionist movements in Sudan became real challenges to the new African leadership, demanding urgent attention and action. The humanitarian crises in Somalia<sup>8</sup> and Darfur<sup>9</sup> emerged as the very worst with more than 6 million victims of death and forced displacement. In reaction to this complex conflict, the OAU/AU and the Regional

Economic Communities (RECs) also took the initiative to intervene in conflict situations, even without authorization by the United Nations Security Council (UNSC). To meet these challenges, the institutional transformation of the OAU into the AU began with the declaration of the OAU Extraordinary Summit of Head of States and Governments in September 1999 in Sirte, Libya<sup>10</sup>. The title and theme of the Summit, “Strengthening OAU Capacity to Enable It to Meet the Challenges of the New Millennium”, was to amend the OAU Charter to increase the efficiency and effectiveness of the OAU<sup>11</sup>. This extraordinary summit, and later the AU Constitutive Act, shifted the mission and vision from the OAU, mainly an organization of solidarity, to the more interventionist AU. The following three factors concretised this shift.

### ✓ The Right to Intervention

Under Article 4 of the AU Constitutive Act, the AU has the right to intervene<sup>12</sup> in a

Member State pursuant to a decision of the AU Assembly of Heads of State and Government (the Assembly) to prevent any grave circumstances, namely war crimes, genocide and crimes against humanity<sup>13</sup>. Given the localized nature of conflicts and at the same time highly internationalized responses, issues of sovereignty and the principle of non-interference in domestic affairs of a state may hamper interventionist policies. The AU has taken important steps in resolving these tensions between sovereignty and responsibility. Thus, the concept of sovereignty as responsibility fundamentally replaces the old principle of non-interference in internal affairs of a sovereign state. It asserts the prime responsibility of the state and the subsidiary duty of the international community in ensuring the “safety, lives and welfare” of human beings globally. Indeed, with increasing universal recognition of the principle of the responsibility to protect, state sover-

<sup>7</sup> Morocco left the Organization of African Unity (OAU) the predecessor of the African Union (AU) in 1984 when the OAU recognized the Western Sahara and Polisario Front.

<sup>8</sup> M.T. MARU, *The Future of Somalia's Legal System and Its Contribution to Peace and Development*, in «Journal of Peace Building and Development», 4, 1, 2008, Center for Global Peace, American University, <http://pascal.library.american.edu:8083/ojs/index.php/jpd/article/view/109/117> (accessed 12 March 2011).

<sup>9</sup> M.T. MARU, *The Kampala Convention and Its Contribution to International Law*, in «Journal of Internal Displacement», 1, 1, 2011, also available from <http://journal.internaldisplacement.webs.com/announcements.htm> (accessed 28 November 2011).

<sup>10</sup> African Union Summit, “Transition from the OAU to the African Union” (noting that the purpose of the Extraordinary Session entitled “Strengthening OAU Capacity to Enable It To Meet the Challenges of the New Millennium” was to amend the OAU Charter to increase the efficiency and effectiveness of the OAU), available at [http://www.au2002.gov.za/docs/background/oau\\_to\\_au.htm](http://www.au2002.gov.za/docs/background/oau_to_au.htm) (last visited 11 August 2002),

<sup>11</sup> *Ibidem*.

<sup>12</sup> The Article 4(h) of the Constitutive Act of the African Union (11 July 2000) stipulates «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 hu-

manity» and Article 4 (j) which states the «the right of Member States to request intervention from the Union in order to restore peace and security». These formulations are put as a “right” not an “obligation”. Nonetheless, they are conceived rather as duty of the AU and member states when grave circumstances prevail in another member state.

<sup>13</sup> The AU Constitutive Act of the African Union, OAU, Assembly of Heads of State and Government, Thirty-Sixth Ordinary Session/Fourth Ordinary Session of the African Economic Community, “Decision on the Establishment of the African Union and the Pan-African Parliament”, AHG/Dec.143 (XXXVI), 10-12 July 2000, Lome, Togo.

eighty progressively becomes a functional tool with the sole purpose of discharging the duties of the state. In this regard, through its practices, the AU has made a distinction between intervention and interference. Intervention can be sanctioned only if substantive and if procedural requirements are fulfilled and a proper authorization by the AU or the UNSC with strict conditionality is enforced. Subsequently, the AU has officially approved the principle of the responsibility to protect<sup>14</sup>. This is a result of the shift of mission that accompanied the transformation of the OAU to the AU.

The AU Constitutive Act bestowed the AU with robust substantive mandates such as the right of intervention in Member States of the AU, and an institutional makeup such as the Peace and Security Architecture of the AU<sup>15</sup>. The AU in this regard has been at the forefront of adopting progressive normative frameworks such as the Kampala Convention<sup>16</sup> and the Lomé Declaration of July 2000 on the Framework for an OAU Response to Unconstitutional Changes of Government (the Lomé Declaration)<sup>17</sup> and the

African Charter on Democracy, Elections, and Governance (the Addis Ababa Charter)<sup>18</sup>. These progressive norms represent an indirect recognition of the re-conceptualization of the principle of sovereignty and non-interference in internal affairs by the emerging principles, namely, the responsibility to protect and subsidiarity/complementarity of international human rights protection to national protection mechanisms. It is within this context that the AU has been pushing for “African solutions for African problems”. Increasing interventionism came as a result of the AU mandate and increasing demands internally and externally for Africans to solve their own problems. This is what is called “African Solu-

tions for African Problems”. Without being isolationist and recognizing the transnational nature of today’s peace and security challenges, such as terrorism, organized and international crimes, and maritime security, this approach establishes Pan-African commitment and approach for the implementation of the new emerging interventionist power of the AU. This is also another Africa’s attempt to ensure the ownership its destiny.

#### ✓ AU Institutional and Normative Framework

This normative framework was supported by institutional mechanisms. The AU comprises many organs. Composed of the Heads of Government and State, the Assembly is the supreme policy-making body of the AU<sup>19</sup>. The Executive Council is another organ of the AU that is constituted by the Ministers of Foreign Affairs of Member States, and which serves as a decision-making body<sup>20</sup>. Composed of the Chairperson and Deputy Chairperson and eight Commissioners, the AU Commission serves as the executive branch of the AU<sup>21</sup>.

*Libya*; in «African Security Review», 21, 1, 2012, pp. 67-73; <http://www.tandfonline.com/doi/pdf/10.1080/10246029.2011.639189> (accessed 24 February 2012) or <http://dx.doi.org/10.1080/10246029.2011.639189> (accessed March 10, 2012).

<sup>18</sup> Organisation of African Unity, Assembly of Heads of State and Government, Thirty-Sixth Ordinary Session/Fourth Ordinary Session of the African Economic Community, “Declaration on the framework for an OAU response to unconstitutional changes of government”, AHG/Decl. 5 (XXXVI), 10-12 July 2000, Lomé, Togo, [http://www2.ohchr.org/english/law/compilation\\_democracy/lomedec.htm](http://www2.ohchr.org/english/law/compilation_democracy/lomedec.htm) (accessed December 12, 2011); “African Charter on Democracy, Elections and Governance”, Assembly/AU/Dec.147(VIII), Adopted by the eighth ordinary session of the Assembly, 30 January 2007, Addis Ababa, Ethiopia, [http://www.au.int/en/sites/default/files/AFRICA\\_N\\_CHARTER\\_ON\\_DEMOCRACY\\_ELECTIONS\\_AND\\_GOVERNANCE.pdf](http://www.au.int/en/sites/default/files/AFRICA_N_CHARTER_ON_DEMOCRACY_ELECTIONS_AND_GOVERNANCE.pdf) (accessed 07 January 2012). This charter entered into effect in January 2012.

<sup>14</sup> African Commission on Human and Peoples Rights (ACHPR), “Resolution on Strengthening the Responsibility to Protect in Africa”, Brazzaville, Republic of Congo, ACHPR/Res.117 (XXXII) 07, 28 November 2007.

<sup>15</sup> The AU, its mandates and institutions are discussed in detail in the Chapters Three and Four.

<sup>16</sup> See M.T. MARU, *The Kampala Convention...*, cit.

<sup>17</sup> For detailed discussion see M.T. MARU, *On unconstitutional changes of governments: the case of the National Transitional Council of*

<sup>19</sup> The AU Constitutive Act of the African Union, OAU, “Decision on the Establishment...”, cit. Protocol on Amendments to the Constitutive Act of the African Union, available online at <http://www.africaunion.org/root/au/Documents/Treaties/treaties.htm> (accessed on 11 January 2012).

<sup>20</sup> Articles 10-13 of the AU Constitutive Act.

<sup>21</sup> Article 20 of the AU Constitutive Act. See also the Statutes of the Commission of the African Union, AU, Decision on the Statutes of the Commission of the African Union, Ass/AU/2(I)-d.

The Permanent Representative Committee (PRC) is an organ of the AU comprising Ambassadors of member states accredited to the AU<sup>22</sup>. The Peace and Security (PSC) is another important organ of the AU in charge acting as the peace and security pillar of the AU<sup>23</sup>. Forty four member states have ratified the AU PSC Protocol. Eritrea and Cape Verde did not sign and ratify the AU PSC Protocol<sup>24</sup>. On average, the AU PSC meets more than 20 times per annum, and since its establishment in 2004, it has met more than 150 times<sup>25</sup>.

This makes it the second most active organs of the AU after the AU Commission. The AU Commission, serving as the secretariat of the AU and its organs, has four major core functions: executive and coordination body of the AU and RECs; international representation of the AU; initiation of norm-setting, diffusion

of norms already set, and follow-up of execution; and serving as the main finance and budget related office of the Union. Unfortunately, the AU Commission currently functions with only 52% of its approved human resource capacity and less than 40% of its approved budget due to a lack of effective leadership and managerial problems. An effective AU requires an efficient AU Commission as it is the engine of the Union. The recent deadlock in the election of the AU Commission leadership has resulted in a lame duck Commission which may in turn negatively affect the AU's work on peace and security.

Since its establishment in 2002, the AU has been tasked with carrying out the very ambitious project of ensuring a peaceful, prosperous and integrated Africa. This vision has four strategic pillars, namely peace and security, development and integration, shared values and AU capacity building. Engaged in building various kinds of policy and decision making bodies, scenarios such as the African Governance Architecture (AGA), the African Peace and Security Architecture (APSA), and various legislative and policy frameworks, the AU has promulgated many conventions, designed numerous policies and strategies and established many institutions.

One of the main institutional mechanisms of the AU is the Peace and Security Architecture (APSA) with its seven components – the Peace and Security Council (PSC), the Panel of the Wise (PW), the Continental Early Warning

System (CEWS), the African Standby Force (ASF), the Peace Fund (PF), and the Military Staff Committee (MSC). For the past ten years, the AU has tried to respond to urgent crises, such as those in Somalia, Darfur, South Sudan, Côte d'Ivoire, Madagascar, Darfur, Niger, and the recent popular uprisings in North Africa, albeit with varying degrees of success and pace. In terms of success, its performance is rather mixed. The signing of the Comprehensive Peace Agreement (CPA) between the North and the Southern Sudan Liberation Army/Movement in 2005 and the Darfur Peace Agreement between the Darfuri rebel groups and the Sudanese government were examples of success.

The AU High-Level Implementation Panel on Sudan (AUHIP) remains one of the most active peace mechanisms so far. The African Union-United Nations Hybrid Operations in Darfur (UNAMID), predecessor of African Union Mission in Sudan (AMIS), has improved the situation on the ground. While the AU has done well in minimizing the number of victims in Darfur with its African Union Mission in Sudan (AMIS) totaling 7000 peacekeeping troops, the African Union Mission in Somalia (AMISOM) in Somalia did not make a striking difference despite its tireless efforts to bring Somalia out of its condition of statelessness. One cannot expect 9000 troops, which is less than half the required complement of troops, to create sufficient changes in order to be a successful peace mission. In addition to AMIS and

<sup>22</sup> Article 21 (2) of the AU Constitutive Act.

<sup>23</sup> The Protocol Relating to the Establishment of the Peace and Security Council of the African Union; "Decision on the Establishment of the Peace and Security Council of the African Union", Ass/AU/Dec. 4 (I); available online at <http://www.africaunion.org/root/au/Documents/Treaties/treaties.htm> (accessed on 11 November 2009), see also the Summit of Lusaka, July 2001, Decision AHG/Dec. 160 (XXXVII).

<sup>24</sup> "Report of the Peace and Security Council on its Activities and the State of Peace and Security in Africa", Assembly of the African Union, Eighteenth Ordinary Session, 29 - 30 January 2012, Addis Ababa, Ethiopia, Assembly/AU/6(XVIII); Audit Report of the African Union, 2007, Para 227.

<sup>25</sup> *Ibidem*.

AMISOM, the Regional Economic Communities (RECs) have been very active in the formulation and robust exercise of the right of intervention. The Economic Community for Western African States (ECOWAS) in Liberia, Sierra Leone, Côte d'Ivoire, Niger, Mauritania; IGAD in Somalia, South Sudan and Darfur; and the Southern African Development Community (SADC) in Burundi, Zimbabwe and Madagascar are some examples of the active role the RECs have played in the maintenance of peace and security in Africa. PSC deliberations also focused on the Central African Republic, the Democratic Republic of the Congo, Chad, Comoros, and Cote d'Ivoire, Burundi, Comoros and Mauritania.

✓ **Democratic Elections and the Principle of Total Rejection of Unconstitutional Changes of Government**

The AU has been very involved in the monitoring of elections in Africa and subsequently in mediation efforts when post-election violence occurred in many African countries. In this regard, the AU has been very busy in Kenya (2007), Zimbabwe (2008) and Côte D'Ivoire (2010). Moreover, there is no principle in the AU Constitutive Act that is implemented more effectively by the AU than the principle of totally rejecting unconstitutional changes of government. Several coups d'état and unconstitutional extensions of terms of office in Madagascar, Mauritania, Sao Tome and Principe, Togo and Niger, as well as attempts in Chad, Guinea

Bissau and Guinea, were without exception, rejected and the AU successfully ensured the return of elected governments. With three dictators toppled by the North African Uprisings and four democratically elected new leaders in Tunisia, Zambia, Liberia, and Nigeria, Africa's democratic profile has shown generational progress. Despite having some dictators who have been in power for more than 20 years, and other leaders with contested mandates and diminished legitimacy due to election-related violence, it is clear that Africa has witnessed a "generational progression of democracy". With each passing decade, the numbers of democratically elected leaders in Africa have increased. Compared to the 1990s and early 2000s, this decade has shown a striking surge in the number of democratically elected leaders participating in the AU Summit.

Attributable to the increase in democratic elections in Africa, the surge in the democratic profile of the AU Assembly of Heads of State is expected to increase in coming years. According to various governance indexes and election observation missions, despite regressions in some countries, Africa is displaying evidence of accelerated electoral democratic consolidation compared with previous decades. In 2011 "dubbed as a year of elections", there were 30 elections in total, including those in Tunisia, Nigeria, Benin, Liberia, Guinea, Niger, Côte d'Ivoire, South Africa, Zambia, South Sudan and Somaliland, most of which were considered an improvement by the international

community. Many African countries, including Ghana, Algeria, Egypt and Libya, will hold local, parliamentary and presidential elections in 2012. The North African revolutions are what mathematicians call "markers of change" for the rest of the continent and elsewhere. The message is that Africa governments that refuse to meet public requests for evolutionary reform have to deal with widespread protests in favour of revolutionary regime change. For African leaders, the most important message is that lifetime presidencies are over and constitutional terms of office are long enough to make the necessary good impact on a given society if used properly.

**Challenges and Suggested Solutions**

The AU's success in responding to Africa's peace and security challenges depends on the effective discharging of its mandates, operationalization of, and synergy within, all components of the APSA and AGA. More critically, the quality of the leadership and management of the AU Commission, and its technical, human resource as well as financial capacity will play vital role in the efficiency, effectiveness and relevance of the AU to the African people. In this regard, there are five major binding constraints. The first relates to the norm-implementation gap which is a result of the lack of proper prioritization and effective utilization of existing resources. The second has to do with financial incapacity of the AU. The third relates to the limitation of technical capacity, while the fourth and fifth are

mainly related to the leadership in AU and Member States as well as the roles of international actors in Africa.

The AU should introduce a *Moratorium on Ending Norm-setting* and rather focusing on Norm-implementing. All global and regional governance institutions follow on four functions: norm-setting, norm-diffusion, norm-implementation and supervision. Since its establishment, the AU has been focused on policy formulation and, to some extent, norm-diffusion by way of popularization and dissemination of policies and conventions. Consequently, the AU has more than 200 well-advanced legislative and policy frameworks on several issues, including democratic constitutional governance. These include 45 treaties and conventions of which 15 did not yet secure ratification. Currently, the most binding constraint in the AU system is the gap between norms set in treaties and institutions on the one hand, and their implementation on the other. It is for this reason that implementation and operationalization of the existing legal and institutional frameworks should take priority. According to the 2007 Audit Report, the AU conducts more than 300 meetings per annum including summits, ministerial statutory commissions and expert consultations.

On average, the process from drafting a treaty to its adoption costs 200,000 USD. If this amount were utilized for the implementation of existing treaties at national and REC levels, it would have significantly enhanced the impact of the AU on the lives of many

Africans<sup>26</sup>. The Audit Panel also noted that «inadequacies exist in staffing and the operational equipment in the PSC Secretariat and in the Embassies of the Members of PSC».<sup>27</sup> In this regard, another important task for the AU will be to ensure a swift implementation of the full structure of the AU Commission. The AU Commission currently has 691 staff members, which is 48% less than the full complement approved for AU policy organs including APSA. In relation to this, meritocracy should be the norm for the recruitment and advancement of staff members of the AU in order to have the necessary technically competent personnel. In this regard, international actors and dominant powers, and global governance institutions have important role in all three phases.

Success in implementation of the norms set constitutes the single most determinant measure of effective performance delivery of AU's mission. States remain the alpha and omega of implementation and the AU need to mobilize its resource towards innovative means of assisting the member states in the implementation of the norm set. Civil society organizations and think tanks could build the momentum by providing the platform for advocacy toward imple-

mentation and research for setting sequencing of implementation.

The African states are at the epicenter of the problems. The states are directly and indirectly responsible for the challenges Africa is facing. The thesis in this statement underlines that weak state organs are the main causes of most problems. Weak state institutions, undemocratic and unruly behavior of their governments and officials, as well as unjust policies cause, trigger or accelerate the peace and security challenges in Africa. Paradoxically also, the thesis asserts that states play an irreplaceable role in providing the solutions to these problems.

Without strong organs that can effectively perform the state functions, without rule of law that ensures predictability of the behavior of government and officials, and without the right policies free of discrimination and anchored in human rights, the above mentioned challenges will not be removed. As such the urgent work at hand constitutes no less than the reform and transformation of state behavior if possible, and the radical change of state if necessary. Thus investing on states with the sole purpose capacitating them to discharge their legitimate functions is paramount for peace and security in Africa.

Thus, international actors, global governance institutions and dominant powers need to focus on investing on states directly. Avoiding or skirting around the states will not only debilitate their capacity to perform their state core functions

<sup>26</sup> M.T. MARU, *New Building must see new spirit, new leadership*, in «Addis Fortune», 12, 611, 15 January 2012, <http://www.addisfortune.com/New%20Building%20Must%20See%20New%20Spirit,%20New%20African%20Union.htm> (accessed 27 January 2012).

<sup>27</sup> The Audit Panel, *The Audit Report of the African Union*, 2007, p. 105, par. 302.

but also increases imbalance of the capacity between states and non-state actors. Now in many African countries non-states actors function better than states organs and have higher capacity of delivery of services with better human and financial resource as well as management. Neglecting states and an imbalance in resource allocation to non-state actors negatively result in an non-state actors dictating state organs in the normal mandates of states. NGOs, CSOs and international actors drain highly skilled professionals to the detriment of state services resulting on weaker performance legitimacy for states. If resources were provided to be invested in the long-term change of state behavior, this would gradually increase the legitimacy of states in the eyes of the public and officials would have been drawn from the high skilled professionals of the countries. This approach would be more financially efficient and substantively effective for state building.

In many African countries, state functions are provided by non-state actors or states are too dependent on the non-state actors for the provision of legitimately expected public services. At the same time authoritarian states may resort to monopolize services that should have been provided by non-state actors. In the long-term, this will weaken the state institution. CSOs and think tanks should work on the production of new ideas, providing platforms for reflections and policy debate, performance for transformation and change of the government and the citizens that

will capacitance the AU, RECs and Member States to implement the norm of AU. By moving to implementation phase, the AU will not only be efficient but also more relevant to the African people on the ground and assist the States and RECs to be more democratic and accountable. As such this move to the norm-implementation phase need to be guided by empowering citizens as provided in the different treaties of AU.

The full operationalization of all the components of the APSA, particularly the use of the ASF for intervention and peacekeeping missions, is vital factor for the APSA to be a full fledged human security regime. However, financial and logistical constraints have hindered rapid deployment of the ASF. According to the Audit Panel «[i]nadequate and unpredictable funding for Peace Support Operations has contributed to the difficulties encountered in the Sudan (AMIS) and also by the AU Mission in Somalia (AMISOM). The shortage of logistical capacity and inadequate capacity and personnel for both the management of peace support operations and the manning of the theatre of operations has left the AU Peace Support Operations dependent on non-African logistical support and contributed to the slow rate of troop mobilisation and deployment of peace support operations»<sup>28</sup>. Limitations in funding have also led to skewed development of the components of APSA. The Military Staff Committee is also at a low level of effec-

tiveness.<sup>29</sup> This weakness seriously affects the effective utilization of APSA by delaying decisions due to coordination problems between the political and military decision making bodies of the AU. The AU institutional setup needs to avoid unnecessary bureaucratic processes that characterize its sluggish culture of responding to events. This can be significantly reduced by ensueing the AU organs including the AU Commission and PSC take most of the political decisions and the other components of the APSA to implement these decisions.

In addition to judicious utilization of existing resources, the AU has to swiftly implement alternative sources of funding<sup>30</sup>. This could begin with taxes levied on airline tickets for travels within Africa<sup>31</sup>. This would help the AU to establish priorities and exercise its mandate without excessive dependence on donor funding. Without financial standing of its own, Africa cannot control its coffers; and thus the African Solutions for African Problems ideal will simply remain an African dream.

The support of dominant powers and global actors has been rather mixed and paradoxically unhelpful for Africa. While in some crises, like Somalia, the AU has been left to solve its own problems, in other cases, such as the Libyan crisis, the AU was effectively and deliberately marginalized. Here lies a funda-

<sup>29</sup> *Ibidem*.

<sup>30</sup> Report on Alternative Sources of Funding the African Union (EX.CL/255(IX)), 2007.

<sup>31</sup> The Audit Panel... cit.

<sup>28</sup> *Ibidem*.

mental problem in the implementation of African solutions to African problems. The problem lies in the fundamentals of international relations and the self-interests of major powers. While cases like Libya attracted a swift no-fly zone imposition, requested by the Arab League among others, Somalia, with rather less interest for global powers, has been left to IGAD and the AU to resolve. Similar mismatches between the interests of the AU and ICC also exist. This mismatch in priority negatively affects conflict prevention and resolution efforts<sup>32</sup>. Similarly, Africa with its rich natural resources and material power, including its potential huge market, could again become a region for competition among global powers from east to west. This may in cause problem in its peace and security cooperation with various global actors. In the long-term, competition between China and the West in Africa, for influence and economic interest, will undoubtedly increase. For Africa, the most important approach is to exploit such competition between the West and the East for its own advantage.

<sup>32</sup> M.T. MARU, *The ICC and African Leaders: the good, the bad and the ugly*, in «THE Reporter», 28 January 2012, <http://www.the-reporterethiopia.com/Opinion/icc-and-african-leaders-the-good-the-bad-and-the-ugly.html>; M.T. MARU, *A Humble Message to the New Prosecutor Elect*, in «THE Reporter» 18 February 2012, <http://www.the-reporterethiopia.com/Opinion/icc-and-african-leaders-the-good-the-bad-and-the-ugly.html> (accessed 21 February 2012).

A reexamination of the partnership of the AU with global actors, including the USA, EU, China, and organizations such as the UN and NATO, is necessary for African Solutions to African Problems to succeed. More importantly, respect for the primacy of the AU's mandate on African peace and security issues under Chapter VIII of the UN Charter constitutes the starting point for any positive role by international actors and dominant powers in Africa. Respect for the AU's lead role in setting the agenda and priorities in the maintenance of peace and security on the African continent is essential. In this regard, the AU may need to continue to engage global actors including the UN, EU, and US, the Arab League and organizations such as NATO to respect its mandate<sup>33</sup>.

<sup>33</sup> Report of the Chairperson of the Commission on the Partnership between the African Union and the United Nations on Peace and Security, "Towards Greater Strategic and Political Coherence", PSC 307<sup>th</sup> Meeting, Addis Ababa, Ethiopia, 9 January 2012, PSC/PR/2. (CCCVII).

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ISPI  
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Via Clerici, 5  
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Per informazioni:  
[ispi.policybrief@ispionline.it](mailto:ispi.policybrief@ispionline.it)  
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