



African Commitments to Conflict Prevention and Peacekeeping: A review of eight NEPAD countries

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Introduction

This paper is a summary of findings of a shadow review of the performance of eight African governments against commitments made at the level of the Organisation for African Unity (OAU)/African Union (AU) in the areas of early warning; the use of force; mercenarism; and peace-making, peacekeeping and peace-building to promote human security in Africa. The countries were selected from the nineteen countries that had at the time of the study signed up to the African Peer Review Mechanism (APRM).² They are Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda – a selection based on continental representation within our available capacity.

The challenge of the New Partnership for Africa's Development (NEPAD) for African political leaders is to improve governance on the continent in order to create the conditions for growth and development, both through the continent's own efforts and by attracting greater investment and development assistance from international partners. The peer review mechanism is meant, amongst others, to monitor and encourage

adherence to improved standards of good governance. The APRM does not include a focus on peace and security matters and our efforts are therefore designed to complement the Review process. Both this paper and the longer monograph upon which it is based are available at www.africanreview.org.

Overall, we draw the conclusion that state compliance on the four areas under consideration differs markedly between the eight countries. Thus Kenya, Algeria, Ghana, Nigeria and, arguably, post-apartheid South Africa have not used force in their external relations. This is in contrast to both Ethiopia and Uganda. Kenya, Ghana, South Africa and Nigeria are leaders in conflict prevention and mitigation while Algeria plays an important role, despite its distractions due to its internal security situation. Senegal, Ethiopia and Uganda (in that order), play a lesser role for reasons ranging from poverty to

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2 The 19 countries are: Algeria, Angola, Benin, Burkina Faso, Cameroon, Democratic Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda.

THE AFRICAN HUMAN SECURITY INITIATIVE (AHSI)

AHSI is a network of seven African Non-Governmental research organisations that have come together to measure the performance of key African governments in promoting human security. The project is inspired by a wish to contribute to the ambitions of the New Economic Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM). Whereas the APRM process has defined a comprehensive set of objectives, standards, criteria and indicators that cover four broad areas, AHSI only engages with one of the four, namely issues of political governance in so far as these relate to human security. Within this area, each AHSI partner has identified a set of key commitments that African leaders have entered into at the level of OAU/AU heads of states meetings and summits. A "shadow review" of how these commitments have been implemented in practice has then been conducted. Eight countries have

been chosen for review, namely Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda. All eight are members of NEPAD and have acceded to the APRM. While not constituting an exhaustive list of human security challenges in Africa, the AHSI Network selected the following seven clusters of commitments: human rights, democracy and governance; civil society engagement; small arms and light weapons; peacekeeping and conflict resolution; anti-corruption; and terrorism and organised crime. The AHSI partners are the South African Institute for International Affairs (SAIIA), the Institute for Human Rights and Development in Africa (IHRDA), the Southern Africa Human Rights Trust (SAHRIT), the West African Network for Peace (WANEP), the African Security Dialogue and Research (ASDR), the African Peace Forum (APFO) and the Institute for Security Studies (ISS).

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internal security constraints. Among the eight countries, Senegal, Algeria, Kenya, Uganda and South Africa have all experienced mercenary activity. Despite the fact that South Africa has not ratified the 1977 OAU Convention, it has progressive domestic legislation to combat mercenary activity. Ghana, Nigeria and Senegal do not have specific legislation targeting mercenaries. Relatively stable countries such as South Africa, Kenya, Ghana and Nigeria (despite its internal challenges) engage in peacemaking and peace-building efforts on a more regular basis than less stable countries such as Uganda, Ethiopia and Algeria.

The research methodology consisted of a combination of primary documentation, interviews, desk research and in-country work. A source of concern is the lack of information and transparency often encountered during the research process. For example, while all public officers contacted stated their official policy of abhorrence in dealing with mercenaries, they did not provide documentary evidence of that. There is a general perception in most countries that asking questions about state compliance relating to issues dealing with security was merely a strategy to criticise governments instead of being part and parcel of democratic accountability.

Concept definitions

The work of the African Human Security Initiative (AHSI) is framed within the context of human security and not limited to state security. The Commission on Human Security defines “human security” as protecting fundamental freedoms – freedoms that are the essence of life. This definition reinforces the operational definition of human security that AHSI has adopted as part of a theoretical framework reflected in a separate monograph.³ Thus human security is defined as the security of the individual within his or her personal surroundings and within the community – the ability of people and communities to pursue a safe livelihood on equal terms with others. Within this context, the security of an individual is no longer defined exclusively within the realm of states and national security, but framed within overlapping systems of security from community to the international level. Our approach also shifts emphasis from a narrow focus on military and regime security to make the individual the main referent object of security, both as subject and actor. Thus individuals and communities are not only considered as bystanders and collateral victims of conflicts,

but are perceived as core participants in protection strategies and post-conflict peace-building.

Early warning refers to the set of activities relating to the gathering and analysis of information that provide insights into a developing conflict situation. Effective early warning therefore combines historical, social, political and humanitarian information, and includes the development of strategic responses to these crises.

The “use of force” within the OAU was historically defined within the context of state interference in other sovereign states and is a recurring feature of Africa’s recent history. Recently the AU has defined the right to intervene in a member state pursuant to a decision of the Assembly and in response to grave circumstances as defined in the Constitutive Act (as amended).

According to article 1(1) of the OAU Convention for the Elimination of Mercenarism in Africa (CEMA) of 1977, a mercenary is defined as someone who is: neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflicts; not a member of the armed forces of a party to the conflict; and not sent by a state other than a party to the conflict on an official mission as a member of the armed forces of the said state. We note that the OAU definition presents a number of “grey” areas relating to state engagement of the services of mercenaries. For example, would a government be violating its compliance with CEMA by contracting the services of a mercenary group to maintain its territorial integrity and sovereignty in an armed conflict with a sub-state actor group?

If peacemaking is a process aimed at bringing warring factions together as a first step towards ending hostilities, peace-building seeks to strengthen the prospects for internal peace and decrease the likelihood of violent conflict by enhancing the capacities of societies to manage conflicts without violence and designing permanent solutions to conflicts. A contextual analysis of the nexus between peacemaking and peace-building shows that societies that have experienced war can regress into conflicts after peace has been attained.

Finally, beyond mediation and facilitation, conflict prevention includes the efforts by governments to ensure good governance, political inclusion and the guaranteeing of fundamental human rights of the citizens of their country.

Commitments and indicators

African leaders have taken many resolutions and adopted a series of legal texts towards preventing,

3 Jakkie Cilliers, *Human security in Africa: A conceptual framework for review*, AHSI, Pretoria, 2004.

managing and resolving conflicts. For example, African heads of state and government committed themselves, in 1994, to a Declaration on a Code of Conduct for Inter-African Relations. This sought to provide a framework and an impetus for effective political measures to prevent situations from developing into violent conflicts. Heads of state also passed a memorandum of understanding on Security, Stability, Development and Co-operation in Africa at their First Standing Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) in 2002 that complemented and expanded upon the Solemn Declaration on the CSSDCA that was adopted in Lomé, Togo, two years earlier. Efforts to deal with mercenary activity goes back to 1967 when the OAU adopted a Resolution on the Activities of Mercenaries in 1967 and CEMA.

The most comprehensive response to conflict in Africa since the adoption of the Cairo Declarations on the Occasion of the Thirtieth Anniversary of the OAU

The most comprehensive response to conflict in Africa is the Protocol relating to the Establishment of the Peace and Security Council.

and on the Establishment of a Mechanism for Conflict Prevention, Management and Resolution in 1993 is the Protocol relating to the Establishment of the Peace and Security Council (PSC) that was adopted at the 1st Ordinary Session of the Assembly of the African

Union in Durban, South Africa, in July 2002. In terms of the Protocol, member states committed themselves to facilitate early action by the PSC, the chairperson of the Commission or the Panel of the Wise, based on early warning information provided by the establishment of a continental early warning system, or conflict prevention and intervention through peacekeeping by an African Standby Force. While the Protocol on the PSC elaborated on and formalised a number of matters relevant to this study, it reiterated and built upon many earlier commitments.

Drawing from these documents that have been approved and adopted by African heads of state, and following an analysis and investigation, we identified six standards that could be used to measure the extent to which the eight identified countries have lived up to their stated intentions relating to the four areas (early warning, the use of force, combating mercenarism, peacekeeping and conflict prevention).

1. Adopt effective measures aimed at preventing situations of emerging conflict through political means (external);
2. Establish by 2004, national institutions or mechanisms for prevention, management

and resolution of conflicts at community and national levels with the active involvement of civil society organisations (CSOs) and community-based organisations (internal);

3. Prohibition of the use of force or threat to use force among member states of the Union;
4. The range of legislative measures that have been put in place to translate the 1977 Convention on Mercenarism into national law;
5. The level of inter-state and inter-agency collaboration to fight mercenarism; and
6. Facilitating both peacemaking and peace-building in war-torn countries.

Compliance levels

The following sections summarise our findings regarding the degree of compliance of each country with the standards listed above.

National and intra-state conflict prevention measures

This section engages with the first two commitments listed in the previous section, namely to what extent have the eight countries adopted effective measures aimed at preventing situations of emerging conflict through political means, and to what extent have these countries established national institutions or mechanisms for the prevention, management and resolution of conflicts at community and national levels with the active involvement of CSOs and community-based organisations?

States such as Algeria, Kenya (under former President Daniel Arap Moi), Nigeria (under General Sani Abacha), Uganda and Ethiopia have, through their actions or inactions, been involved in situations that undermine the security of their citizens. In countries such as Senegal, Ghana and, to a lesser extent, post-apartheid South Africa – where the state has not played a direct role in crisis situations – responses to information on impending conflicts have often been slow. With regard to the establishment of conflict prevention structures, all the states under review regard their intelligence and national security apparatus as the most reliable conflict prevention structures available.

None of the countries has a substantive early warning framework/policy that involves CSOs. We could find no instances of national institutional processes for information exchange between civil society and the formal state structures.

Senegal’s separatist war in the southern province of Cassamance has been a major security threat to

the state, as it has resulted in refugee flows and cross-border raids, arms proliferation and other illegal activities. Although former President Abdou Diouf of Senegal formed a quasi-independent peace commission, which included members of civil society, in the mid-1990s to attempt mediation and resolution of the crisis, all attempts at using political means to solve the Cassamance crisis have failed. Various CSOs are actively engaged in conflict prevention processes such as the Groupe de Réflexion et d'Action pour la Paix en Casamance (GRAPAC).

Ethiopia's well-publicised border dispute with Eritrea claimed some 100,000 lives. Despite the June 2000 Cessation of Hostilities Agreement, which established a Temporary Security Zone (TSZ) along the border, border demarcations, which were expected to commence in 2003, have been delayed – largely due to Ethiopia's unwillingness to give up Badme. This has delayed the peace process and tensions between the two countries are still high.

Ethiopia does not include CSOs in conflict prevention – instead it has a Security, Immigration and Refugee Affairs Authority, which formulates policies and strategies concerning state and public security. As indicated by its name, the Authority also deals with immigration and refugee affairs, internal and external state and public security activities including external threats.

In Uganda, the government is fighting a brutal internal insurgency led by the Lords Resistance Army (LRA) along its northern borders. The LRA, led by Joseph Kony, has occupied northern Uganda for the better part of the past 18 years. The group has been notorious for the abduction of children and the mutilation of victims. Over the period, over 20,000 children have been abducted from their homes while hundreds of people have been killed and over 400,000 people left homeless. The war has resulted in an increase in military expenditure and a consequent decrease in funding for health, education and other essential social services – a trend that has incurred the displeasure of donor countries. As part of his efforts to resolve the conflict, President Museveni granted amnesty to the rebels in exchange for their disarmament, although with limited success. Stop-start efforts at political dialogue with the LRA have been frustrated on regular occasions. Internally, the debate about a third presidential term is a source for further dissention.

Despite the limited engagement by CSOs in conflict prevention, this is seen as the preserve of the intelligence services. The president chairs the National Security Council, which serves him with advice on matters relating to national security and any other functions prescribed by parliament.⁴ An External Security Organisation (ESO) has also been established to provide information to the president and the National Security Council.

Earlier Uganda had been engaged in hostile activities within and against the governments of Sudan and the Democratic Republic of the Congo (DRC), as discussed elsewhere in this paper.

Kenya does not have a history of regional adventurism. Its security problems are internal. Political suppression was common in Kenya under President Daniel Arap Moi until his replacement by Mwai Kibaki. Far from preventing violence, former President Moi's government was implicated in sponsoring some of the ethnic violence in the country during 1992 and 1997, when about 1,000 people were killed. Moi's government subsequently set up an independent Constitution of Kenya Review Commission, which still exists under President Mwai Kibaki. This and the unfulfilled election promises made by Kibaki regarding the same constitutional review process threaten national stability as there are sharp divisions even within the President's National Rainbow Coalition (NARC) and other opposition parties.

The Kenya National Security Intelligence Service Act 11 of 1998, stipulates the functions of the security and intelligence agency, and establishes the National Security Intelligence Council composed of the Ministers of Security, Finance and Foreign Affairs. The Attorney-General is responsible for overseeing the functions of the intelligence services. A Committee on Conflict Resolution and Management, suppressed during Moi's regime, has been revived under the Kibaki administration, located in the office of the president. District Security Committees investigate and gather intelligence information and report to the Provincial Security Committee. Members of the broader civil society are not allowed to sit on these committees.

Traditional conflict resolution mechanisms exist in Kenya, especially in the Wajir district, to deal with conflicts on governance and traditional competition for resources.⁵ Various *ad hoc* and more formal Peace Committees are also evident.

To many, South Africa presents a model of conflict prevention and management, reflected in the positive

4 The Republic of Uganda, Constitution of the Republic of Uganda, Entebbe, 1995

5 The Wajir Peace and Development Committee (WPDC) was established in 1994 by civil society groups in the Wajir District and has since received consistent support from the state.

national spirit that prevailed during the most recent national elections in 2004, the decline in politically inspired violence (particularly in the province of KwaZulu-Natal) and the effective neutralisation of the vestiges of white, right-wing militancy. Whilst the disparities inherited from 350 years of white domination cannot be eradicated in a decade, the South African government has embarked on an extensive programme of land redistribution, black economic empowerment and efforts at social equity, albeit with limited results.

The South African government ascribes to a broad interpretation of security⁶ and the constitution includes a number of institutions such as the Public Protector, the Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, and the Commission for Gender Equality, apart from a series of other institutions.

The South African constitutional and legislative system also provides for extensive systems of checks and balances on security agencies, particularly regarding those engaged with intelligence. For example, an 11-member Parliamentary Committee of Members of Parliament on Intelligence perform oversight functions in relation to the intelligence and counter-intelligence functions, and report thereon to parliament. Intelligence co-ordination occurs through the National Intelligence Co-ordinating Committee (NICOC).

While civil society engagement with conflict prevention in South Africa is extensive by comparative African standards, it appears to be declining.

Ghana has had a history of political instability since gaining independence in 1957. In some instances, state response to violent clashes has been slow, leading to large-scale loss of life and property. The country has well-developed traditional and modern conflict management structures. These are the Traditional Councils, the Regional House of Chiefs and the National House of Chiefs.⁷ Their primary task is to resolve minor chieftaincy and land-related conflicts in their traditional areas, while more complex conflicts are referred to the courts. However, due to public perceptions about partiality in the dispensation of justice through the modern court system, there is greater public trust in the traditional system. Another conflict response mechanism is provided under the Security and Intelligence Agencies Act no 526 of 1996, which establishes:

“Regional and District Security Councils ... [which] are responsible for implementing government policies on Security of the State and attendant issues on or relating to the internal and external security of Ghana and to provide for related matters.”⁸

The Act also established the Regional Security Council (REGSEC) and the District Security Council (DISEC) whose function is to “provide early warning to Government of the existence or likelihood of any security threat to the region, to the country or to the Government”. There are reporting mechanisms by which minutes, reports and conclusions of the districts are forwarded to the REGSEC and eventually to the National Security Council (NSC) on a regular basis. This has ensured the availability of advance warnings to the NSC of potential conflicts. This elaborate system has, however, not been complemented with an equally prompt early response mechanism.

Nigeria has a history of instability, with several *coups d'état* and ongoing ethnic clashes since 1960. For this reason, early warning measures in the country are mainly focused on curbing and preventing another military take-over of government and not to effectively engage with the extensive communal clashes that are so prevalent. The Office for the Co-ordination of National Security in Nigeria consists of the State Security Services (SSS), responsible for intelligence gathering inside Nigeria; the National Intelligence Agency (NIA), in charge of foreign intelligence and counter intelligence; and the Defence Intelligence Agency (DIA), charged with military-related intelligence. These agencies are principally interested in the security of the state and government from internal and external aggression against the state.

An estimated 10,000 people have died in various incidents of ethnic, religious and communal violence since the return to civilian rule in 1999. Moreover, the use of the military to try to end such clashes has often led to further problems and human rights abuses by the armed forces.

Disputes between groups occur over religious differences between Christians and Muslims, especially since the adoption of shariah laws in some parts of the country. Clashes between ethnic groups over ownership of oil-rich lands that would transfer benefits and influence from oil operators to local communities are the most common causes of instability in the southern

6 Thus the South African Department of Defence White Paper recognises that the greatest threat to the South African people are socio-economic problems such as poverty, unemployment, poor education, the lack of housing and the absence of adequate social services as well as the high level of crime and violence.

7 The National House of Chiefs was established by article 271 (1) of the 1992 constitution, and consists of 50 paramount chiefs, five from each region.

8 Republic of Ghana, The Security and Intelligence Agencies Act, No. 526, 1996.

states. Clashes also occur especially in the north over conflicting demands for pasture and agricultural land.

In response, President Obasanjo has initiated a number of national conflict prevention processes since his inauguration in 1999, but with limited success. Thus he established an Institute for Peace and Conflict Resolution as a think-tank to support the government in its efforts at peace promotion and conflict management.

The Nigerian Congress has also passed the Niger Delta Development Commission (NDDC) Act as a response to clashes between ethnic groups over ownership of oil in the Niger Delta. A National Action Plan on Conflict has been instituted with a Presidential Implementation Committee that is chaired by the Vice-President and includes representatives from CSOs, business committees and international organisations.

Algeria has seen a steady improvement in its regional and international relations under President Abdelaziz Bouteflika. There is no recent record of the use of force by Algeria against any of its neighbours despite the poor relations between the region's two biggest countries, Algeria and Morocco, over the future of the former Spanish colony of Western Sahara, now controlled by Morocco.

Much of Algeria's recent violence followed the cancellation of a second round of parliamentary elections in January 1992 and the *de facto* assumption of power by the armed forces. The potential victor, the Front Islamique du Salut (FIS), was banned and its leadership either imprisoned or forced into exile or underground. In subsequent years, the country has suffered from severe political violence and economic stagnation. A constitution revision completed in November 1996, after a national referendum, banned political parties from campaigning under a religious or linguistic banner in an effort to allow electoral politics to resume in a more stable environment.

Soon after taking office in 1999, Mr Bouteflika launched his Civil Concorde Initiative, offering a limited amnesty to Islamic militants. This offer required substantial political courage at the time and has started to smother the flames of a rampant Islamic insurgency that had claimed the lives of around 150,000 people. Formally at least, the FIS had relinquished the armed struggle in support of its political objectives. The two Islamic groups which rejected the amnesty, the Groupe Islamique Armée (GIA) and the Salafiya Group for Call and Combat (GSPC), never articulated any political demands and associated violence remains an acute problem. Mr Bouteflika was rewarded for his courage by winning 85 per cent of the vote in the 2004 presidential elections that were declared "free and fair" by international

observers and largely violence free. This victory has empowered his search for national reconciliation that will involve seeking peace with both the remaining militant Islamists and Kabylia's Berber population.

Due to Algeria's acute internal security dilemmas, conflict prevention has mostly been spearheaded by the security services. The Department of Intelligence and Security is the principal agency for domestic and foreign intelligence activities. Even though it operates under the Ministry of Interior, it comprises military personnel commanded by an army general and reports to the Ministry of Interior. Other members of the intelligence unit are the Department of Internal Security and the Special Security Services. CSOs and individuals are generally excluded from all conflict prevention mechanisms.

State commitment and progress with early warning systems also need to be placed within an appropriate regional context. Three of the regional organisations that include seven of the eight countries under review, the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC), have or are in the process of establishing regional early warning systems. Only Algeria is not part of a regional economic community and there is no progress on the establishment of such a system. Although these regional early warning frameworks exist and work at different levels of effectiveness – in terms of their capacity to identify the different issues that can result in conflict – there is an apparent disconnect between the rhetoric of establishing such mechanisms and the reality of their capacities to perform. Thus there is no progress in Southern Africa, limited geographical coverage in IGAD and a degree of coverage (with inclusion of CSOs) in ECOWAS.

CSOs are bypassed in the collection and processing of data, although there is some indication of a willingness by ECOWAS to engage CSOs in early warning processes. While governments are "interested" in early warning mechanisms, a general narrow view of intelligence prevents them from actively involving ordinary citizens in data gathering.

Prohibition of the use or threat of the use of force between countries

The use of force does manifest itself in Africa's international relations despite its prohibition – a concern recognised by African heads of state and government in the preamble to the Protocol on the PSC: "[The PSC is] concerned about the continued prevalence of armed conflicts in Africa and the

fact that no single internal factor has contributed more to socio-economic decline on the Continent and the suffering of the civilian population than the scourge of conflicts within and between our States ...” The Protocol thus prohibits the threat or use of force in Africa’s inter-state relations and limited such usage to those mandated by the Union in accordance with accepted norms of international law.⁹

Our research indicates that the situation is positive in the case of Algeria, Ghana, Kenya, South Africa and Nigeria. Some countries have, however, applied force in their international relations, exemplified by the Ethiopia–Eritrea dispute and the earlier conflicts between Uganda and Sudan, and between Uganda and the DRC. Based on our analysis, prohibitions of the use of force, or threat of the use of force, remains a challenge for Ethiopia, Uganda, Nigeria and Senegal. However, recent efforts by Nigeria and Uganda to end disputes without resorting to force deserve commendation.

The Ethiopian–Eritrean border dispute worsened in 1998 when military exchanges between the two countries over disputed boundaries and the border town of Badme culminated in a conventional war of intense ferocity. Both countries have alleged that they employed force on the basis of self-defence. Eventually, an Agreement on Cessation of Hostilities reminded both countries of their commitment to reject the use of force as a means of resolving disputes.

Uganda has also been involved in several actions involving the use of force including Sudan and the DRC. The Uganda–Sudan conflict arose as a result of allegations that both countries had supported armed rebels in each other’s territories (Sudan supporting the LRA and Uganda supporting the Sudan People’s Liberation Army). Relations between Sudan and Uganda have improved markedly in recent years and the Ugandan People’s Defence Force (UPDF) now operates in southern Sudan against the LRA. Uganda also intervened twice in the DRC war from 1997 to 1998 – first by joining forces with the Alliance of Democratic Forces for the Liberation of Congo (AFDL) to overthrow the late President Mobutu Sese Seko and later against the government of the late President Laurent Kabila based on ethnic and other factors. While Uganda justified these involvements as acts of self-defence, it breached its commitment to avoid the use of force to settle disputes and refrain from interference in the internal affairs of OAU/AU member states. The use of force by Uganda in Sudan drew responses from several quarters including IGAD and the OAU/AU.

Kenya has formulated a foreign policy in which peaceful co-existence and non-interference in the internal affairs of other states is paramount. Kenya has played a major role in conflict mediation and the negotiated settlement of disputes. It did this on various occasions with the institutional framework of the AU and IGAD, and sometimes on its own initiative.

Since 1994, South Africa has been involved in sub-regional, regional and international affairs on an increasing scale. In contrast to the apartheid regime, the post-apartheid government has no record of employing force against its neighbours. The only occasion in which force was used on an inter-state basis was during Operation Boleas in which the South African Development Community (SADC) intervened to quell political unrest in Maseru, Lesotho, on 22 September 1998.

Ghana has a turbulent political history marked by successive *coups d’états* since attaining political independence in 1957. This affected the country’s relations with its immediate neighbour, Togo, from 1982 to 2000, to the point where some observers believed armed conflict would erupt. Hostilities were, however, avoided, as was conflict between Ghana and Liberia over rumours of the forceful repatriation of Ghanaians resident in that country in 1989.

Although Senegal remains one of the most democratic states in West Africa, it has faced several problems with Mauritania and Guinea-Bissau. Several attempts by ECOWAS and the OAU/AU to mediate in the conflict over grazing rights between Senegal and Mauritania in 1989 failed. Further disputes arose between these two states in May 1990 over territorial fishing rights, resulting in the dispatch of Senegalese troops across the border and exchange of gunfire between the armies of both states before the resolution of the conflict. With respect to the conflict with Guinea-Bissau, Senegal flagrantly breached its commitments to first seek peaceful and effective settlement of disputes.

A noteworthy conflict in West Africa is Nigeria’s border dispute with Cameroon over the oil-rich Bakassi Peninsula, which both countries consider to be within their territorial control. The ownership of the peninsula has been disputed by Nigeria and Cameroon since the 1960s. Problems between the two states have centered mainly on issues over disputed territories with military activities largely limited to the disputed region. The dispute worsened in 1994 amidst allegations that both states used force to collect taxes and relocate inhabitants to particular zones. The dispute was eventually referred to the

⁹ Article 3(b) of the Constitutive Act establishing the African Union.

International Court of Justice in The Hague which ceded the Bakassi peninsula to Cameroon in 2002. Subsequent fears of conflict have not been realised and the two countries appear to have signaled their intention to abide by the ruling.

Algeria has had tense relations with some of its neighbours, including Morocco and Libya. However, except for brief clashes with Morocco in 1976, the armed forces of Algeria have not been involved in hostilities against a foreign power.

The extent of legislative measures that have been put in place to translate the Convention on Mercenarism into national law

Mercenarism has posed particular challenges to African states since 1960. Mercenaries have been active in domestic politics, interstate conflicts, overthrow of governments and, in the post-Cold War era, in resource competitions in peripheral states. Among the eight selected APRM states, Senegal, Algeria, Kenya, Uganda and South Africa have all experienced mercenary activities. Both Kenya and Uganda have faced difficulties with mercenaries in their more nuanced and modern forms in the activities of Branch Energy – a “corporatised” mercenary company engaged in mining activities and with repeated allegations of high political linkages.

Senegal experienced low-level mercenarism in the form of experienced individual mercenaries from Guinea-Bissau who supported the Mouvement de Forces Democratique de la Cassamance (MDFC) in their insurgency in that region. In the case of Algeria, “vagabond mercenaries” have been hired to play different roles in the country’s politics since the 1950s.

As of March 2004, only four of the APRM member states under evaluation had signed and ratified or acceded to CEMA. These are: Ethiopia, Senegal, Ghana and Nigeria. The remaining four – namely Algeria, Kenya, South Africa and Uganda – had not as yet ratified the convention, although South Africa has enacted sophisticated national legislation to combat mercenarism. Although Ghana does not have a specific law targeting mercenaries, the Security and Intelligence Services Act (Act 526 of 1996) governs the activities of the intelligence agencies, and includes handling of mercenaries. Thus, in Ghana, Nigeria, Senegal Kenya and Uganda, there are no specific legislations targeting mercenaries and mercenarism despite considerable political energy expended on the rhetoric against mercenaries.

The level of Inter-state and inter-agency collaboration to fight mercenarism

The sharing of information on mercenaries does not, of course, require a specific or dedicated arrangement between states, but occurs as part of general arrangements for the sharing of intelligence that may be institutionalised (such as in the case of the various sub-structures of the SADC Organ on Politics, Defence and Security Co-operation) but generally occurs on a bilateral basis.

The earlier sections indicate that, in all the countries under study, there are complex, interdependent institutional frameworks for responding to perceived threats to state and regime security as well as a plethora of institutions dealing with issues of state security. There is also an impressive amount of intra-agency collaboration concerning information-sharing. Some of these agencies include national intelligence agencies, the police, para-military forces and the armed forces.

With the exception of South Africa, which is a net exporter of mercenaries, the legislative and operational capacities of the other seven countries to respond to the threats posed by mercenaries remains weak. Low state capacity and the difficulties faced by governments in fulfilling these commitments are exemplified by the fact that, during the Ivory Coast crisis, Ghana did not have the capacity to prevent the recruitment and transit of men and weapons through its territory – some allegedly from South Africa.

Peace-building, peacemaking and peacekeeping commitments

At the core of the commitments to make, keep and build peace in Africa is the pledge to facilitate peacemaking and peace-building in war-torn countries. African leaders under the Cairo Declaration of 1993 agreed to make the restoration and building of peace in war-ravaged countries a priority.

The government of Algeria has also contributed to peacemaking and peace-building activities in several war-torn African countries. As President of the OAU in 2000, President Bouteflika engaged in peacemaking in Central Africa, culminating in a mini-summit aimed at finding a lasting solution to the conflict in the DRC. He also initiated the Algiers Agreement, which sought to find a durable settlement to the war between Ethiopia and Eritrea, continuing with his peacemaking endeavours long after Togo had become the next chair of the Assembly. Algeria’s financial contributions towards peacemaking and peace-building have, however, been relatively modest. For

instance, by March 2004 Algeria had contributed only US\$410,000 to the AU Peace Fund.

Ethiopia's commitment to peacemaking and peace-building on the continent is varied, given its war with Eritrea and subsequent rejection of the findings of the court. Ethiopia has, however, engaged positively in support of the Sudanese and Somali peace processes and, together with South Africa and Mozambique, contributed troops to the African Mission in Burundi (AMIB). Given the dire economic situation that the country experiences, most of her peacekeeping activities have been executed under the aegis of the UN and not the AU. Ethiopia had, by March 2004, voluntarily contributed an amount of \$100,000 towards the AU Peace Fund.

As the chairman of ECOWAS, President John Agyekum Kufuor has worked assiduously to establish peace and stability in West Africa in spite of Ghana's limited financial and logistical wherewithal. In effect, Ghana's commitments to peacemaking in war-torn countries have been consistent in Africa and especially in the West Africa sub-region. To demonstrate the country's commitment to the Liberian peace process, Ghana – as chair of ECOWAS – hosted the Akosombo and Accra peace meetings, which involved substantial financial and other commitments. Ghana has also taken a lead in trying to find a lasting resolution to the Ivorian conflict. Paradoxically, Ghana is yet to contribute to the AU Peace Fund.

Kenya's peacemaking activities are considerable and have been mainly concentrated in the Horn of Africa. The country has a relatively high level of credibility in adhering to commitments made by African countries to the prohibition of the use of force and to non-interference in the internal affairs of other countries. Nor has Kenya become embroiled in regional conflicts, serving as a transit center for humanitarian assistance, especially from the United States to southern Sudan, Somalia, the Great Lakes region, and Ethiopia and Eritrea. However, the country has not yet made any contributions to the AU Peace Fund.

Beginning in 1993, Kenya has been involved in a tortuous peacemaking process in Sudan under the auspices of IGAD. On 5 June 2004, in Nairobi, the final phase of the Sudan peace process was launched at a ceremony presided over by Kenyan President Mwai Kibaki during which the parties signed the Nairobi Declaration on the Final Phase of Peace in The Sudan.

The other regional conflict that has seen substantial Kenyan engagement is that in neighbouring Somalia, where events have progressed at a snail's pace in the Somalia National Reconciliation Conference at Mbagathi, Kenya, following its relocation from Naivasha. Despite sustained diplomatic engagement, substantial financial investment and endless patience,

progress in Somalia remains hostage to the personal and factional ambitions of Somalia's various clan and other leaders.

In the Uganda–Sudan dispute, former President Daniel Arap Moi met the two leaders in Eldoret in 1997 – during which the latter agreed to cease hostilities – and in Nairobi, Kenya, under the auspices of the Carter Centre in 1999 to work out modalities for agreement. In the Eritrea–Ethiopia war, former President Moi again appealed to both leaders in 1998, after the war broke out, for peaceful settlement of the dispute rather than engagement in warfare.

Nigeria has made tremendous efforts towards establishing peace and security in West Africa in particular and in Africa in general. Since the early 1990s, the country has participated in peacemaking efforts in Liberia and Sierra Leone. Nigeria has consistently been the major provider of troops, logistics and finances in ECOMOG operations. During the Liberian crisis, for instance, Nigeria contributed 75 per cent of the troops and 90 per cent of the funding for ECOMOG operations.

In addition, the government of Nigeria has followed the peace processes in DRC, Burundi, Rwanda, Sudan, Côte d'Ivoire and the continent in general. President Olusegun Obasanjo has even engaged in conflict resolution in Zimbabwe.

In terms of voluntary contributions towards the AU Peace Fund, Nigeria is yet to make any donations.

Senegal has been a peaceful country in spite of the ongoing war in Casamance. The Casamance strife has not posed any serious security risk to the country. Regarding peacemaking and peace-building in war-torn states, Senegal participated in the ECOMOG intervention in Liberia. Senegal has also demonstrated a commitment to peacemaking and peace-building in the settlement of its border disputes with Mauritania, Guinea-Bissau and Gambia. The country had contributed US\$1,132 to the AU Peace Fund as of March 2004.

A discussion of peace and security in Africa in recent years has to take into account the role of post-apartheid South Africa and of Thabo Mbeki in the AU and NEPAD processes. With the largest economy in Africa, South Africa accounts for 45 per cent of the total wealth of sub-Saharan Africa and 75 per cent of the wealth of the 14-nation SADC. It is, therefore, not surprising that the country has contributed US\$2,689,284, which accounts for 60 per cent of the voluntary contributions made by AU member states to the Peace Fund as of March 2004, and has played an important part in peacemaking and peace-building efforts in war-ravaged countries.

The enthusiasm with which South Africa has advocated for peace is buttressed by the substantial

financial disbursements and other support that it has contributed to peacemaking and peace-building efforts. The country currently has over 3,000 troops in the DRC and Burundi to oversee the peace-building measures presently in place and virtually pre-financed all the activities involved in restoring peace to these countries. Another important intervention by South Africa pertains to Zimbabwe. President Mbeki's concerns are indicative of South Africa's desire not only to help create peace in war-torn countries like the DRC and Burundi, but also to prevent the further implosion of the Zimbabwean state.

Given its geographic proximity to Sudan and the DRC, Uganda has been affected by the conflicts in these countries. In the DRC, Uganda gave backing to one of the main rebel groups, the Movement for the Liberation of Congo (MLC) and earlier engaged in the support of the SPLA/M in Sudan.

Uganda clearly lacks the financial resources required for peacemaking and peacekeeping activities in other countries. Nonetheless, it has made a voluntary contribution of US\$100,000 to the AU Peace Fund.

Much of Africa, and by extension the AU, does not have the means to effectively build peace after the cessation of hostilities and our analysis strongly suggests that relatively stable countries are more willing to engage in peacemaking and peace-building endeavours in war-torn countries than those that are unstable. For instance, Kenya, Ghana and South

Africa – which are stable – engage in peacemaking and peace-building efforts on a more regular basis than the unstable countries – Uganda, Ethiopia, Algeria and Senegal. More worrying, however, is the fact that – with the exception of South Africa – the other states are

unwilling to make substantial financial contributions to the huge cost of peace-building efforts despite often finding sufficient resources to engage in conflict in neighbouring countries.

Relatively stable countries are more willing to engage in peacemaking and peace-building endeavours than those that are unstable.

Conclusion

This paper summarises a longer monograph on the level of state compliance with commitments regarding the use of force, early warning, peacemaking and peacekeeping, and mercenarism amongst eight

NEPAD countries. Most of the countries have tended to narrowly interpret early warning as a system that protects their own hold on power against acts of subversion, insurgencies and *coups d'état*. Especially in those countries which have experienced military intrusions into their body politic or face violent internal dissent such as Ghana, Nigeria, Uganda, Ethiopia and Algeria, early warning has tended to concentrate on protecting governing parties from the threat of military overthrow. Civil society participation in the early warning process in all eight countries under review has been realised at the initiative of CSOs (if at all) and has received minimal state support.

With respect to the use of force, there are clear variations in the level of state compliance to the agreed commitments made by heads of state and government of the states under review. In particular, Kenya, Algeria and South Africa's preclusion of the use of force sharply contrasts with the actions of states elsewhere. While Ghana and, to a large extent, Senegal and Nigeria have generally avoided the use of force; Uganda and Ethiopia are yet to achieve compliance with the AU Constitutive Act prohibiting the use of force.

In addition to financial considerations, the level of security in a country is another determinant of a state's participation in peace processes elsewhere. It seems that countries without serious internal and external strife tend to be more involved in peacemaking in war-torn countries than those experiencing domestic conflict. Thus, countries like Ghana, Kenya, Nigeria, Senegal and South Africa have played a greater role in restoring peace to war-torn countries than Algeria, Ethiopia and Uganda.

Although our research has indicated a considerable level of concern and rhetoric shown by the eight countries regarding mercenarism, we find that their levels of compliance sometimes tenuous. However, the recent arrest in Zimbabwe of mercenaries from South Africa and criticism of mercenary activities suggest that African states – especially the APRM states – are aware of the need to respond more resolutely to the threats posed by these actors to state and human security.

Finally, the involvement or knowledge base of Africans about these issues is minimal and civil society involvement has been largely absent. It is imperative that, if the norms and values underpinning NEPAD and the AU are to have practical utility for ordinary Africans, more efforts are required to inform and include the broader civil society in the decision-making and implementation processes of these commitments.