

Monitoring the adherence of African governments to selected AU commitments on issues of security: Commitments, indicators and motivation

A Concept Paper by the African Security Dialogue & Research (ASDR)

Introduction: Project Concept & Rationale

The establishment of an African Human Security Initiative (AHSI), which comprises a network of several non-governmental organisations (NGOs) primarily interested in issues related to different aspects of security research commenced its work in September 2003, after an initial meeting in Pretoria, South Africa. The rationale for such an initiative resulted from an earlier meeting also in Pretoria, South Africa in November 2002 in which the outlines for such a project was drawn.

AHSI, as a network with its collaborative partners, seeks to monitor and review the extent of African states compliance with a selection of commitments that African states have agreed upon as members of the defunct Organisation of African Unity (OAU) and the new African Union (AU).

In terms of the initial review and monitoring process, eight out of the fifteen countries that have acceded to the flagship of both the AU and New Partnership for Africa's Development (NEPAD), namely the African Peer Review mechanism (APRM) have been chosen for this evaluation of state compliance. These countries are Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa, and Uganda.

The criteria for their selection were that they are fairly representative of the different regions of the continent and also indicative of some of the states with the strongest adherence to the norms, values, rules and principles that are being developed in Africa.¹

In the execution of this project, the core concept around which the commitments made by Heads of State (HoS) will be reviewed and monitored centres around the concept of 'human security' and its relationship to the cluster dealing with *mercenaries*, *peacekeeping*, *use of force* and *early warning*, which form the main components of this cluster.

The four components of this cluster are critical to the broader efforts of African states as a whole and eight states in particular to achieve human security as these encompass

¹ . Principles and rules are the most empirically observable elements in any institutional relationship and set the limitations within which the more concrete rules and norms are facilitated. Thus, principles are the results of the development of a common understanding and collective interpretation of reality of individual incidents that affects member states. Norms are the standardised defined behavioural patterns, rights, duties, obligations and reciprocal expectations. Rules relate to written rules and guidelines within a specific issue area that actors (especially state actors) within a specific issue-area that actors have voluntarily accepted to uphold. See, Rittberger, Volker, et al. 1990. 'Toward an East-West Security Regime: The Case of Confidence-and security-building measures', *Journal of Peace Research*. Vol. 27, No. 1 and Krasner, S. 1982. 'Structural causes and regime consequences: regimes and intervening variables', *International Organisation*, Vol. 36, No. 2, Spring.

both the threats posed to the efforts to achieve stability and peace (as coming partially from mercenaries and rebels) and the hesitant efforts at establishing a culture of prevention (the adoption of effective measure aimed at preventing situations of emerging conflicts through political means) and initiating proactive responses through (early warning and the threat of the use of force).

The choice of the commitments that have been chosen is primarily based on the assumption that, if these commitments are implemented by signatory states, they would contribute immensely in improving and stabilising the (in)security concerns of the eight countries under consideration and certainly the wider African continent and by extension human security in Africa. ASDR's cluster within the AHSI project, therefore, is to concentrate on the level of 'bindingness' that the eight states have made with respect to the four key issues identified above.²

Although the concept of 'human security' has been bandied around, there is still a certain level of fuzziness with its application. There is, therefore, the need to discuss and understand the manner in which it will be applied and select the most checkable of the commitments made.

As a result, what ASDR seeks to do in this concept paper is to basically see the linkages between 'human security' and 'security and conflict management' cluster. Further to defining the linkages, ASDR will then set out:

- the linkages between human security and security and conflict management;
- what commitments are to be reviewed; and
- what indices will be used to evaluate and assess the levels of state compliance with these commitments as demonstrated in Appendix 1.

Linkages between human security, security and conflict management

What are the broad understandings of human security? In popular parlance, seven indices are usually used to define 'human security'.³ Since this particular cluster deals with security and conflict management, we will apply the simply but operationally useful meaning given to this concept as the 'concern not only with rights but with the safety of civilians from violence'.⁴ Therefore, the key issues and linkages between the cluster and conceptual theme defining the cluster are issues of:

- Early warning: what processes and procedures have been established to ensure that situations that can degenerate into threatening the livelihoods of individuals are dealt with?

² . We are using 'bindingness' here to represent the level and depth of structural commitments that signatory states to these protocols have made.

³ . The seven key dimensions of security are food, economic, health, environment, personal, community and political.

⁴ . McRae, Rob. 2001. 'Human Security in a Globalized World' in Rob McRae & Don Hubert, Eds., *Human Security and the New Diplomacy: Protecting People, Promoting Peace*, (Montreal & Kingston: McGill-Queen's University Press) p. 22 ff

- Use of force: under what conditions and with what capacities can states respond creditably to the multiple challenges that they face and which can threaten livelihoods? and
- How can states negotiate the challenges posed to stability and societal security by sub-state actor groups who are beyond and below the purview of the state?

Why the Choice of particular commitments?

The choice by ASDR of particular commitments is informed by the fact that, they:

- Must be centrally important to the concept of deepening and achieving human security among the 8 APRM states in the study and hopefully helping to deepen human security on the continent;
- Are researchable in terms of testing the levels of state commitment; and
- Are limited by the choices of the other clusters.

Appendix 1: Commitments, Indicators, Motivations and Problems

Commitments	Indicators	Motivation	Problems
Prohibition on the Use of Force	The use of force by states and non-state actors (especially after the end of the Cold War) in international relations is quite a common phenomenon. This takes place under varied conditions including safeguarding the interests of states or maintaining their territorial integrity and sovereignty and the pursuit of agendas by non-state actors underpinned by reflexive logics of political, economic and military considerations. The negative consequences of use of force necessitates the look at the following: 1) In what ways does the use of force manifest?	Numerous declarations or commitments have been made by African Leaders on the Prohibition or measured use of force within specific frameworks and context. The AU Constitutive Act and Part 7 of the Tunis Declaration states: “Prohibition of the use of force or threat to use force among Member States of the Union.” ⁵ ; and “...we reiterate our determination to refrain from the use of force or the threat thereof, against the territorial integrity or political independence of any state, and from any other action inconsistent with the principles and objectives of these Charters. We reaffirm that the non-respect of the said obligations constitutes a violation of international law” ⁶ Restriction on the use of force is important to safeguard bilateral and multilateral relations between and among states	The use of force does not only manifest itself in varied ways in Africa but is currently perpetrated by both state and non-state actors. The use of force must, therefore, be clearly defined and contextualised in the African context to avoid ambiguity and ensure proper assessment of activities by state and non-state actors. The emphasis on the use of force by state actors as against non-state actors by various declarations of the OAU/AU would require some generalisation to

⁵ The Constitutive Act of the African Union

⁶ Declaration on a Code of Conduct for Inter-African Relations, Assembly of Heads of State and Government, Thirtieth Ordinary Session, Tunis, Tunisia, 13-15 June 1994.

	<p>2) What are some of the challenges posed by the use of force to the state and individual?</p> <p>3) Is the use of force allowed and under what circumstances?</p>	<p>and promote integration and socio-economic development on the African continent.</p>	<p>accommodate intensified activities of non-state actors during the post Cold War era.</p>
<p>The right of intervention in the internal affairs of member states under grave circumstances</p>	<p>Interference in the internal affairs of member states of the AU is not allowed.⁷ Exception to this principle however exists. This development makes the issue of intervention in the internal affairs of member countries or states controversial given the principles of sovereignty and territorial integrity of member states of the Union. The clarification of this commitment would require answers to the following:</p> <p>1) Why should one intervene in the internal affairs of a member state?</p> <p>2) How can intervention in the internal affairs of a state be justified and who determines grave circumstances?</p> <p>3) Are there violations in respect of interventions?</p>	<p>The concern for human security as against traditional security in current times has compelled regional organisations to commit themselves to intervening in the internal affairs of member states on humanitarian grounds. This is aptly summed up in Article 4(h) of the AU Constitutive:</p> <p>“ 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 humanity”.</p>	<p>Justification of intervention on the grounds of grave circumstances under regional frameworks has been a problem and thus could serve as a charade for action or inaction on the part of some member states. A collective action within a regional framework acceptable by majority of member states should serve as a basis for justification and honouring of commitments.</p>

Commitments	Indications	Motivations	Problems
<p>Prevent entry into or⁸ passage through its territory of any mercenary or any equipment destined for mercenary use</p>	<p>There have been several definitional conundrums about who can be</p>	<p>A key motivation for negotiating the schism created by the</p>	<p>There are several potential difficulties in implementing the commitment agreed to by states. For example, What is state capacity to actually prevent mercenaries from using its territory? What can states do when faced with the challenge of mercenaries or their equipment passing through</p>

⁷ Article 4(g) of the Act states Non-interference by any Member State in the internal affairs of another.

⁸ . The subsequent commitments are from the Convention for the Elimination of Mercenaries in Africa

	<p>characterised as a mercenary. A key issue here will be to examine the extent to which the changing perceptions about these actors create particular challenges to combating their menace. Key issues will deal with definitions.</p>	<p>definitional difficulties. Certainly the history of mercenaries in Africa have posed key challenges to human security and certainly also to state security.</p>	<p>their territories? Another definitional difficulty is the issue of rebels and warlords who have increasingly become critical actors on Africa's political scene and are increasingly being recognised as key actors through the distribution of political patronage.</p>
<p>Take all the necessary legislative and other measures to ensure the immediate entry into force of this convention</p>	<p>What legislative measures have been put in place in the individual countries to strengthen state capacity to tackle mercenaries?</p>	<p>While the rhetoric and realisation for responding to and tackling the menace posed by mercenaries is present, developing actual mechanisms for such effective response is at best weak. However, there may be other forms of national efforts that are in place to tackle these difficulties</p>	<p>Although all the states that have acceded to the APRM are in effect the 'exemplary' states, it is also well known that legislative and judicial capacities to put in place measures to tackle the menace of 'mercenarism' in all its manifestations is at best weak.</p>
<p>Facilitate Early Action by the Peace & Security Council⁹</p>	<p>Does the state have the capacity to</p>	<p>The continent is besieged with many</p>	<p>How do signatory states perceive the Peace and Security Council's efforts at gathering data? How does one differentiate between early warning</p>

⁹ Contained in the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, adopted by the 1st Ordinary Session of the Assembly of the African Union. Durban, 9 July 2002

	<p>detect areas likely to erupt into conflict? To what extent is the state receptive to the prompting of the Peace and Security Council? Is the state involved in any actions that undermines establishment of the Early Warning System?</p>	<p>conflicts, and thus impacts on different aspects of livelihoods. During conflict and post-conflict phases, large human and capital resources are needed to bring about peace and some semblance of stability. To prevent such difficulties, a commitment was made to establish an early warning mechanism to identify potential sources and triggers for conflict</p>	<p>and intelligence gathering? Who and what groups should be the sources for gathering needed information? What form should such information be? And What are the developing forms of collaboration between the myriad sub-regional early warning systems and the centralised system being developed?</p>
<p>Adopt effective measures aimed at preventing situations of emerging conflicts through political means¹⁰</p>	<p>After the detection of a potential conflict situation is the state in a position to mediate between the parties involved? Is the state able to isolate itself from the conflict by being a neutral partner?</p>	<p>Early warning is only effective if complimented by early response. This can be in the form of mediation missions, fact-finding missions and direct preventive intervention before conflicts erupt.</p>	<p>The continental early warning system is not yet operationalised and neither are the sub-regional ones plugged into forwarding their information. Due to the suspicion about those who gather and analyse information but are not from the state sector and added to the poor information infrastructure, such needed data are delayed. Yet, another issue is the political will to facilitate early action.</p>

¹⁰ Contained in the Declaration on Code of Conduct for Inter-African Relations. Tunis, June 1994.

	What possibilities, if any, are there for alternate structures to prevent the outbreak of conflicts?		
--	--	--	--

Commitments	Indicators	Motivation	Problem
Facilitate peace-making and peace-building in war-torn countries	<p>Peace-making and peace-building the world over, underpins any successful programme of ending conflicts. To this end, certain key questions would have to be addressed:</p> <p>1) Does the AU have a common understanding of what constitutes peace-making and peace-building?</p> <p>2) Do the countries in question have the required logistics and personnel to successfully carry out these functions? and</p> <p>3) Finally, for how long are member states committed to peace-making and peace-building given their limited financial capabilities?</p>	<p>Peace-making and peace-building constitutes a very important aspect of AU mechanism for addressing conflicts. To this end, members of the AU under the Cairo Declaration, have committed themselves to: ‘... Undertake peace-making and peace-building functions in order to facilitate the resolution of these conflicts’.¹¹ Peace-making and peace-building is very important in the reconstruction of war ravaged countries for socio-economic development.</p>	<p>Facilitating peace-making and peace-building requires time-tested skill of negotiating and the willingness of the warring factions to cease hostilities. The tendency of states, non-state actors and individual opportunist¹² in perpetuating wars, pose a serious challenge to peace-making and peace-building under the AU. Consequently, one would have to factor this in any assessment of peace-making and peace-building.</p>
Establish a special	The success of most	One of the major	Are governments dedicated to

¹¹ Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution, Twenty-ninth Ordinary Session, Cairo, June 1993

¹² Opportunist here refers to any group of person(s) who gain economically - mostly by exploiting the natural resources of countries entangled in civil war –as long as these wars are perpetuated.

<p>fund to exclusively support the operational activities concerned with conflict management and resolution.</p>	<p>organisations is substantially influenced by their financial capabilities. The obvious questions when assessing this commitment are:</p> <ol style="list-style-type: none"> 1) Have governments paid up all their financial obligations to the African Union? 2) How committed are governments in paying up monies owed to the African union if any? 3) In a democratic dispensation, are the minorities and the ruling parties interested in the goals and objectives of the African Union? 	<p>problems that have beset the African Union is the lack of funds. This has seriously affected the African Union. Thus, the practical realisation of most commitments of the African Union would be much affected by the financial status of the Union.</p>	<p>the payments of their financial obligations? How can one assess the economic ability of governments to make financial contributions to achieve these aims?</p>
--	--	--	---