

**ASDR AHSI-APRM PROJECT ON PEACEKEEPING AND SECURITY**

## **Table of Contents**

1	List of Acronyms.....	3
ii.	List of Tables.....	4
iii.	Executive Summary.....	5
1.0	General Introduction and Purpose.....	7
1.1	Methodology.....	9
2.0	Commitments.....	10
2.1	Early Warning.....	10
2.2	The use of force.....	23
2.3	The Convention for the Elimination of Mercenaries.....	42
2.4	Peacekeeping.....	51
3.0	Concluding Remarks.....	63
4.0	Bibliography.....	65

## **Acronyms**

ADF	Allied Democratic Forces
AFDL	Alliance of Democratic Forces for the Liberation of Congo
AHSI	African Human Security Initiative
APRM	African Peer Review Mechanism
ASDR	African Security Dialogue and Research
AU	African Union
BBC	British Broadcasting Corporation
CBO	Community Based Organization
CEMA	Convention for the Elimination of Mercenarism
CEWARN	Conflict Early Warning and Response Mechanism
CSO	Civil Society Organization
CSSDCA	Conference on Stability, Security, Development and Cooperation in Africa
DISEC	District Security Council
ECOWAS	Economic Community of West African States
ECOMOG	ECOWAS Cease-fire Monitoring Group
EO	Executive Outcomes
EWM	Early Warning Mechanism
GoG	Government of Ghana
GoL	Government of Liberia
IDP	Internally Displaced Persons
IGAD	Inter Governmental Authority on Development
LRA	Lord's Resistance Army
MFDC	Mouvement de Forces Democratique de la Cassamance
MLC	Movement for the Liberation of Congo
NALU	National Army for the Liberation of Uganda
NDDC	Niger Delta Development Commission
NEPAD	New Partnership for Africa's Development
NGOs	Non-Governmental Organizations
NSC	National Security Council
OAU	Organization of African Unity
RCD	Rassemblement Congolais pour la Democratie
REGSEC	Regional Security Council
RPF	Rwandan Patriotic Front
RUF	Revolutionary United Front
SADC	Southern African Development Community
SIPRI	Stockholm International Peace Research Institute
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
TSZ	Temporary Security Zone
UN	United Nations
UNFP	United Nations Development Programme
WNBF	West Nile Bank Front

## **List of Tables and Figure**

### *Early Warning*

Figure 1: Future Inter-relationships and information-sharing loop-backs between AU and Sub-regional Early Warning Frameworks

Table 1: State of Ratification of the AU Protocol Relating to the Establishment of the Peace and Security Council

Table 2: State of Ratification of the ECOWAS Protocol Relating to the Mechanism for conflict Prevention, Management, Resolution, Peacekeeping and Security

Table 3: Placement of Member states on a scale of levels of compliance

Table 4: Assessment of member states compliance with Commitment to Conflict Prevention.

### *Use of Force*

Table 5: State Ratification to the AU Constitutive Act

Table 6 (a) & (b): Placement of States on a Scale of Depth of Compliance

Table 7: Assessment of Member States Compliance with Commitments

### *Mercenaries*

Table 8: State Ratification or Accession to OAU Convention for the Elimination of Mercenarism in Africa (1977)

Table 9: Placement of States on a Scale of Depth of Compliance

Table 10: Assessment of Member States Compliance with CEMA Commitments

### *Peacekeeping*

Table 11: State Ratification or Accession of the OAU Mechanism for Conflict Prevention, Management and Resolution. (1993)

Table 12: Placement of States on the scale of Depth of Compliance

Table 13: Assessment of Member States Compliance with identified Commitments

## **Executive Summary**

This paper is part of a joint venture to evaluate the level of state compliance with the commitments made by African Heads of State under different Protocols and other relevant documents. The paper is divided into four parts. Part one discusses the issues of early warning and the institutional frameworks that have been established to enable states, sub-regional organizations and the AU respond to potential conflicts. Part 2 discusses issues concerning the Use of Force in Africa's international relations. Part three continues by examining the multiple ways and manner in which mercenaries, both organized and unorganized have threatened state and societal stability and consistently undermined the national unity of different states and endeavors by different regimes to attain such an end. The fourth and final part discusses issues of peacemaking and peace-building among the eight states that have acceded to the African Peer Review Mechanism (APRM) and makes recommendations about improving the mechanisms for deepening peace. After all these analysis, it is clear that the level of compliance by the different states with the commitments undertaken by Heads of State and Government in terms of the four protocols under consideration varies widely.

The paper is structured by discussing the four key issues in this cluster individually but interlinked in terms of the variables used and in such a manner as to give it an easy and clear overview. While individual states are under evaluation, the report is divided into four thematic areas in which the key aspects under consideration are analyzed.

The report begins by discussing the four protocols and assessing whether states that have signed these protocols have also ratified them in their national parliaments. Such a process allows the reader to have a quick overview of the level of seriousness that is demonstrated by all states.

Subsequently, the report is divided into two major sections. These sections discuss the national and regional level arrangements that have been made to operationalise and fulfill these commitments. Under the national level arrangements, the report examines legislations that are either in place, about to be promulgated or not under consideration at all. It subsequently examines what institutional frameworks, if any, are available for implementing such commitments. The report subsequently examines issues of inter- and intra-agency collaboration, bilateral arrangements and capacity-building endeavors to improve the state and institutional capacity to achieve the commitments.

Since most of the eight states under evaluation are part of sub-regional organizations, it was thought practical to have a regional level evaluation that examines the nature of institutional processes that enhances state capacity to fulfill its commitments. Other aspects of regional level evaluation criteria are institutional frameworks, coordination and the nature of multilateral arrangements that can contribute to attaining these commitments.

The section on the use of force takes a similar approach mentioned above but focuses specifically on the extent to which the selected countries under evaluation have complied with commitments made toward refraining from the use of force or non-interference in the internal affairs of member states. It examines the conditions under which the use of force becomes necessary and if selected countries under review respond appropriately to humanitarian needs within the mandated sub-regional or regional frameworks and inherent challenges of enforcement action that characterizes such interventions. Some indicators are employed to guide the discussion.

After the analysis, the report then ranks all the states and weights their levels of commitments. The initial conclusion shows that with the exception of South Africa, the remaining seven countries under evaluation do not have specific legislation, for example with respect to mercenaries.

The major conclusion is that although the fulfillment of these commitments are supposed to improve the human security status of African citizens, the involvement or knowledge base of Africans to these issues is at best minimal. It is therefore imperative that if the norms and values underpinning the New Partnership for Africa's Development (NEPAD) and the African Union (AU) are to have empirical utility for ordinary Africans, then endeavors must be made to inform and include them in the decision-making and implementation processes of these commitments.

## **1.0 General Introduction and Purpose of Study**

The establishment of an African Human Security Initiative (AHSI), which comprises a network of seven non-governmental organizations (NGOs) primarily interested in 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 Organization 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.<sup>1</sup>

In the execution of this project, the core concept around which the commitments made by Heads of State (HoS) will be reviewed and monitored centers 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 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 stabilizing the (in)security concerns of the eight countries under consideration and, certainly the wider African continent and by extension human security in Africa.

---

<sup>1</sup> . 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.

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.<sup>2</sup>

Although the concept of 'human security' has been bandied around for some time, 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 in the particular context of ASDR's cluster and select the most checkable of the commitments made.

As a result, what ASDR seeks to do in this paper is to basically see the linkages between 'human security' and the '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.

#### 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'.<sup>3</sup> Since this particular cluster deals with security and conflict management, we will apply the simple but operationally useful meaning given to this concept as the 'concern not only with rights but with the safety of civilians from violence'.<sup>4</sup> 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?
- 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?
- 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?
- Mecenaries: to what extent have selected member states prevented the passage through their respective countries and legislations put in place to regulate such subversive acts and safeguard lives of ordinary citizens and the stability of the state? And

---

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

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

<sup>4</sup> . 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

- Peacekeeping: how effective is peace making and peace building in selected states and its impact on especially member states in conflict?

### 1.2 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 help 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

The African states to be reviewed on the basis of the commitments outlined above are South Africa, Nigeria, Ghana, Senegal, Kenya, Uganda, and Ethiopia. These countries have signed the Memorandum of Understanding on the APRM by 1st August 2003.

### 1.3 Methodology

The main methodology that has been applied in this paper has been the use of primary sources, mainly consulting official texts and interviewing people in official and unofficial capacities with the requisite knowledge and access to the needed materials. In terms of the secondary sources, cross referring took place mainly by using journal articles, newspaper clips, books and internet sources where available. There were several methodological challenges that were faced. While all public officers contacted stated their official policy of abhorrence with dealings entailing especially mercenaries, ability to provide documentary proof of such assertions was at best weak. If access to documentary proof was not forthcoming, overcoming the issue of trust from public officials was even more difficult. There was a general perception in most countries that asking questions about state compliance and relating to issues dealing with security was a strategy to criticize particular governments. Thus, one got suspiciously similar answers to questions which were mainly positivistic even in situations where it was obvious that state compliance was at best weak and at worst totally non-existent. Independent sources were also used to test the veracity of the information given by the governments' representatives.

One other observation that surfaced was that a number of officials were totally oblivious of the existence first of these documents and secondly that their states were signatories to such documents. Dearth of knowledge and material on commitments being studied or assessed at some of the selected states' embassies posed some difficulties in the area of getting a balanced view on the study.

Early warning, unlike intelligence, is carried out overtly and at best effective when there are several sources of timely information. These include the media, data collected by academic and research institutions, government and UN agencies. Whatever the source of information, it is important that the information is as current and the quality as accurate as possible. Most embassy officials were quick to emphasize that their security forces are the best available early warning mechanisms since they are well trained to prevent and resist any security threats that their countries might face.

Similar to the challenges faced with early warning, some definitional problems also featured prominently under the issue of the use of force and peace making and peace building necessitating a definition of terms or clarification of these concepts.

## **2.0 Commitments:**

### *2.1 Early Warning*

#### 2.1.1 Introduction and Purpose

Africa is besieged by many conflicts - both inter and intrastate – with the latter being the most common and the most difficult to handle or resolve.<sup>5</sup> Attempts at resolving and restoring peace to these conflict areas have included several operational options that are open to regional and sub-regional organizations. Among the plethora of available options are: fact-finding missions, mediation missions, and peacekeeping missions. When the parties to such conflicts eventually have reached a compromise, it usually results in the signing of peace agreements between the parties and/or factions. These attempts are sometimes *ad hoc* in nature, but are increasingly being given a semblance of permanence through the establishment of security structures.<sup>6</sup> These security structures require substantial and huge financial commitments, resulting in delays due principally to financial constraints especially when they are organized by sub-regional organizations. For example, an initial Economic Community of West African States (ECOWAS) troop deployment of 2009 to Cote d'Ivoire for six months drew up a provisional budget of 16,688,763 million euros. It was estimated that to effectively police the cease-fire line, the troop level had to be increased from 2,009 to 3,205. This was going to cost an additional 26,623,935 million euros for six months.<sup>7</sup>

In spite of all the efforts and expenses incurred by ECOWAS on Cote d'Ivoire, real peace has continued to be evasive. This has resulted in the recent attempts to establish, develop and implement conflict early warning measures and strategies aimed at identifying and anticipating possible areas or situations that are likely to cause conflicts and to attempt resolving them before they escalate into full-blown conflict. Sub-regional organizations like ECOWAS, Inter Governmental Authority on Development (IGAD) and Southern African Development Community (SADC) have elaborated conflict early warning mechanisms (EWM).

The perceived objective of an effective early warning mechanism is to understand the multiple issues that in individual or in complex formations potentially lead to conflict as it is much less costly in human, developmental and financial terms to prevent a conflict than to stop it once it has erupted. Early warning measures have been drawn

---

<sup>5</sup> Of the total number of conflicts that occurred between 1990-2001, all but three of the major conflicts registered were internal. See Eriksson et al, 'Appendix 1A. Patterns of Major Armed Conflicts, 1990-2001', in *SIPRI Yearbook 2002*, Oxford. p. 63.

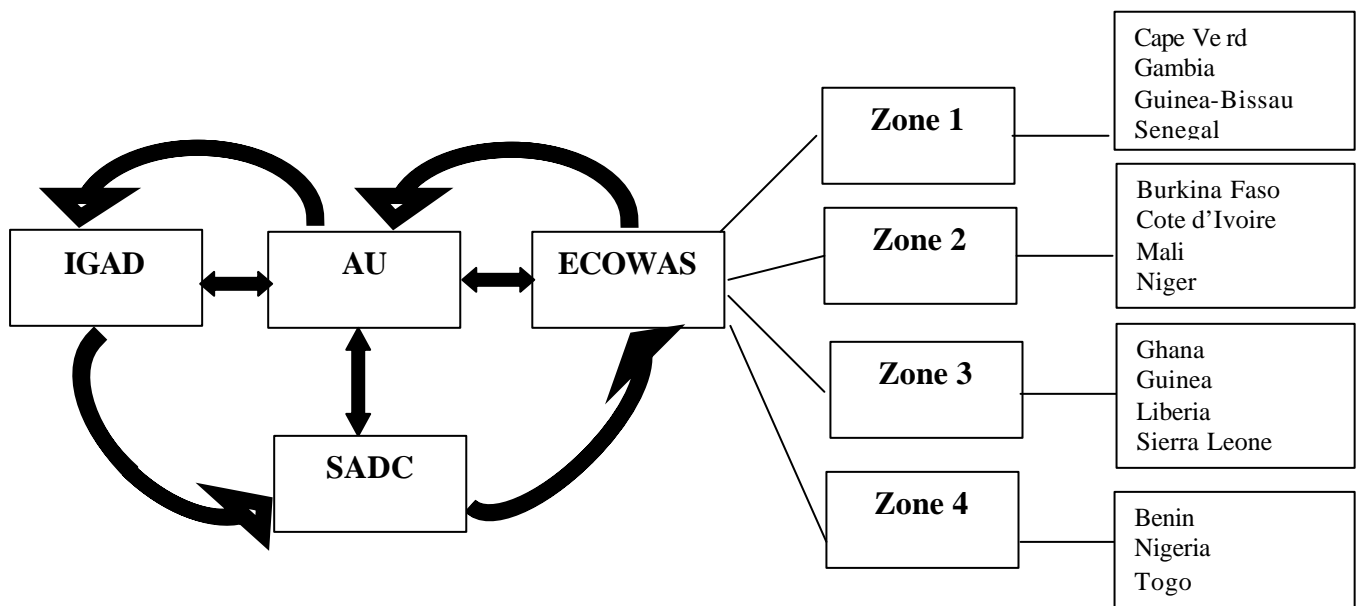
<sup>6</sup> In response to conflicts that have erupted in member states such as that in Liberia and Cote d'Ivoire, ECOWAS deployed peacekeeping forces called ECOWAS Mission in Cote d'Ivoire (ECOMICI) and ECOWAS Mission in Liberia (ECOMIL) respectively.

<sup>7</sup> This is contained in the ECOMICI Provisional Budget, ECOWAS Executive Secretariat, April 2003.

up to alleviate the effects of flooding, drought, famine and earthquake, especially in East Africa and in Southern Africa. These physical disasters, though they cannot be prevented, their consequences on human lives can be reduced through prompt response if warning is provided. While some of these measures have had successes at preventing physical disasters, conflict early warning programs have proved generally ineffective in preventing conflicts as responses to warnings have usually been late and inadequate due to the lack of political will. A typical case in point is the crisis that erupted in Cote d'Ivoire in 2002 which was not prevented both by the Ivorian Government and by ECOWAS, even though signs of instability were clear in the country. Cote d'Ivoire, before the conflict had been torn by sharp ethnic and communal divisions and political exclusion. Little was done to prevent the conflict even though the country had appropriately been labeled 'a tinderbox' ready to be set ablaze.<sup>8</sup>




Although all these sub-regional Early Warning (EW) frameworks are existing and are working at different levels of effectiveness, there is an apparent disconnect between the rhetoric of establishing such mechanisms and the reality of their capacities to perform. Their different levels of effectiveness vary in terms of their capacity to identify the different issues that can result in conflict and the level of political will to respond to such issues. The challenge, therefore, is for the African Union (AU) to establish strong and mutually supportive relationships between the established AU mechanism and those of the sub-regional organizations. This will result in a situation in which a framework is created or established in order for the sub-regional institutions to feed their information some of which are either processed or unprocessed into the AU mechanisms and to have a loop-back mechanism through which information is shared and distributed. This is shown by the figure below:

Figure 1: Future Inter-relationships and information-sharing loop-backs between AU and Sub-regional Early Warning Frameworks



<sup>8</sup> BBC Focus on Africa Magazine, January – March 2003, p. 10

## Key

-  Flow of information from sub-regional organizations to AU Situation room
-  Information feedback to sub-regional organizations from AU Situation room
-  Information from Civil Society Organizations and the ECOWAS Observation Centers

The essence of this particular section of the cluster is to analyze and evaluate the level of implementation of these different treaties and the determination or willingness of Heads of State to comply with the inherent commitments in these agreements. This section will also examine some of the challenges and issues that hamper the effective implementation of the OAU mechanism for conflict prevention. Some of the contentious issues deal with subject matters such as the extent to which the sovereignty of member states is sacrosanct and the rules of non-interference in member states' internal affairs<sup>9</sup>. This means that prompt action on early warning must be initiated by the legitimate state government. Thus any attempt by either regional or sub-regional organization to act on early warning must be with the permission and approval of the state in order not to infringe on the sovereignty of that state. This has placed the issue of early response squarely and firstly on the shoulders of individual African states. Their lack of political will to act upon early warning signals will render ineffective any early warning system – no matter how efficient that system might be. The mere knowledge of an impending crisis – the purpose of early warning – is not enough to prevent conflicts in Africa. That knowledge needs to be translated into preventive action, which can only be facilitated by the individual states; hence the need for the Government to have the political will to take preventive action.

As indicated above, early warning involves putting into place measures to help identify issues that can potentially result in conflict. Such measures seek to prevent disputes from arising, and where they do arise, prevent them from escalating into full-blown conflicts and also to curtail the spread of existing conflicts.

### 2.1.2 Commitment to Early Warning by African Heads of State

Due to the challenges posed to African statehood and survival as a whole, there were hesitant but definite endeavors at responding to and tackling conflicts. To that end, at the 29<sup>th</sup> Ordinary Session of the Assembly of the Organization of African Unity (OAU) in Cairo in June 1993, Heads of State and Government signed a Protocol Establishing within the OAU, a Mechanism for Conflict Prevention, Management and Resolution<sup>10</sup>. The primary objective of this mechanism was the anticipation and prevention of conflicts in Africa. Almost at the same time, African Heads of State and

---

<sup>9</sup> Article 3, II of the AU Constitutive Act states that one of the objectives of the Union shall be to 'Defend the sovereignty, territorial integrity and independence of Member States'.

<sup>10</sup> 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, Cairo, Egypt, from 28<sup>th</sup> June 1993.

Government also committed themselves in a Declaration on a Code of Conduct for Inter-African Relations. This Declaration sought to adopt effective measures aimed at preventing situations from developing into violent conflicts through political means<sup>11</sup>. Under Article 11, member states pledged to:

“Adopt effective measures aimed at preventing situations of emerging conflict through political means”

Member states of the AU at the 36<sup>th</sup> OAU summit in Lomé, Togo, in December 2000 adopted the Solemn Declaration on the Conference on Stability, Security, Development and Cooperation in Africa (CSSDCA) in which they pledged to:

“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 Organizations and community-based organizations. Such institutions could be national focal points for regional and continental early warning”<sup>12</sup>

At the 1<sup>st</sup> Ordinary Session of the Assembly of the African Union, in Durban, South Africa in July 2002, Heads of State and Governments again adopted a Protocol relating to the Establishment of the Peace and Security Council.<sup>13</sup> The Protocol advocated for, “an observation and monitoring centre to be known as the ‘situation room’ located at the conflict management directorate of the Union, and responsible for data collection and analysis on the basis of an appropriate early warning indicators module.” There was also established ‘observation and monitoring centers of the Regional mechanisms to be linked directly through appropriate means of communications to the Situation Room, and which shall collect and process data at their level and transmit the same to the Situation Room.’<sup>14</sup>

Under the protocol, member states committed themselves to:

“facilitate early action by the Peace and Security Council and/or the Chairperson of the Commission based on early warning information”.

Even though the protocol becomes operational in 2005, as at June 17 2003, a year after signing the document, only three of the African Peer Review Mechanism (APRM) member states had signed and ratified this protocol. These are Algeria,

---

<sup>11</sup> Declaration on a Code of Conduct for Inter-African Relations, Tunis, Tunisia, 13<sup>th</sup> June 1994

<sup>12</sup> AU Solemn Declaration AHG/Decl.4 (XXXVI) on the Conference on Security, Stability, Development, Cooperation in Africa (CSSDCA), Lomé, 2000.

<sup>13</sup> See Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Durban, 9<sup>th</sup> July 2002.

<sup>14</sup> See Article 12 of the ‘Protocol Relating to the Establishment of the Peace and Security Council of the African Union.

Ethiopia and South Africa. The remaining five countries, namely Ghana, Kenya, Nigeria, Senegal and Uganda have not yet ratified or acceded to the Protocol.<sup>15</sup>

Table: Status of Ratification of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002).

Name of APRM State	Signed and Ratified	Not Ratified or Acceded
Algeria	X	
Ethiopia	X	
Ghana		X
Kenya		X
Nigeria		X
Senegal		X
South Africa	X	
Uganda		X

Source: Report of the Interim Chairperson of the Commission on the Status of AU Treaties, p. 19

### 2.1.3 COMMITMENTS

*(A) Adopt effective measures aimed at preventing situations of emerging conflicts through political means*

The indicators that will be used to evaluate compliance to this commitment will be actions of governments which undermine or threaten the security of the state. Heads of state will be assessed on their initiatives to address the underlying, root causes of violent conflict in their countries ‘through a host of economic, social, political and military preventive measures’.<sup>16</sup> This will include both national and foreign policies which threaten or have the potential to cause instability such as political suppression, human rights abuses, pervasive poverty, high unemployment rate, refugee inflows and proliferation of small arms. Another factor indicating compliance is the state’s commitment to early political action to resolve potential conflict situations.

EWM is of little use if not complemented with prompt and efficient response to early warning information. In Senegal, the separatist war in the Casamance region has been the major security threat to the state as it has resulted in refugee flows and cross border raids, arms proliferation and other illegal activities. There are several reports of human rights abuses against civilians from both the government soldiers and the Mouvement de Forces Democratique de la Cassamance (MFDC).

During the 1990s, many attempts at peaceful negotiations were made, although they failed with each side blaming the other. Ex-President Abdou Diouf then formed a quasi-independent peace commission which included members of civil society in the mid-1990s to mediate and to find solutions to the crisis. This also failed to resolve the crisis as both sides were not prepared to compromise on their stance.

<sup>15</sup> See Report of the Interim Chairperson of the Commission on the Status of Ratification of AU Treaties (As at 17 June 2003) Executive Council, Third Ordinary Session, 4 - 8 July 2003, Maputo, Mozambique, EX/CL/36(III), p. 19

<sup>16</sup> International Peace Academy, ‘Research Policy Development: Conflict Prevention’. <http://www.ipacademy.org/Programs/Research.htm> Accessed on 2/13/2004.

Ethiopia faced a similar situation with the war against the secessionist movement of Eritrea which took some 100,000 lives.<sup>17</sup> However even after defeating Eritrea militarily, Ethiopia agreed to a cease-fire and to voluntarily withdraw its forces from Eritrea. In June 2000, the two countries signed a Cessation of Hostilities Agreement, under which was established a Temporary Security Zone (TSZ) along the border region as well as the deployment of United Nations peacekeeping forces in the TSZ. This subsequently resulted in the setting up of the International Boundary Commission. The two countries agreed to respect the 2002 Independent Boundary Commission's delimitation decision. However, demarcation of the borders, which was supposed to have been started in 2003, has been delayed by technical problems, largely due to Ethiopia's unwillingness to give up Badme, a small coastline village. This attitude has delayed the demarcation of the borders and also the resolution of the conflict. The government of Ethiopia in a somewhat retaliatory move now supports Eritrean rebel groups against the government of Eritrea.<sup>18</sup> This action of the government goes against its commitment to adopt effective measures aimed at preventing situations of emerging conflict through political means. So far Ethiopia has not fully complied with the political efforts geared towards the prevention of heightened tension with Eritrea. These actions of the government have continued to delay the peace process and tensions between the two countries are still high, a situation that could lead to renewed clashes.

The lack of political will and the complicity of the state in causing conflict is also prevalent in Uganda, where the government has been battling with rebel movements along its borders.<sup>19</sup> One issue that further poses a threat to the stability of Uganda is the report that the Cabinet in Uganda has intentions of amending the 1995 Constitution, which limits the President to only two terms in office. President Museveni whose second term office ends in 2006 has banned all political party activity in the country with the reason that multi-partyism will bring divisions in the country. Suppression of all forms of opposition leads to discontent among the population, a situation that can easily be manipulated to cause instability. African Heads of state commitment not to engage in acts that undermine the peace and security of Africa has been broken by the Ugandan government which has been known to support the Sudan People's Liberation Army (SPLA).<sup>20</sup>

A subtle attempt at political suppression was practiced in Kenya under Ex-President Arap Moi, who regarded political pluralism as a destabilizing factor in the country. However, under intense national and international pressure, elections were organized. They were nevertheless marred by vicious campaigns with the government

---

<sup>17</sup> 'Ethiopia and Eritrea; War or Peace', ICG *Africa Report No. 68*. Nairobi/Brussels, September 2003. P, 2

<sup>18</sup> Ibid, p. 5

<sup>19</sup> The main rebel groups are the Lord's Resistance Army (LRA) and the Allied Democratic Forces (ADF). The rest are National Army for the Liberation of Uganda (NALU), Uganda National Rescue Front I and II, Ugandan Salvation Front/Army and West Nile Bank Front.

<sup>20</sup> Ethiopia and Eritrea; War or Peace', ICG *Africa Report No. 68*. Nairobi/Brussels, September 2003. P, 2

manipulating the ethnic diversity of the country to score political points. This usually resulted in clashes between the different ethnic groups, with the ruling party, being accused of complicity in the mayhem in areas such as the Rift Valley, Nyanza and Western Provinces<sup>21</sup>. Government did not act decisively enough to prevent and resolve the initial violence that erupted. In latter clashes, about 1000 people were killed and again the master minds of the killings were not charged for the offences. The state's response to the violence was lukewarm. The government and the local administration attempted to play down the violence by blaming the opposition and the mass media for sensational reporting. Consequently little was done to deploy adequate security or provide any meaningful assistance or relief to the victims.<sup>22</sup>

The government was accused of sponsoring the violence in the region. The motives of the violence appears to have been manifold; to prove the government's often stated assertion that political pluralism was synonymous to ethnic chaos; to punish ethnic groups that were perceived to support political opposition; to influence voting patterns; to terrorize and intimidate non-Kalenjins (the President's tribe) to vacate the rift valley province, Kenya's most fertile region; and to allow the Kalenjins to possess, and occupy the land through intimidation and violence<sup>23</sup>. The government only sent security forces to these areas in order to ward off internal and international pressure and criticism. The government was unwilling to resolve the situation as the violence was used to intimidate political opponents. This inaction resulted in more violent outbreaks in February 1998.

Conflict prevention in Kenya have been ineffective because the state has not been actively involved in the anticipation and prevention of conflicts: in fact the state itself, by its actions, was opposed to early warning due to political reasons. The new government, has since its inception into power, has done little as regards conflict prevention. The underlying argument here is that the Ugandan and Kenyan Heads of State, instead of initiating conflict prevention programmes, rather sabotage the process through their unresponsiveness to early warning.

#### (B) *National Institutions for conflict prevention*

This section will examine Heads of State compliance to their commitment to establish national institutions for conflict prevention through the conflict prevention structures that have been put in place. The section will also consider the capacity of the state to detect situations which individually or in complex formations are likely to develop into conflict; and state's capability of mediating between the parties, after the detection of potential situations that can develop into conflict.

Ghana has developed elaborate traditional conflict management structures. These are the Traditional Councils, the Regional House of Chiefs and the National House of

---

<sup>21</sup> 'Ethnicity, Violence and Democracy', Centre for Conflict Resolution Report, Kenya, 1999. p. 8

<sup>22</sup> 'Ethnicity, Violence and Democracy', Centre for Conflict Resolution Report, Kenya, 1999. p.29.

<sup>23</sup> Ibid. p. 32. Also see 'Divide and Rule: State-sponsored Violence in Kenya', *Africa Watch*, November 1993.

Chiefs<sup>24</sup>. Their primary task is to resolve the minor chieftaincy<sup>25</sup> and land-related conflicts in their traditional areas, while more complex conflicts are referred to the Courts. However due to public perception about the impartiality in the dispensation of justice, there is a concomitant growth of greater trust in the traditional system than the modern court system.<sup>26</sup> Yet another response mechanism was the promulgation of the Security and Intelligence Agencies Act of 1996, Act 526.<sup>27</sup> The Act makes

“Provision in respect of the National Security Council (NSC); to provide for the establishment of Regional and District Security Councils, to specify some of the state agencies 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”.

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”

The reporting mechanism by which minutes, conclusions and reports of the districts are forwarded to the REGSEC and the NSC on a regular basis has ensured that there would be advance warning to the NSC on areas of potential conflict.<sup>28</sup> This elaborate system has not been complemented with an equally prompt early response mechanism.

Even though signs have been clear about the imminence of clashes with several media reports, the response of government has been late or completely lacking in resolving these conflicts before their escalation into full-blown conflicts. A typical example of the *ineffectiveness* both of governmental action and institutional response was what occurred in March 2002, when the paramount chief of Dagbon, a traditional area in the northern part of Ghana, the Ya Na, was murdered in clashes between two royal clans.<sup>29</sup> Even though the security services had been informed of the impending crisis,

---

<sup>24</sup> 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.

<sup>25</sup> There is an increasing spate of low intensity conflicts which are simmering at different levels of intensity in different regions, the majority of which are chieftaincy. For a detailed analysis of conflicts in Ghana, see African Security Dialogue and Research, ‘Conflict Vulnerability Assessment of Ghana’, Accra, November 2002.

<sup>26</sup> A survey conducted revealed that 61% of respondents asserted that they expect fair justice from the traditional courts while 42% of respondents expect the same from the modern or government courts. ‘Ghanaians prefer ‘Ahenfie’ to State Court-Survey Reveals’, *Weekend Agenda*, 8-14 November 2002.

<sup>27</sup> Republic of Ghana, *The Security and Intelligence Agencies Act*, 1996, Act 526.

<sup>28</sup> Johnny Kwadjo, ‘Intelligence Sector Reform and the Democratization Process in Ghana’, paper prepared for ASDR research network on Security Sector Reform, Accra, March 2002.

and had even deployed troops to Dagbon, this was not enough to prevent the murder of the Ya Na and forty other people as well as the destruction of the chief's palace. Police later arrested two men for the murder of the Ya Na, but were subsequently discharged for lack of evidence. Since then nobody has been arrested for the murders. This reveals the level of importance attached to regime security as against human security, which involves the protection of lives and property of citizens in the country.

Some national conflict prevention processes have been initiated by President Obasanjo since his inauguration in 1999. With regard to the security threat posed by youth movements, a political instrument has been created by the President called the Obasanjo Youth Campaign. This unofficial team of the President's loyalists is usually dispatched to negotiate with potentially disruptive youth movements on behalf of the president. The House of Assembly and Senate, Bar Association and some other professional Institutes are sometimes involved in this process.<sup>30</sup>

The Nigerian Congress has also passed an Act, called the Niger Delta Development Commission (NDDC) Act as a response to clashes between ethnic groups over ownership of oil in the Niger Delta. The NDDC is expected to address the conflicts in the state, especially those that threaten the nation's oil industry.

Civil Society Organizations (CSOs) and Community Based Organizations (CBOs) are also usually ignored in the collection and processing of data. This could be due to the nuanced differences between early warning and intelligence. Due to the history of conflict and instability that most of the states under review have experienced, security issues have tended to be perceived as highly sensitive. States have, therefore, ignored the useful contribution that civil society can make to conflict prevention and resolution. While heads of states are 'interested' in EWM, this issue of intelligence prevents them from actively involving people in data gathering. In those countries such as Ghana and Nigeria where there have been established national institutions for conflict prevention, lack of resources and personnel have hindered their effectiveness in conflict prevention. This is where civil society could have been very useful as they can be found everywhere. This unwillingness of governments to engage civil society in the early warning processes has hampered the effectiveness of the established mechanisms as a whole. The unwillingness of the state organizations to also share data with CSOs and to incorporate them in conflict detection and prevention programs has reduced the usefulness of these programmes.<sup>31</sup>

The other challenge faced by the smooth operation and effectiveness of EWM is the overemphasis on regime security as against human security. African governments have tended to interpret early warning narrowly as a system that prevents and protects the government against acts of subversion, insurgencies and coups d'état. This

---

<sup>29</sup> The Dagbon skin had been rotating between the Abudu and Andani clans until March 2002 when clashes between the two families resulted in the death of the Ya Na and forty other people. *Daily Graphic*, Monday, 25<sup>th</sup> March 2002. p. 1.

<sup>30</sup> Interview with member of the Niger Delta Development Commission. 30<sup>th</sup> January 2004.

<sup>31</sup> This notwithstanding, a civil society desk has been established in the ECOWAS Secretariat in Abuja, Nigeria to facilitate ECOWAS civil society engagements and collaboration on key issues including peace and security.

probably explains why early warning is considered sensitive leading to hesitance on the part of government to involve civil society.

#### 2.1.4 Sub-regional Conflict Prevention Frameworks

National conflict detection and prevention frameworks are expected under the CSSDCA document to be ‘focal points for regional and continental early warning’.<sup>32</sup> However these national frameworks work independently of the sub-regional and continental systems. This can be attributed to the functional inefficiencies of the sub-regional frameworks and the non-adherence of states to commitments made under these frameworks.

Probably, the most developed and functional of such EWM can be found in the ECOWAS Protocol on Conflict Prevention, Resolution, Peacekeeping and Security. Chapter IV of the ECOWAS conflict mechanism makes provision for a sub-regional peace and security observation system, also referred to as ‘the system’. The system consists of:

- a. Observation and Monitoring Centre located at the Secretariat;
- b. Observation and Monitoring zones within the sub-region.

Under the system, the observation and monitoring centre,

“Shall be responsible for data collection and analysis and preparation of reports for the use of the Executive Secretariat”

“Shall collaborate with the United Nations Organization, the Organization of African Unity, research centres and all other relevant international, regional and sub-regional organizations”.<sup>33</sup>

Four observation and monitoring zones were created based on proximity, ease of communication and efficiency. Each zone has an identification number and a zonal centre. Under zone 1 is Cape Verde, Gambia, Guinea-Bissau and Senegal with the zonal capital in Banjul. Zone 2 comprises Burkina Faso, Cote d’Ivoire, Mali and Niger and a zonal capital in Ouagadougou. Monrovia is the zonal capital of zone 3 which is made up of Ghana, Guinea, Liberia and Sierra Leone; while Cotonou is the zonal capital for Benin, Nigeria and Togo.

These zones are tasked with providing the Observation and Monitoring Centre at the Executive Secretariat with information and indicators, on a day to day basis on all factors, such as economic, environmental, political, social and security that may impact on the peace and security of a member state and the sub-region.<sup>34</sup> In scope, the

---

<sup>32</sup> Solemn Declaration on the Conference on Stability, Security, Development and Cooperation in Africa (CSSDCA), Lomé, December 2000.

<sup>33</sup> See Article 23 of the ECOWAS Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Lomé, December 1999, p. 16.

<sup>34</sup> This was contained in a briefing on the protocol relating to the mechanism by the ECOWAS Executive Secretariat at a meeting of the ECOWAS council of elders in Niamey, July 2001.

zonal bureaux are not limited to immediate security issues, thus any situation within the zone which might be inimical to peace is taken seriously. This could be political, economical or environmental. They work closely with the host governments and Non Governmental Organizations (NGOs) as well as international organizations within the respective zones. Their main challenges are logistical, inadequate staff/technical expertise and lack of cooperation from host Governments.<sup>35</sup> The lack of cooperation comes as no surprise as very few of the signatory states to the mechanism have ratified the Protocol.

The table below reveals that of the 15 ECOWAS countries, only Burkina Faso, Mali and Sierra Leone had signed and ratified the Protocol as at May 2003, states that interestingly are not part of the APRM mechanism. While the other 12 countries had signed but not ratified the protocol, Cape Verde was yet to sign it at all.

Table 2: Status of Ratification of the ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 1999.

Country	Signed and Ratified	Not ratified or acceded
Benin		X
Burkina Faso	X	
Cape Verde		X
Cote d'Ivoire		X
Gambia		X
Guinea		X
Ghana		X
Guinea Bissau		X
Liberia		X
Mali	X	
Niger		X
Nigeria		X
Sierra Leone	X	
Senegal		X
Togo		X

Source: ECOWAS Executive Secretariat, Abuja, May 2003.

It is significant to note that none of the three ECOWAS states under review in the APRM had ratified their own sub-regional Protocol relating to Conflict Prevention, Management, Resolution, Peacekeeping and Security. They are thus not obliged to forward information to their zonal headquarters. The zonal headquarters therefore rely primarily on information from home-based NGOs. When the Protocol is fully operational, there will be offices in all the countries covered by the protocol.

Yet another institutional framework within which EWM is envisaged is under the Inter Governmental Authority on Development (IGAD), which has also established a

<sup>35</sup>. Telephone interview with Bakary Bobbo, Head of Monitoring zone 1 in Banjul, 6<sup>th</sup> February 2004.

Protocol on Conflict Early Warning and Response Mechanism (CEWARN).<sup>36</sup> Under the protocol is established a CEWARN unit which is the IGAD Secretariat's technical arm of CEWARN, and a national conflict early warning and response mechanism (CEWERU). The aim of CEWARN is to tackle the instability in the region by identifying the areas and issues that can potentially develop in conflict. The role of the national early warning units was to coordinate and send information to the IGAD secretariat but so far none of the countries has established their national units.

Part II of the Annex to the Protocol stipulates that:

“CEWARN shall rely for its operations on information that is collected from the public domain, particularly in the following areas: livestock rustling, conflicts over grazing and water points; smuggling and illegal trade; nomadic movements; refugees; landmines and banditry”.

IGAD, in view of the prevailing situation in the region, has put up a pilot project that covers the Karamoja and Wajir Clusters that puts together the countries of Uganda, Kenya, Sudan, Ethiopia and Somalia. In these countries IGAD has identified research institution or civil societies which in turn appoint an individual to coordinate the early warning information on conflicts and ongoing resolutions. Ethiopia volunteered to host the IGAD early warning CEWARN unit during a meeting of the committee of Common Secretaries of IGAD on June 7 2001 in Kampala, Uganda. The Unit, set up on July 1 2001, is located at Addis Ababa and has three professional staff, a resource centre and has managed to establish field structures necessary for its operations. However due to lack of adequate infrastructure, and suspicion between member countries of the sub-regional, caused by political interference in ongoing conflicts in member countries, information sharing, a key component of the protocol is lacking.

Southern African Development Commission (SADC), under its Protocol on Politics, Defence and Security Cooperation, stipulated the establishment of an early warning system in order to facilitate timeous action to prevent the outbreak and escalation of conflict.<sup>37</sup> The Early warning system under this protocol has, however, not been functional.

### Table 3: Placement of States on a Scale of Depth of Compliance

Commitments: (A) Adopt effective measures aimed at preventing situations of emerging conflict through political means

(B) Establish national institutions or mechanisms for prevention, management and resolution of conflicts at community and national levels with the active involvement of Civil Society Organizations (CSOs) and Community-Based Organizations (CBOs). Such institutions could be national focal points for regional and continental early warning.

---

<sup>36</sup> Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States. Done at Khartoum on 9<sup>th</sup> January 2002.

<sup>37</sup> Article 11 of the SADC Protocol on Politics, Defence and Security Cooperation, signed in Blantyre, 14<sup>th</sup> August 2001

Member State	Commitment	Level of Compliance
Algeria	A	Not available
	B	
Ghana	A	Yes
	B	Ineffective
Ethiopia	A	None
	B	Ineffective
Nigeria	A	Yes
	B	Ineffective
Kenya	A	None
	B	ineffective
South Africa	A	Yes
	B	Ineffective
Senegal	A	Yes
	B	Ineffective
Uganda	A	None
	B	Ineffective

Ghana, Nigeria, Senegal and South Africa have somewhat established measures aimed at preventing situations of emerging conflicts. These mechanisms are mainly ineffective, and do not feed into the sub-regional frameworks while involvement of civil society is largely limited.

Table 4: Assessment of Member states Compliance with Conflict Prevention Mechanisms

Commitments: (A) Adopt effective measures aimed at preventing situations of emerging conflict through political means

(B) Establish national institutions or mechanisms for prevention, management and resolution of conflicts at community and national levels with the active involvement of Civil Society Organizations (CSOs) and Community-Based Organizations (CBOs). Such institutions could be national focal points for regional and continental early warning.

-1: Lack of compliance

0: Work in Progress

+1: Full Compliance

Member State	Commitment	Score
Algeria	A	-1
	B	-1
Ethiopia	A	0
	B	-1
Ghana	A	+1
	B	0
Kenya	A	-1

	B	0
Nigeria	A	+1
	B	0
Senegal	A	-1
	B	0
South Africa	A	+1
	B	0
Uganda	A	-1
	B	-1

Overall Score

### 2.1.6 Conclusion

Early warning systems, no matter how elaborate and well resourced, will be ineffective without the active participation and willingness of African leaders. Early warning is useless if not complemented by an effective early response mechanism. With recent emphasis on the sovereignty of states, outsiders are powerless in preventing conflicts in individual states. This has placed early warning on the shoulders of African states. Heads of states must be reminded of their commitment to ensure the security of their country. Their focus should not only be on protecting their regimes from internal and external aggression but more importantly on ensuring that citizens have unlimited access to food, clothing, shelter and peace. This can only be guaranteed when there is peace and security.

## 2.2 The Use of Force<sup>38</sup>

### 2.2.1 Introduction and Purpose

The use of force in international relations by states is a common phenomenon and this takes place under varied conditions including safeguarding state interests or maintaining a states territorial integrity and sovereignty. Implicitly, however, the tendency remains for the excessive use of force against citizens in neighboring states or other countries in the international system.

The state is generally perceived as an entity that should ideally have monopoly over the use of force within its territory for maintaining stability and to protect the lives of its citizens against internal or external aggression. In the African context, however, the use of force manifests itself in diverse ways. States in Africa are no longer perceived as having monopoly over the tools of violence for maintaining peace and security against internal or external aggression. The notion of weak or collapsed states gained grounds from the early 1980s through to the post-Cold War era in which the

---

<sup>38</sup>The use of force is allowed when a country comes under aggression and has the right to self-defence. This is clearly captured in Article 2 (4) of the UN Charter and under chapter 8 on pacific arrangements for the settlement of disputes by regional organizations.

situation worsened. This phenomenon could be attributed to the consistency and impunity with which the capacity of states' monopoly over the use of force on the continent is challenged by non-state or sub-state actor groups like the rebel, mercenary or private security companies. The use of force, thus, manifests itself basically through aggression (border disputes, civil wars, coup d'états or acts of terrorism and politically-motivated violence by the state against its citizens) and intervention in countries on humanitarian grounds to safeguard interest and guarantee the human security of civilians against war crimes.

But for the purposes of the study, the use of force would be limited to the definition given within the AU and the use of indicators to establish the compliance or otherwise of heads of states to commitments under this definition.

The 'use of force' within the AU is defined in the context of state interference through aggression or intervention in the internal affairs of another state by resorts to the use of military force.<sup>39</sup>

Intervention through the use of force in other states under the mandate of the AU is only allowed as a last resort to protect civilians threatened by war crimes such as genocide, ethnic cleansing and other crimes against humanity in civil wars.<sup>40</sup> This should take place within a collective regional security framework and not the unilateral use of force by a state. The idea of intervention is to safeguard the human security of the individual as against the security of the state in which case issues of sovereignty and territorial integrity of the state limits such interferences in its internal affairs.<sup>41</sup>

The use of force, as defined above, has posed various challenges to the rights and safety of the individual and in the process retarded growth, integration and development on the continent. Some of the challenges range from human rights abuses mainly in the form of committing acts of brutalities against civilians to unstable and denigrating political and socio-economic conditions.

The possibility of the excessive or illegal use of force by states against each other prompted the AU to take exception to the unmeasured or excessive use of force, by prohibiting the threat or use of force in Africa's international relations. In essence, it only recommended the use of force within the adopted mandates of the OAU/AU.<sup>42</sup>

---

<sup>39</sup> Prior to the founding of the League of Nations and subsequently the UN, the use of force for annexation of territories and securing other interests of states was justified with little regard for sovereignty and territorial integrity. With the coming in of the League of Nations and the UN after the first and second World Wars respectively, however, emphasis was placed on respect for sovereignty and non-interference in the internal affairs of States as clearly spelt out in Article 1 of the UN Charter under the principles of the UN. This development brought a major change in international relations and inter-African relations as regards non-interference in the internal affairs of States under Article 4(i) of the OAU Charter and the concept of *uti possi detis* in relation to the respect of territories and boundaries of African countries in existence after independence.

<sup>40</sup> Article 4(h) of the AU Act.

<sup>41</sup> Ibid. 3(b)

<sup>42</sup> Ibid.

It becomes imperative, therefore, to analyze and assess the commitments made by African leaders on the use of force since a relatively stable and secure continent would create the needed socio-economic and political environment for improved human security, integration, sustained growth and development.

### 2.2.2 Commitments

The recent transformation of the OAU into AU and its NEPAD process brought about the institution of the African Peer Review Mechanism (APRM). The rationale for this mechanism is for countries to voluntarily subject themselves to a review process in key areas including peace and security and to ascertain their level of compliance to the declarations or commitments made. The study, in the same vein, takes a look at commitments made on the use of force and whether those commitments have been adhered to.

Numerous declarations or commitments have been made by African leaders on the prohibition or measured use of force within specific frameworks and contexts. This is intended to guarantee security and stability for intra and inter-African cooperation and integration, critical for socio-economic development and transformation of the continent.

Some of the commitments made on the use of force can be found in these articles:

- Article 4 of the AU Constitutive Act;
- Part 3 & 7 of the Tunis Declaration on the Code of Conduct;
- the Algiers Declaration (1999);
- Part 14(1) of CSSDCA Declaration (2000); and
- Part 1 of the Ouagadougou Declaration (1998).

Additionally, the OAU Mechanism for Conflict Prevention, Management and Resolution<sup>43</sup> among other things signaled a new determination among African governments to enable the regional organization overcome the hurdle of non-interference in internal affairs of member states.<sup>44</sup> For purposes of brevity, two most important commitments among the myriad ones are identified to undertake the analysis and assessment given that the commitments are not mutually exclusive but reinforcing.

The identified commitments made by African leaders on the use of force which will be analyzed in this section are as follows:

- *Prohibition of the use of force or threat to use force among Member States of the Union (Article 4(f) of the AU Act)*. This commitment is buttressed by *Part 7 of the Tunis Declaration on the Code of Conduct-1999* which states that “*Mindful of our obligations under the United Nations Charter and our commitments vis-à-vis the OAU Charter, we reiterate our determination to*

---

<sup>43</sup> The 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 was passed on June 1993, at its 29<sup>th</sup> Summit in Cairo.

<sup>44</sup> Ameen Jan, “It Can Work: Strengthening the OAU Conflict Resolution Mechanism”, accessed at <http://ccrweb.ccr.uct.ac.za/two/3/p13.html> on 9-02-04.

*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; and*

- *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 (Article 4(h) of the AU Act).*

The following commitments on the use of force are chosen for two very pertinent reasons. Firstly, that the use of force does manifest itself in Africa's international relations despite its prohibition. Thus, there is a critical need to establish why this happens in spite of the explicit agreement among Africa's leaders that this must not happen and the challenges that such infringements pose to the individual despite commitments made by states not to interfere in the internal affairs of others.

Secondly, the threat posed by armed conflicts to non-combatants on the African continent, require timely intervention by AU member states to protect their citizens and help stabilize the region for development. A series of interventions have taken place on the continent on the grounds of humanitarian concerns by sub-regional bodies either with or without the consent of the AU. Some of these interventions (in Liberia-1990 and Guinea-Bissau-1999 by ECOMOG and Lesotho-1994 by SADF) led to political outbursts and disputes between member states of ECOWAS.<sup>45</sup>

A look at these commitments, therefore, would help safeguard and improve upon the human security of citizens of member countries of the AU, ensuring that they are safe from the use of unmeasured force, in good health and in a secure environment needed for the development of the individual. Also, in cases where the use of force becomes a last resort for intervention, much caution would be exercised in ensuring that the rights of the individual is protected and better than existing conditions within which the intervention took place.

This development might also facilitate actions toward the establishment of a rapid response regional brigade or force for intervention purposes to enhance peace and stability for rapid integration, growth and development on the continent within the NEPAD framework.

Some of the indicators that guide this section of the study are outlined below:

---

<sup>45</sup>See Comfort Ero "ECOMOG: A model for Africa" at <http://www.iss.co.za/Pubs/Monographs/No46/Ecomog.html>, accessed on 13-02-04. Also [Published in ISS Monograph 46, Building stability in Africa: Challenges for the new millennium, February 2000.](#)

The Anglophone and the Francophone divide deepened with Francophone countries like Burkina Faso and Cote d'Ivoire interpreting the ECOMOG intervention as an Anglophone exercise in regional domination and Nigeria's desire to flex its muscles further in the region.

- In what ways has the use of force (aggression or intervention) manifested itself in the respective countries under consideration?
- Does the use of force by selected states conform to adopted mandates of the AU?
- What humanitarian problems are encountered in situations when the use of force becomes the preferred option as opposed to the peaceful settlement of disputes as required of member states under the AU Constitutive Act?
- What challenges, if any, have been encountered in situations where interventions have taken place on humanitarian grounds? and
- Are states complying with commitments made on the use of force?

Different parts of Africa has in one way or the other experienced some form of aggression or intervention perpetrated by states especially during the post independence era (i.e. late 1950s onwards) and sub-state actor groups after the end of the Cold War (from early 1990s). The western and eastern parts of Africa (including countries like Liberia, Sierra Leone, the Democratic Republic of Congo, Ethiopia and Eritrea) have, however, experienced much more aggression in the area of border disputes and civil wars as against the northern and southern parts of Africa where aggression is mainly in the form of political violence against citizens. The underlying causes of these civil wars have been mainly in the form of bad governance (including political exclusion and corrupt practices by political leaders), issues of identity and citizenship, disputes over land and inequality in the distribution of wealth and resources of the state.

Table 1: State Ratification to the AU Constitutive Act

<b>Name of APRM State</b>	<b>Signed and Ratified</b>	<b>Not Ratified</b>
Algeria	X	
Ethiopia	X	
Ghana	X	
Kenya	X	
Nigeria	X	
Senegal	X	
South Africa	X	
Uganda	X	

Source: Report of the Interim Chairperson of the Commission on the States of AU Treaties, June 2003, p. 2.

Table 1 above projects the status of selected countries to be reviewed on the basis of the AU Constitutive Act and their commitment to refrain from the use of force for settlement of disputes unless within the adopted mandates of the AU. On this score, all selected countries were ranked high for signing and ratifying the Constitutive Act of the AU.

### 2.2.3 APRM Selected Member States' Progress toward the Implementation of Commitments made Under the AU Constitutive Act and other identified Declarations

This section of the paper attempts to discuss and capture in diverse ways, the progress made by the eight APRM states under evaluation towards the implementation of

Commitments under the AU act or the lack of progress thereof. This discussion will be based on the identified indicators mentioned above.

(a) *Prohibition of the use of force or threat to use force among Member States of the Union (Article 4(f) of the AU Act:*

(I) in what ways has the use of force (aggression or intervention) manifested itself in the respective countries under consideration?

The prohibition of the use of force or threat to use force among member states of the African Union has brought about, to some extent, peace and stability on the continent but with a caveat though that this commitment has remained a great challenge to member states including the selected states under evaluation.

Ethiopia from late 1980s has been engaged in border disputes with Eritrea.<sup>46</sup> The dispute however worsened in 1998 when the exchanges between the two countries over disputed boundaries<sup>47</sup> and the border town of Badme culminated in the use of military force beyond the territorial boundaries of the two states. Ethiopia and Eritrea categorically admitted the use of force<sup>48</sup> in their settlement of these disputes in which several civilian casualties in the disputed area were recorded.<sup>49</sup> Both countries, however, alleged that they resorted to the use of force on the basis of self-defence.

Uganda has also been involved in disputes with certain countries in eastern and central Africa. The major ones, however, are disputes between Uganda and Sudan and Uganda and the Democratic Republic of Congo (DRC).

The use of force by Uganda against the government of Sudan and the Lord's Resistance Army (LRA) for that matter started in 1986. This conflict between the two countries arose from allegations that the two countries have been supporting armed

---

<sup>46</sup>The civil war had its roots in World War II, when administration of the region then known as Eritrea was temporarily entrusted to British military rule following Italy's surrender until its fate was finally decided by the United Nations General Assembly. See <http://www.bsonline.org/bsp/publications/africa/147/history.htm>, accessed on 26-11-03.

<sup>47</sup> The CIA World Fact Book gives the total boundary of Ethiopia as 5,328 km out of which it shares 912 km boundary with Eritrea.

<sup>48</sup> In different responses to the Security Council Resolution 1227 (1999) demanding an immediate halt to hostilities by both countries, the Eritrean representative at the UN Security Council meeting stated that, "The Council knew that Eritrea had consistently called for a renunciation of the threat and use of force... Ethiopia had rejected them. Despite constant threats, Eritrea would never shoot unless shot at. It had been shot at and forced to defend itself". The Ethiopian representative Duri Mohammed also stated that "it had been almost nine months since Eritrea began its aggression against Ethiopia...there had never been a single occasion where Eritrea tried to resolve the conflict peacefully with Ethiopia...Instead, Eritrea had turned to provocative military actions...Eritrea undertook bombings even while the Secretary-General's Special Envoy was visiting the region to try to negotiate a peace agreement. The Ethiopian Government had no other option but to exercise its legitimate right of self-defence."

<sup>49</sup> The International Crisis Group (ICG) on 24 Sept 2003 revealed in an article, 'Ethiopia and Eritrea: War or peace?' that the Ethiopian-Eritrea recourse to war took some 100,000 lives between 1998 and 2000. See <http://www.reliefweb.int/w/rwb.nsf/0/89bf3ebd19718d7349256dac00068d03?OpenDocument> accessed on 5-12-03.

rebels (Sudan/ LRA vs. Uganda/SPLA) in each other's territories. The LRA carried out its activities from the territories of southern Sudan attacking people and villages in the Northern parts of Uganda.<sup>50</sup>

The Ugandan People's Defence Force (UPDF) also carried out its military offensive against the LRA in the southern territories of Sudan in collaboration with the Sudan People's Liberation Army (SPLA) attempting to overthrow the government of President Al Bashir in Sudan since 1983.<sup>51</sup>

Uganda also intervened as one of the African countries in the 1998 war in the DRC. Prior to this intervention, the Ugandan government had joined forces with the Alliance of Democratic Forces for the Liberation of Congo (AFDL) which was eventually headed by the late President Laurent Kabila. Uganda joined the AFDL in a joint effort to overthrow the late President Mobutu Sese Seko's government, dispatching an unknown number of advisers from the Ugandan army to facilitate the mission.<sup>52</sup> The AFDL in conjunction with Ugandan and Rwandan forces subsequently defeated the Zairean national army after several battles and finally took Kinshasa, the capital city in May 1997.<sup>53</sup> The intervention option became viable and was based on the late President Mobutu's decision in September 1996 to expel some 300,000 Zaireans of Tutsi origin from Zairean territory.<sup>54</sup>

The second intervention in DRC was against the government of late President Kabila based on similar ethnic factors as in the case of the former intervention among other factors. Most Congolese citizens (mainly of Hutu origins) did not take kindly to the presence of so many prominent Tutsi and Banyamulenge in the late President Kabila's regime, regarding them as foreign occupiers.<sup>55</sup> This development led to the marginalization of the Tutsi and Banyamulenge in the late President Kabila's regime. This, in turn, induced the Ugandan and Rwandan governments to conspire against the late President Kabila's regime. This war threatened to undermine peace and prosperity in the region given that it has pitted some African states (including Angola, Namibia and Zimbabwe) against each another. The said intervention was alleged to have taken place on the orders of President Yoweri Museveni after consultation with only a few close military advisers. Apparently, neither important civilian advisers nor

---

<sup>50</sup> [http://www.kenyaembassy-paris.org/site/news/Conflict\\_Resolution.doc](http://www.kenyaembassy-paris.org/site/news/Conflict_Resolution.doc) accessed on 10-12-03.

<sup>51</sup> It is pertinent to note that the collaborative attempt between the UPDF and SPLA to overthrow the Sudanese government has changed based on the December 8 1999 agreement between the two governments to resolve their disputes. For further details, read "Agreement Between the Governments of Sudan and Uganda, 8 December, 1999", accessed at [http://www.usip.org/library/pa/sudan\\_uganda/sudan\\_uganda\\_12081999.html](http://www.usip.org/library/pa/sudan_uganda/sudan_uganda_12081999.html) on 10-12-03.

<sup>52</sup> John Clark, "Explaining Ugandan intervention in Congo: evidence and interpretations", *Journal of Modern African Studies*, 39, 2, Cambridge University Press (2001), p. 268.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

the parliament were consulted before the decision was taken as is required by the constitution.<sup>56</sup>

Thus, the Uganda People's Defence Force (UDPF) joined forces with non-state actor groups in the countries mentioned above (some of which are the SPLA(M)-Sudan and the RPF, AFDL- Rwanda and RCD- DRC) by adopting forceful means to resolve differences which, in effect, breaches its commitment to avoid the use of force to resolves disputes and refrain from interfering in the internal affairs of OAU/AU member states. Uganda justifies these acts as an act of self-defence.

Kenya got its independence in 1963 through an arms struggle which became central in efforts to formulate a foreign policy in which peaceful co-existence and non-interference in the internal affairs of other States was paramount.<sup>57</sup> Thus, its relations with other African countries, especially countries in East Africa, have remained relatively stable. Kenya has been consistent with its foreign policy objective and played a major role in conflict mediation and negotiated settlement of disputes. This it did on various occasions within the institutional framework of the AU and Inter governmental Authority on Development (IGAD) and sometimes on its own initiative. Some of Kenya's activities are considered below.

Kenya has been involved in finding lasting solution to disputes in Sudan which begun in 1993 under the auspices of IGAD. The parties in dispute agreed to a Declaration of Principle Document (DOP) 4 which remains the only document to which they have pledged their commitment.<sup>58</sup> In the Uganda-Sudan dispute, former President Daniel Arap Moi met the two leaders in Eldoret in 1997 during which the two leaders agreed to cease hostilities; and in Nairobi, Kenya under the auspices of the Carter Centre in 1999 to work out modalities for agreement.<sup>59</sup> In the Eritrea/Ethiopia war, former President Arap Moi again appealed to both leaders in 1998, after the war broke out, for peaceful settlement of dispute rather than engaging in warfare.<sup>60</sup> In Somalia, Kenya attempted to bring the feuding factions together to restore the state of collapse in the country under a unity government.<sup>61</sup>

These efforts in addition to others – Mozambique, 1998<sup>62</sup> – gives credence to Kenya's consistent efforts to comply with commitments prohibiting the use of force to resolve

---

<sup>56</sup> Ibid., pp. 261-262.

<sup>57</sup> For further reading see [http://www.kenyaembassyparis.org/site/news/Conflict\\_Resolution.doc](http://www.kenyaembassyparis.org/site/news/Conflict_Resolution.doc) accessed on 10-12-03.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ex-President Chissano made a personal appeal to Kenya and Zimbabwe to help in a negotiated solution to an armed conflict between the government of Mozambique and national resistance group Resistência Nacional Moçambicana (RENAMO).

disputes but using peaceful means. In cases where attempts or efforts were made at resolving disputes, it did so either under the auspices of the AU or IGAD or with the consent of parties involved in the dispute. Hence, Kenya has a relatively credible status in adhering to commitments made by African countries to the prohibition on the use of force and non-interference or intervening in the internal affairs of other countries within the mandate of the

The end of apartheid in South Africa in 1994 after the Cold War marked the end of discrimination and the use of force against black South Africans. This period ushered in liberation and a constitutional era characterized by democracy and good governance. South Africa since then has become very much involved in sub-regional, regional and international affairs. The post-apartheid regime of South Africa has no record of the use of force against its neighbors. The only occasion in which an intervention was carried out by South Africa was during *Operation Boleas* in which the South African Development Community (SADC) intervened in Lesotho to quell the political unrest in Maseru on 22 September 1998. See [www.iss.co.za](http://www.iss.co.za) where there are some articles that are critical of SA's role in this intervention.

Ghana has had quite a turbulent political history marked by successive coup d'états after attaining political independence in 1957.<sup>63</sup> In the same vein, Ghana has not had good relations with its immediate neighbour, Togo to the extent that some observers believed could have led to armed conflict. Hostilities were however avoided between the two states relying mainly on diplomacy rather than on military force to resolve their problems.<sup>64</sup>

In January 1976, Ghana-Togo relations deteriorated after Togo urged a readjustment of their common border in Togo's favor.<sup>65</sup> This demand was rejected by the Supreme Military Council (SMC I) under General Acheampong's government citing the 1956 United Nations referendum which gave the western Togoland's population the choice of either staying in Togo or of joining Ghana of which they chose the latter.<sup>66</sup> Subsequently, allegations came up about attempts being made by Togo to embark on subversive acts against the Ghana government.<sup>67</sup> A liberation movement by name the National Liberation Movement for Western Togoland (NLMWT) threatened the use

---

<sup>63</sup>The successful coup d' états Ghana experienced spanned the periods of 1966-1969 (NLC), 1972-1975 (NRC), 1975-1978 (SMC I), 1978- 6/1979 (SMC II), 6/1979- 9/1979 (AFRC) and 1981-1992 (PNDC).

<sup>64</sup>See 'Ghana: International Security Concerns' at <http://reference.allrefer.com/country-guide-study/ghana/ghana139.html>, p. 1, accessed on 29-01-04. An interview with an official at the Ghana Ministry of Foreign Affairs (03-02-04) also revealed that Ghana has not engaged in the use of force officially though there might have been possibilities of some occasional skirmishes along its borders with neighbouring Togo. This was also confirmed in an interview with a retired senior police and military officers in the Ghana Police Service and the Ghana Armed Forces respectively on 3 February 2003.

<sup>65</sup> Ibid. 1.

<sup>66</sup> Ibid. pp. 1-2.

<sup>67</sup> In the latter part of March 1976, Ghanaian security forces arrested ten people near Togo's border and charged them with subversion for contacting Ghanaian dissidents in Togo.

of force against Ghana unless the UN intervened in the crisis but it failed to launch a successful guerrilla war against Ghana.<sup>68</sup>

Ghana's relations with Togo further deteriorated in 1983 when former President Rawlings took over power. Counter claims were made by Togo against the Ghana government in 1986 alleging that dissidents operating from Ghana had attempted a coup against the government of Togolese President, General Gnassingbe Eyadema.<sup>69</sup> These developments continued until early 1994 when the two countries almost went to war following yet another incident in which Togolese authorities accused the Ghana government for attempting to assassinate President Eyadema.<sup>70</sup> In subsequent developments, the Ghanaian minister of foreign affairs at the time warned of further incidents unless President Eyadema introduced basic democratic reforms.<sup>71</sup>

Ghana's relations with Liberia also deteriorated in September 1989 over rumors of forceful repatriation of Ghanaians resident in Liberia after the return of over 400 hundred Liberians from Ghana.<sup>72</sup> The relations between the two countries however worsened in 1990 when the National Patriotic Force of Liberia (NPFL) captured about 2000 Ghanaians resident in Liberia in the Liberian conflict. The dispute was however resolved within the auspices of ECOWAS when in mid-1990, the Ghanaian government deployed three battalions of troops to Liberia as part of the ECOMOG peacekeeping force.<sup>73</sup>

Senegal remains one of the most peaceful democratic states in West Africa. It has had successful change in government since 1956 when it gained internal self-government from France. Senegal has, nevertheless, had problems with some of its neighboring countries and has also used force on certain occasions.

A 1981 coup attempt by leftist soldiers was reversed by intervention from Senegal.<sup>74</sup> After a week of violence which left several hundred dead, the then President Jawara, who was in London on an official visit, appealed to Senegal for assistance.<sup>75</sup> The Senegambia confederation was formed in 1982 after the Senegalese intervention. In 1989, Senegal had a violent border dispute with Mauritania that evolved from a conflict over grazing rights in Mauritania and on maritime issues between the two

---

<sup>68</sup> Op.cit. 2.

<sup>69</sup> Ibid., p. 2.

<sup>70</sup> According to the Togolese authorities, 100 armed Togolese crossed the border from Ghana in Early January of 1994 to assassinate President Eyadema. Ibid p. 3.

<sup>71</sup> Ibid. p. 3.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid., p. 4.

<sup>74</sup> See <http://freedomhouse.org/survey99/country/gambia.html> accessed on 7-02-04.

<sup>75</sup> [http://en.wikipedia.org/wiki/History\\_of\\_The\\_Gambia](http://en.wikipedia.org/wiki/History_of_The_Gambia) accessed on 7-02-04. In the aftermath of the attempted coup, Senegal and The Gambia signed the 1982 Treaty of the Senegambia confederation. This treaty aimed among others to eventually combine the armed forces of the two nations and to unify economies and currencies. The Gambia withdrew from the confederation in 1989.

countries.<sup>76</sup> This followed an announcement made by Senegalese government to implement a project named “Fossil valley Rehabilitation Project”.<sup>77</sup> Again in 1989, Senegal had a border dispute with Guinea Bissau which was later resolved by the International Court of Justice.<sup>78</sup> In May 1990 a dispute with Guinea-Bissau erupted over territorial fishing rights which resulted in Senegalese troops crossing the border and exchanging fire before both sides agreed to a withdrawal.<sup>79</sup>

Developments above bring the 1981 intervention by Senegal in the Gambia into question. The intervention in this instance was a unilateral intervention at the invitation of the incumbent government at the time to prevent a coup d'état and restore the country back to a constitutional rule. It can thus be argued that despite the unilateral intervention undertaken by Senegal, it went there on the invitation of then President Jawara.

The case worth considering on Nigeria is the border dispute between Nigeria and Cameroon over the oil rich Bakassi Peninsula of which both countries consider to be within its territory. The ownership of the peninsula has been disputed by Nigeria and Cameroon for over two decades.<sup>80</sup>

The long-standing dispute between Nigeria and Cameroon worsened under former Nigerian President, the late Sani Abacha's regime when in early 1994, the government of the former General sent troops to Bakassi to respond to increased Cameroonian gendarme pressure against local residents, most of who are claiming to be Nigerian citizens.<sup>81</sup>

(ii) Does the use of force by selected states conform to adopted mandates of the AU?

In the case of Ethiopia, the use of force did not conform to the adopted mandates of the OAU/AU. This is underscored by the UN resolution 1227 (1999). This resolution reminded both countries in its proposal for an Agreement on Cessation of Hostilities, and of their commitment to rejection of the use of force as a means of imposing solutions to disputes. It also reiterated the respect for the borders existing at

---

<sup>76</sup> See <http://www.onwar.com/aced/nation/sat/senegal/fsenegalmauritania1989.htm> accessed on 10-02-04.

<sup>77</sup> <http://www.american.edu/TED/ice/senegal-mauritania.htm#background> accessed on 10-02-04.

<sup>78</sup> <http://www.atlapedia.com/online/countries/senegal.htm> accessed on 7-02-04.

<sup>79</sup> Ibid.

<sup>80</sup> Cameroon dates its claim over Bakassi Peninsula to 1913 border treaty between Germany and British colonial powers. Nigeria, however, makes reference to British protection contracts of 1884 with the villages of Bakassi and with local residents of the area mostly claiming to be Nigerian.

<sup>81</sup> Relations have improved considerably between two countries after the take-over of President Obasanjo in 1999. In a news item carried by the *afrol News* on 24 September 2002, both governments agreed to withdraw troops from Bakassi. Also at the 5 September 2002 meeting in Paris, brokered by Mr. Kofi Annan, Cameroon and Nigeria agreed that they would obey the ICJ ruling on Bakassi

independence as stated in resolution AHG/Res 16(1) adopted by the OAU Summit in Cairo in 1964.<sup>82</sup> The United Nations Security Council also unanimously condemned the use of force in the conflict and stressed that the Framework Agreement, approved by the Organization of African Unity (OAU) on 17 December 1998, remained a viable and sound basis for a peaceful resolution to the conflict.<sup>83</sup> It strongly urged all States to immediately end all sales of arms and munitions to the two countries. The Council expressed full support for the OAU, the Secretary-General and his Special Envoy for Africa, Mohamed Sahnoun, and concerned Member States in their efforts to find a peaceful solution to the current hostilities. It also called for the respect of human rights and international humanitarian law.

The reactions from these major institutions clearly depicts the non-compliance of Ethiopia to commitments under the AU act and other declarations including the Tunis Declaration on the Code of Conduct, the Algiers Declaration (1999), Part 14(1) of CSSDCA Declaration (2000) and Part 1 of the Ouagadougou Declaration (1998).

The use of force by Uganda in Sudan drew a lot of responses from IGAD, the OAU/AU and the Carter Centre working to resolve the dispute. The efforts made by these bodies got the two Presidents of Sudan and Uganda to take steps to resolve their conflict which included the restoration of diplomatic relations and ease rebel support indicating both countries' resolve or willingness to settle the disputes between them amicably. The two pledged among other things to:

- renounce the use of force to resolve differences;
- disband and disarm terrorist groups;
- respect each country's sovereignty and territorial integrity;
- cease support to any rebel groups;
- return all prisoners of war to their respective nations;
- locate and return abductees to their families; and
- offer amnesty and reintegration assistance to all former combatants who renounce the use of force.<sup>84</sup>

In the case of Senegal, attempts were made by the OAU/AU to mediate in the 1989 border conflict with Mauritania but this failed. Former President, Abdou Diouf,

---

<sup>82</sup> The Algiers Declaration of 1999 also states explicitly that “Convinced that the respect for the principle of inviolability of the borders inherited at independence contributed decisively to the preservation of peace and stability on our continent, we reaffirm its validity and permanence as a fundamental norm applicable in the settlement of border disputes. We also reaffirm our determination to promote the use of peaceful means in the resolution of conflicts, in conformity with the principles of sovereign equality, non-interference, non-recourse to threats or the use of force, and of the independence, sovereignty and territorial integrity of States”.

<sup>83</sup> See <http://denden.com/Conflict/un-oau/un-res1227-2-99.htm> accessed on 5-12-03.

<sup>84</sup> This agreement as mentioned earlier was made between the government of Uganda and Sudan on 8 December 1999. [http://www.usip.org/library/pa/sudan\\_uganda/sudan\\_uganda\\_12081999.html](http://www.usip.org/library/pa/sudan_uganda/sudan_uganda_12081999.html) accessed on 10-12-03, Also see write up on “Agreement Between the Governments of Sudan and Uganda, 8 December, 1999” by [Carter Center](#), 8 December 1999.

however, managed to work out a prudent agreement which was signed by the two countries on July 18, 1991 after which normal diplomatic relations were restored.<sup>85</sup>

The government of Cameroon considered Nigeria's action in 1994 and subsequent ones as having violated and continued to violate the fundamental principle of respect for frontiers inherited from colonization, and other treaty obligations and customary international law.<sup>86</sup> It further requested Nigeria through the International Criminal Court (ICT) to withdraw its troops from its occupied territories.<sup>87</sup>

In its response, Nigeria argued that, on the contrary, the ICJ should hold Cameroon responsible for specified acts of aggression, invasion and/or claim of sovereignty over her territories which are not hers. Both states have, however, been alleged to have used force to collect taxes and relocate inhabitants to zones controlled by them.

On 10 October 2002, the International Court of Justice (ICJ) at The Hague ceded the Bakassi peninsula to Cameroon. The Obasanjo administration in Nigeria has rejected the court judgment. This has raised tension in the area and further possibility of a military conflict.<sup>88</sup> Both Nigeria and Cameroon stationed troops on the peninsula as a result.<sup>89</sup>

(iii) What humanitarian problems are encountered when the use of force becomes the preferred option as opposed to the peaceful settlement of disputes as required of member states under the AU Constitutive Act?

The use of force in the Ethiopia-Eritrea conflict has brought in its wake many civilian casualties characterized by the loss of lives of individuals, internally displaced persons (IDPs) and a large number of refugees. Ambassador Berhane Gebre-Christos in a write up on 'Ethiopia's Tragic War with Eritrea' on April 18, 1999 stated:

“This war is a tragedy on many levels. It is a tragedy because of the thousands of lives lost and families displaced in both countries. It is a tragedy because of resources diverted to war that would have better been spent on improving the quality of life for our people. It is a tragedy because, instead of building our economies,

---

<sup>85</sup> <http://www.onwar.com/aced/nation/sat/senegal/fsenegalmauritania1989.htm> accessed on 10-02-04.

<sup>86</sup> Afrol News, 24 September 2002, [http://www.afrol.com/News2002/cam013\\_nig\\_bakassi2.htm](http://www.afrol.com/News2002/cam013_nig_bakassi2.htm) accessed on 10-12-03.

<sup>87</sup> Ibid.

<sup>88</sup> See [http://www.moles.org/ProjectUnderground/drillbits/7\\_09/2.html](http://www.moles.org/ProjectUnderground/drillbits/7_09/2.html) accessed on 7-02-04. Also see <http://www.globalsecurity.org/military/library/news/2004/01/mil-040128-unnews04.htm> accessed on 7-02-04.

<sup>89</sup> In a *Ghana Television* (GTV) news item carried on 30-01-04, a meeting was held in Geneva, Switzerland under the auspices of Mr. Kofi Annan, UN Secretary-General in which the two Heads of State again agreed to cease hostilities and peacefully settle the dispute. A treaty of friendship and non-aggression was also signed to guarantee the security of population in the disputed peninsular. Nigeria conceded and ceded 32 villages to Cameroon after the ruling by International Court of Justice (ICJ).

we are destroying each other's livelihood. It is a tragedy because it is a war that could have been avoided.”<sup>90</sup>

The use of force in Northern Uganda and Southern Sudan has displaced an estimated 1 million people since 1986. To the north, the 20 years of civil war in Sudan has claimed the lives of two million people and caused the greatest displacement of people in Africa and also, tens of civilians have been killed in this conflict since March 2002 in both northern Uganda and southern Sudan. Human rights abuses have included summary executions, torture and mutilation, recruitment of child soldiers, child sexual abuse, forcible displacement, and looting and destruction of civilian property.<sup>91</sup>

In the Nigerian case, there were also reports of abductions, looting and torture carried out by Cameroonian gendarmes and the Nigerian army.<sup>92</sup>

Senegal's 1989 conflict with Mauritania resulted in the death of over 400 people following the fighting that ensued, causing Senegal to drop the programme on 'Fossil Valley Rehabilitation Project' that year.<sup>93</sup> Mauritanian citizens were threatened by the idea of reduction in their water supply and its misuse should the rehabilitation project take-off. The bloody ethnic violence between Senegalese and Mauritians in the Senegal River valley (the border region between Senegal and Mauritania) also erupted in mid-April 1989, following the killing of two Senegalese peasants apparently by Mauritanian border guards, in a simmering dispute over animal grazing rights.<sup>94</sup>

(iv) Are states complying with commitments made on the use of force?

Findings on the prohibition of use of force on Kenya, Ghana and South Africa demonstrates some positive developments in general given the 'good neighborliness' foreign policies adopted by these countries in attempts at settlement of disputes.

The Ethiopia conflict with Eritrea, thus, demonstrates a clear use of force by Ethiopia of which the AU called for the cessation of hostilities and UN condemned.<sup>95</sup> It could be deduced from the above analysis, therefore, that Ethiopia was engaged in the

---

<sup>90</sup> See

<http://www.ethioembassy.org.uk/articles/briefings/briefings/statements%20and%20speeches/Berhane%20Gebre%20Christos-1.htm> accessed on 5-12-03.

<sup>91</sup> Human Rights Watch, 29 Oct 2002,

<http://www.reliefweb.int/w/rwb.nsf/0/61ff5839c781789085256c6100792daa?OpenDocument> accessed on 5-12-03.

<sup>92</sup> Afrol News, 24 September 2002, [http://www.afrol.com/News2002/cam013\\_nig\\_bakassi2.htm](http://www.afrol.com/News2002/cam013_nig_bakassi2.htm) accessed on 10-12-03.

<sup>93</sup> <http://www.american.edu/TED/ice/senegal-mauritania.htm> accessed on 10-02-04.

<sup>94</sup> <http://www.onwar.com/aced/nation/sat/senegal/fsenegalmauritania1989.htm> accessed on 10-02-04.

<sup>95</sup> Proposal of the OAU for an Agreement on Cessation of Hostilities Between the Government of the Federal Democratic Republic of Ethiopia and the Government of the State of Eritrea, <http://news.bbc.co.uk/1/hi/world/africa/787602.stm> accessed on 10-12-03. Also see Press Release SC/6640 3975th Meeting (PM) 10 February 1999, Resolution 1227 (1999),

unilateral use of military force outside the mandate of the AU eliciting AU and UN's condemnation. These exchanges also resulted in the loss of lives as well as human rights abuses and violations against the NEPAD ideal and vision.

The outlined activities by Uganda in Sudan and the DRC reveals a clear case of use of force in which a lot of civilian casualties have been recorded resulting in a large number of deaths, internally displaced persons (IDPs) and refugees. Suffice it to say though that Uganda showed some willingness to resolve disputes through peaceful means (especially in the case of Sudan) its conflict with Sudan and the DRC. Much progress has been made in an attempt at resolving the DRC conflict after the death of the late President Kabila. Based on these positive developments, Uganda's status in terms of its compliance with commitments regarding the use of force under the AU Constitutive Act and the other identified declarations on the use of force is improving.

In the case of Senegal, the intervention in Guinea Bissau as mentioned earlier took place under the invitation of the then President Dawada Jawara to prevent a coup d'état. This underscores its commitment to the thriving of tenets of democracy. Segal also demonstrated its commitment to resolve the border dispute by suspending the rehabilitation project given the casualties being recorded at the time.<sup>96</sup>

Thus, the Prohibition of the use of force or threat to use force among Member States of the Union (Article 4(f) of the AU Act) remains a challenge to Ethiopia, Uganda, Nigeria and Senegal as a commitment.

Table 2: Placement of States on a Scale of Depth of Compliance

Name of Member State	Commitments	Level of Compliance
	(A) Prohibition of the use of force or threat to use force among Member States of the Union	
Algeria	A	
Ethiopia	A	No
Ghana	A	Yes
Kenya	A	Yes
Nigeria	A	Ineffective
Senegal	A	Yes
South Africa	A	Yes
Uganda	A	Ineffective

(B) *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*

---

<sup>96</sup>It is pertinent to state though that the Senegalese government after the conflict still insisted that the rehabilitation was so vital to its interest.

Key interventions have taken place within ECOWAS<sup>97</sup> and SADC<sup>98</sup> and on most occasions, in collaboration with the AU and UN and other key international organizations in accordance with the commitment on the right of the Union to intervene on humanitarian grounds. These interventions encountered some challenges.

Within ECOWAS, Ghana dispatched its military beyond its borders on international peacekeeping in Liberia,<sup>99</sup> Sierra Leone and Cote d'Ivoire<sup>100</sup> under the Economic Community Monitoring Group (ECOMOG)/ECOFORCE/ECOMIL/ECOMICI and the auspices of the OAU/AU and the UN.<sup>101</sup> Ghana was earlier on, a part of UN peacekeeping force secured for the intervention in Congo to maintain order in 1961 after Congo erupted into conflict after independence in 1960. Other peacekeeping efforts embarked upon include: Ghana's contribution of soldiers to UN Interim force in Lebanon (UNIFIL) in 1978;

- The Iraq-Kuwait Observation Mission (1991-1994);

---

<sup>97</sup> Certain collective measures or arrangements to achieve regional peace and security (encompassing the prohibition to use force or non-aggression and conditions under which to use force) exists within ECOWAS and includes (i) the Protocol on Non-Aggression adopted on 22 April, 1978; (ii) the Protocol on Mutual Assistance in Defence Matters of 29 May 1981; (iii) the ECOWAS Declaration of Political Principles of 6 July 1991; (iv) the ECOWAS Declaration on a Moratorium on Import, Export and Manufacture of Light Weapons dated 31<sup>st</sup> October 1998; (v) the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security dated 10 December 1999; and the ECOWAS Protocol on Democracy and Good Governance of 21<sup>st</sup> December 2001. ECOMOG key interventions took place in Liberia (from August 1990), Sierra Leone (from May 1992) and Cote d'Ivoire (November 2002). It is important to state that Neither the 1978 Protocol on Non-Aggression nor the 1981 Protocol relating to Mutual Assistance on Defence provided clear legal justification of ECOMOG's initial intervention in Liberia. The 1978 protocol commits members to settling disputes peacefully (in Article 1), refraining from supporting subversion or aggression (Article 2) and preventing foreigners and non-resident foreigners from perpetrating such acts against members (Article 3 and 4) while promising to refer disputes to a committee of the ECOWAS Authority (Article 5). The 1981 Protocol also called for the creation of the Allied Armed Forces of the Community, consisting of specially earmarked units of national armies (Article 13) and permitted intervention internal conflicts only in cases of: (a) an externally directed threat (Article 16); (b) a conflict between two ECOWAS states (Article 17); or (c) an internal conflict that is externally sustained among other things.

<sup>98</sup> Article 2 (f) of SADC Protocol on Politics, Defence and Security Co-operation considers enforcement action (which involves the use of military force) in accordance with international law and as a matter of last resort where peaceful means have failed. Article 11(1a) of the Protocol on Conflict Prevention, Management and Resolution emphasizes state parties to refrain from the threat or use of force against the territorial integrity or political independence of any state, other than for the legitimate purpose or collective self-defence against an armed attack.

<sup>99</sup> The initial intervention in Liberia in August 1990 comprised of about 2500 ECOMOG troops out of which Ghana contributed 982 soldiers.

<sup>100</sup> Out of a total troop contingent of 1288, Ghana was to contribute 247, Nigeria 248 and Senegal 209 to the ECOFORCE for an initial intervention in Cote d'Ivoire. See *Daily Graphic*, 19 November 2002 for details. An initial ECOWAS troop deployment of 1192 soldiers in January 2003 however comprised of 56 Ghanaian troops and 234 Senegalese troops among others (ECOMICI Provisional Budget, Executive Secretariat, April 2003).

<sup>101</sup> It is certainly important to make a caveat though that the initial ECOMOG intervention in Liberia in August 1990 took place before the OAU and UN approval. These interventions took place on humanitarian grounds.

- Cambodia, where more than 1000 Ghanaians served as security personnel during UN-supervised elections in 1992-1993;
- Somalia in 1994;
- Rwanda, where nearly 850 Ghanaian troops were part of a 2,500-member peacekeeping force in 1994.<sup>102</sup>

Senegal has equally participated in Economic Community Monitoring Group (ECOMOG)/ECOFORCE/ECOMIL/ECOMICI. In 1992, Senegal sent some 3,000 peacekeeping troops to Liberia to serve with an ECOWAS monitoring group.<sup>103</sup>

Nigeria contributed the largest troops to the ECOMOG interventions in Liberia and Sierra Leone and as has played a leading role in Economic Community Monitoring Group (ECOMOG)/ECOFORCE/ECOMIL/ECOMICI.<sup>104</sup>

On the contrary, complaints have been made about acts committed by some peacekeepers on peacekeeping missions. One foreign relief worker noted that the manner in which ECOMOG conducted air strikes was indiscriminate:

“There is evidence that civilian targets have been hit, like the CRS warehouse in Buchanan, the hospital in Harbel and an ambulance near the hospital, although it is not clear who was in the ambulance. ECOMOG is trying to squeeze Taylor at all costs, and human rights questions then arise. They are using indiscriminate attacks, shooting from canons without clear targets. The strategy is to push the NPFL as far out as possible and to regain territory. It's a pax Nigerian -- in order to get peace, they must neutralize Taylor. Their mandate is to guarantee peace, and they are going beyond the spirit of the text.”<sup>105</sup>

These and other acts have raised concerns about military interventions on humanitarian grounds and the need to minimize civilian casualties in interventions as much as possible.

Undoubtedly, some of these ECOMOG interventions have been marked by all forms of casualties including the abuse of internally displaced persons and refugees. ‘

---

<sup>102</sup> ‘Ghana: International Security Concerns’ at <http://reference.allrefer.com/country-guide-study/ghana/ghana139.html>, pp. 3-4, accessed on 29-01-04.

<sup>103</sup> <http://www.atlapedia.com/online/countries/senegal.htm> accessed on 7-02-04.

<sup>104</sup> In its pre-1997 contribution of troops to ECOMOG, Nigeria contributed between 5600-7000 troops which represented 5.95-7.44% of its total armed forces of 94,000. For further reading, see Festus Aboagye, “ECOMOG: A Sub-Regional Experience In Conflict Resolution, Management and Peacekeeping In Liberia”, (Sedco Enterprise: 1999), Accra.

<sup>105</sup> <http://www.hrw.org/reports/1993/liberia/#8> accessed on 5-12-03.

‘Even the civil defence forces and sub-regional peacekeepers (ECOMOG) cannot escape blame for committing crimes against civilians’<sup>106</sup>

The humanitarian interventions in West Africa by ECOMOG, has remained largely within the adopted mandates of the AU.

South Africa’s intervention in Lesotho took place under Operation Boleas. For the first time in the history of South Africa, 600 Southern African troops (comprising South Africa and Botswana troops and led by the South African Defence Force (SADF) intervened in Lesotho to quell the political unrest in Maseru and the purported mutiny of junior officers in the Lesotho army on 22 September 1998.<sup>107</sup>

South Africa's controversial military intervention in Lesotho took place at the request of the Lesotho Prime Minister, Pakalitha Mosisili, who on 16 and 19 September 1998, requested South Africa and other nations of the Southern African Development Community (SADC) to send in a peacekeeping force to re-establish order in his country.<sup>108</sup>

The mission of the combined task force was, "...to intervene militarily in Lesotho to prevent any further anarchy and to create a stable environment for the restoration of law and order" among others.<sup>109</sup>

The military intervention got mixed reactions from different actors with those against it describing the act as an invasion by the South African troops and interference in the internal affairs of Lesotho.<sup>110</sup> Mangosuthu Buthelezi who was the acting President in the absence of President Mandela and his vice at the time reiterated that the military intervention in a sovereign country was not to impose a political settlement but rather "to create a safe environment"<sup>111</sup> in which talks could take place.

---

<sup>106</sup> See Olonisakin, F & Kwesi Aning, 1999. "Humanitarian Intervention and Human Rights: The Contradictions in ECOMOG", *The International Journal of Human Rights*, Vol. 3, No. 1.

<sup>107</sup> See <http://www.wsws.org/news/1998/sep1998/saf-s24.shtml> accessed on 5-12-03 and <http://www.ecn.org/communitas/en/en121.html> accessed on 5-12-03.

<sup>108</sup> <http://www.csmonitor.com/durable/1998/09/23/fp7s1-csm.shtml> accessed on 5-12-03.

<sup>109</sup> Mary Locke, "African Perspectives on Intervention and Internal Wars" *African Security Review* Vol. 11 No 1, 2002. Article 2(2a) of the SADC Protocol on Politics, Defence and Security Co-operation on the specific objectives of the Organ makes provision for SADC to protect the people and safeguard the development of the Region against instability arising from the breakdown of law and order, intra-state conflict, inter-state conflict and aggression.

<sup>110</sup> Members of the opposition, the media, activists and some junior officers of the Lesotho army questioned the military intervention claiming that the intervention was against international law and that the South African troops had intervened to protect South Africa’s economic interest such as the Katse Dam. An interview with an official at the South African High Commission in Ghana in September 2003 rejected the claim.

<sup>111</sup> <http://www.csmonitor.com/durable/1998/09/23/fp7s1-csm.shtml> accessed on 26-11-03.

The intervention was characterized by widespread arson and looting in Maseru which resulted in several deaths. The effect of the operation was described as "[a] city ruined by bungled intervention"<sup>112</sup>

During the initial intervention, three South African soldiers were killed and 11 wounded in the fighting to secure the palace, the central business district of Maseru, military bases, telecommunications, and an important dam, which was built to provide South Africa with water.

In a statement made by former President Nelson Mandela who defended the controversial military intervention in Lesotho, he acknowledged that 58 rebels had been killed by South African soldiers since the military intervened. At least eight South African soldiers also died.<sup>113</sup>

Table 2: Placement of States on a Scale of Depth of Compliance

**Name of Member State                      Commitments                                      Level of Compliance**

(B) 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

Algeria	<b>B</b>	<b>Not applicable</b>
Ethiopia	<b>B</b>	<b>Not applicable</b>
Ghana	<b>B</b>	<b>Yes</b>
Kenya	<b>B</b>	<b>Not applicable</b>
Nigeria	<b>B</b>	<b>Yes</b>
Senegal	<b>B</b>	<b>Yes</b>
South Africa	<b>B</b>	<b>Yes</b>
Uganda	<b>B</b>	<b>Not applicable</b>

#### 2.2.4 Conclusion

The issue of human security and the value of the individual is a major focus on the ideal of NEPAD and for that matter the APRM. But the use of force has constantly threatened the achievement of the objectives of the nascent NEPAD. There is the need, therefore, for the above studied countries to stay committed to declarations made on the 'use of force' for purposes of ensuring peace and stability for the individual to have access to a good standard of living and benefit from the NEPAD process.

---

<sup>112</sup> Locke, Op. cit

<sup>113</sup> <http://news.bbc.co.uk/1/hi/world/africa/179120.stm> accessed on 5-12-03.

On the basis of the evaluation given above, it can be deduced that though Ghana's relations with some of her neighbors has not been very encouraging, the country relied on diplomacy rather than on military force to resolve her problems and on instances where its troops had to go on peacekeeping duties abroad, it usually took place under the auspices of ECOWAS, OAU/AU and the UN as also in the cases of Nigeria and Senegal.<sup>114</sup>

The peaceful co-existence of Member States and their right to live in peace and security in Article 4(I) of the AU Constitutive Act challenges the behavior of some member states in their relations to other member states. Also, respect of borders existing on achievement of independence still poses problems to countries like Nigeria and Ethiopia.

Operation Boleas, though characterized by much controversy of South Africa, was carried out under the auspices of SADC and at the invitation of the then President of Lesotho.

Table 3: Assessment of Member States Compliance with identified Commitments

Score	-1	0	+1
Commitments	Lack of Compliance	Work-in-Progress	Full Compliance
(A) Prohibition of the use of force or threat to use force among Member States of the Union			
(B) 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			
Algeria	<b>A</b>		
	<b>B</b>		
Ethiopia	<b>A</b>		<b>-1</b>
	<b>B</b>		-
Ghana	<b>A</b>		<b>+1</b>
	<b>B</b>		<b>0</b>
Kenya	<b>A</b>		<b>+1</b>
	<b>B</b>		-
Nigeria	<b>A</b>		<b>0</b>
	<b>B</b>		<b>0</b>
Senegal	<b>A</b>		<b>+1</b>
	<b>B</b>		<b>0</b>
South Africa	<b>A</b>		<b>+1</b>
	<b>B</b>		<b>0</b>

<sup>114</sup> As the current Chair of the ECOWAS and with a foreign policy based on good neighbourliness as captured in the NPP's political manifesto, it is hoped that this status could be maintained or improved upon.

Uganda	<b>A</b>	<b>-1</b>
	<b>B</b>	–

Overall Score

### 2.3.0 The Convention for the Elimination of Mercenaries

#### 2.3.1 Introduction and Purpose

Post-independence African history and politics have been characterized by the involvement of mercenaries since the 1960s. Several African states have borne the brunt of mercenary activities either in terms of fighting on behalf of or against a state.<sup>115</sup> The nature, scope and character of activities undertaken by these sub-state actor groups have been radically transformed from the 1960s individually based performer to the twenty-first century corporate actor. As a result in the shift of the *modus operandi* of these actors, the challenges and threats that they pose to the African state has in a certain sense become diffuse. While unable to always ascertain the threats that they pose to states, one thing is certain though; mercenaries pose grave dangers to the human security of Africans. The nature of mercenarism in Africa has changed drastically since 1990. Coming into favor are lesser known and more discreet mercenary groups. As this section of the AHSI analysis will demonstrate, there is a huge schism between the rhetoric of fighting against the menace posed by mercenaries and the realities of appropriating the services that they can perform for weak, unrepresentative governments. This is the dilemma and the challenge of the mercenary problem in Africa.

This section of the work attempts to analyze the extent to which the commitments agreed to by the eight APRM under evaluation. The two key commitments that these states levels of compliance would be tested against deals with, their endeavors to:

- Prevent entry into or passage through their territory of any mercenary or any equipment destined for mercenary use; and state capacity and willingness to
- Take all the necessary legislative and other measures to ensure the immediate entry into force of this convention.

To tackle this topic appropriately, it is important that the indicators that have been identified are discussed carefully to situate in its proper context, some of the definitional conundrums that responding to and tackling the human insecurity challenges posed by mercenaries. There have been several definitional conundrums about who can be characterized 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 have to deal with definitions. Yet another key issue worthy of examination in terms of state levels of compliance are the legislative frameworks and measures that have been put in place in the

---

<sup>115</sup> . In the 1960s, Congo, now Democratic Republic of Congo (DRC) bore the brunt of mercenary activities, while in the 1970s both Guinea and Benin experienced such occurrences. Comoros experienced a 1978 mercenary backed *coup d' etat* and there was an attempted overthrow of the regime in Seychelles in 1981 by mercenaries. For an analysis of the changing nature of mercenarism, see Aning, Emmanuel Kwesi. 2001. 'Africa's Security in the New Millennium: State or Mercenary Induced Stability? *Global Society: Journal of Interdisciplinary International Relations*. Vol. 15, No. 2, May

individual countries, and to some extent on the sub-regional level, if applicable, to strengthen state capacity to tackle mercenaries?

A key motivation for selecting these commitments has been the options and opportunities for negotiating the schism created by the definitional difficulties. Certainly the history of mercenaries in Africa have posed key challenges to human security and certainly also to state security. While the rhetoric against and the realization for responding to and tackling the menace posed by mercenaries is present, developing actual operational mechanisms for such effective response is at best weak. However, there may be other forms of national efforts buttressed by emerging multilateral endeavors that are in beginning to be in place to tackle these difficulties

While aware of the need for state response to mercenaries, it is important also to realize that there are several potential difficulties in implementing the commitment agreed to by states. These manifest themselves in three mutually reinforcing dynamics:

- First, is the need to interrogate the level of state capacity to actually prevent mercenaries from using its territory;
- Secondly, it deals with the issue of what can states actually do when faced with the challenge of mercenaries or their equipment passing through their territories; and
- Thirdly, 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 recognized as key actors through the distribution of political patronage.

Although all the states that have acceded to the APRM are in effect the 'exemplary' states, it is also well known that the legislative and judicial capacities of the states that need to be implemented to tackle the menace of 'mercenarism' in all its manifestations are at best weak. What then are the political realities and operational challenges facing the eight APRM states?

### 2.3.2 The Convention for the Elimination of Mercenaries<sup>116</sup>

Although CEMA, as the above Convention is popularly known, has been in existence since it was ratified by the appropriate number of states in April 1985, there have been instances when signatory states have nevertheless contravened the spirit and letter of the Protocol. Part of the operational difficulty with CEMA has been the definitional conundrum of who is a mercenary and what the description is if such fighters are working on behalf of a government by offering technical advice and support. Although a fully-fledged debate on this issue is not possible as yet, some of the difficulties inherent here will be woven into the text as the discussion progresses.

---

<sup>116</sup> . Apart from the OAU Convention for the Elimination of Mercenarism in Africa (1977), there are other important documents that would be referred to as and when necessary. These include: OAU Resolution on the Activities of Mercenaries, AHG/Res.49 (IV) (1967) Kinshasa; OAU Declaration on the Activities of Mercenaries in Africa; OAU Convention for the Elimination of Mercenaries in Africa, OAU Doc.CM/433/Rev.L.' Annex 1 (1972). Another useful document is The Report by the UN Special Rapporteur on the Use of Mercenaries, 1998

### 2.3.3 APRM Member States Progress toward the Implementation of the Convention

It is important to contextualize the level of compliance by APRM states under review within a wider discussion of the status of African Union (AU) treaties. According to a status report prepared by the Interim Chairperson of the Commission on the Status of AU Treaties as at 17 June 2003, the report posited that:

Since its inception in 1963, the policy organs of the Organization have adopted twenty-four (24) treaties/conventions. Fourteen (14) have entered into force (including one that is in force provisionally) and the remainder are in various stages of signature and ratification.<sup>117</sup>

In continuation, the Report stated that due to the low level of ratification among members states, members had to be constantly reminded that, the report has ‘become a regular item on the agenda of Council’.<sup>118</sup> Although this is so, ‘a lot still remains to be done’. The report concluded by stating that:

*... emphasis must clearly be placed on the treaties adopted under the aegis of the AU, which, by definition, are aimed at addressing issues of specific concern to Africa. In some instances, this emphasis has been lacking and, consequently, Member States have ratified international treaties without giving equal attention to those adopted by the Union.*<sup>119</sup>

The impression created by this report is the low level of ratification and accession to key AU protocols and treaties. The key treaty under evaluation here, the *OAU convention for the Elimination of Mercenarism in Africa (1977)* deals with the measures to be taken to eliminate mercenarism and to overcome the grave threat of mercenaries against the independence, sovereignty, territorial integrity and harmonious development of Member States.<sup>120</sup>

As at 17 June 2003 when this report was written and presented, only four of the APRM member states under evaluation had signed and ratified or acceded to this document. These are: Ethiopia, Senegal, Ghana and Nigeria. The remaining four, namely Algeria, South Africa, Kenya and Uganda had not as yet ratified nor acceded to the convention.<sup>121</sup>

---

<sup>117</sup> . See *Report of the Interim Chairperson of the Commission on the Status of AU Treaties* (As at 17 June 2003) Executive Council, Third Ordinary Session, 4 -8 July 2003, Maputo, Mozambique, EX/CL/36 (III), p. 1

<sup>118</sup> . *ibid*, p. 1

<sup>119</sup> . *Ibid*, p. 1 (my emphasis)

<sup>120</sup> . This Treaty was adopted and signed in Libreville, Gabon, on 3 July 1977. It came into force on 22 April, 1985 in application of Article 13 (2) which stipulates that it shall come into force thirty days after the deposit of the tenth instrument of ratification.

<sup>121</sup> . *Report of the Interim Chairperson on the Status of AU Treaties*, op cit, p. 10

Table 1: State Ratification or Accession to OAU Convention for the Elimination of Mercenarism in Africa (1977)

Name of APRM State	Signed and Ratified	Not Ratified or Acceded
Ethiopia	X	
Senegal	X	
Ghana	X	
Nigeria	X	
Algeria		X
South Africa		X
Kenya		X
Uganda		X

Source: Report of the Interim Chairperson of the Commission on the Status of AU Treaties, p. 10

### 2.3.4 National-Level Arrangements

This section has five main areas that have been identified as having key relevance to testing state endeavors at fulfilling and complying with the two commitments under this segment. These five sub-sections or themes under which the national level-level arrangements for compliance attainment will be measured are the:

- state of domestic legislation that empowers and enables state authorities to check the menace posed by mercenaries;
- extent to which Institutional Frameworks are either established or in place and under which the duty of detecting and dealing with mercenaries is situated;
- level of intra-agency coordination to deal with issues of information-sharing and the exchange of data to improve and effectivise the fight against mercenarism;
- Bilateral Arrangements that the states are engaged in to share information and data on mercenaries to help improve tracing and apprehension of mercenaries; and finally
- Capacity-building efforts to improve the operational outputs of state agencies to respond to mercenaries.

#### (A) *The State of Domestic Legislation*

In the introduction, the paper raised some of the challenges faced by states in fulfilling their compliance commitments in terms not so much of political unwillingness to fulfill commitments as lack of state capacity to deliver. In Ghana,<sup>122</sup>

---

<sup>122</sup>. Due to the lack of specific rules and regulations, there has been a massive usage of mercenaries in the mining industry. A typical example of this is the usage by Ashanti Goldfields employment of a Toronto firm called Alliances, formerly known as John van Nostrand Associates to 'resettle 20,000 people in Ghana'. According to the report, 'Those who refused to move on the South African gold producer's terms had their homes destroyed. Ghanaians were killed in an ensuing conflict that remains unresolved', see *The Namibian* 8 March 2000 at <http://www.namibian.com.na/Netstories/2000/March/Marketplace/hiring.html> accessed on 12 December 2003

Nigeria and Senegal, there are no specific legislations targeting mercenaries and mercenarism. Although there has been a lot of political energy expended on the rhetoric against mercenaries, in none of these three countries have their legislatures enacted particular laws that deals with this menace.<sup>123</sup> Kenya and Uganda do not have specific legislation dealing with mercenaries although there are increasing concerns in both countries about transnational crimes.

In terms of domestic legislation, South Africa has come furthest in terms of its attempts at regulating what it terms as *The Regulation of Foreign Military Assistance Bill* (B54-97).<sup>124</sup> The genesis of this Bill was a concern by the South African government to regulate through legislation the rendering of foreign military assistance by South Africans.<sup>125</sup> Algeria, although unstable due to the spate of politically and religious-motivated violence has legislation against terrorism but not specifically against mercenarism.<sup>126</sup> As indicated in Table 1, since Algeria, Uganda and Kenya have not ratified CEMA then the expectation to operationally this legislation is at best weak. However, this should not be an explanation since South Africa had neither ratified CEMA in July 2003, but due to domestic considerations had actually enacted the most sophisticated domestic law to tackle issues dealing with CEMA.

#### (B) *Institutional Frameworks*

This section deals with the extent to which state have established institutional frameworks under which the duty of detecting and dealing with mercenaries is situated or placed. It is important to realize that although with the exception of South Africa none of the other states have domestic legislation dealing specifically with mercenaries, all have institutional frameworks within which mercenary activities are dealt with and responded to. What is obvious from all the countries under study is that there are complex, interdependent institutional frameworks for responding to what is perceived as threats to state and regime security. Although there is a massive plethora of institutions dealing with issues of state security, there is nevertheless an impressive amount of intra-agency collaboration dealing with exchange of and information-sharing among these institutions, which usually comprises National Intelligence Agencies, Police Force (or Service) as is applicable, Paramilitary forces and the

---

<sup>123</sup> . In a correspondence with a Nigerian expert on this issue, the comment was that such legislation ought to have been in place long ago. Sadly enough, there is no such law.

<sup>124</sup> .These two legislations are Republic of South Africa, *Regulation of Foreign Military Assistance Bill* (B54-97) and Republic of South Africa, *Portfolio Committee Amendments to Regulation of Foreign Military Assistance Bill* (B54A-97)

<sup>125</sup> . The presentation of this Bill attracted widespread comment and debate by the largest and most professionally organised mercenary group in Africa then, Executive Outcomes (EO). For example, see *Supplement A to Executive Outcomes (PTY) Limited presentation to the Portfolio Committee on Defence, Parliament, Cape Town, 19 August 1997*. Comment on the Regulation of Foreign Military Assistance Bill (B54-97). In the subsequent discussions on these Bills, the South African Parliament unwittingly incorporated 28 of the 36 proposals presented by EO into the Bill. EO justified its participation in the legislative process as a 'result of the company's dedication to ensur[ing] that proper legislation is drafted for the regulation of Foreign Military Assistance'. It argued that its impact can be found in three major areas: (a) prohibition of mercenary activities, (b) entrenchment of humanitarian and civilian activities, and (iii) provision of transparency in the decision-making process. Cited in Aning, op cit, p.169

<sup>126</sup> . Pierre, Andrew J & William B. Quandt. 1996. *The Algerian Crisis: Policy Options for the West*. Washington: Brookings Institute, p. 58

Armed Forces.<sup>127</sup> Kenya’s grand strategy for dealing with and responding to threats is through ‘good neighborliness, non-aggression, internal peace and stability and threat perception’. This perception of ‘good neighborliness’ as security cooperation that results in the exchange of information against perceived enemies of the state of which mercenaries, probably are is also shared by Ghana, Senegal and Nigeria. Although Ghana does not have a specific law targeting mercenaries, An Act of Parliament entitled *The Security and Intelligence Services Act, 1996* (Act 526) that governs the activities of the intelligence agencies.<sup>128</sup>

Table 2: Placement of States on a Scale of Depth of Compliance

Name of Member State	Commitments	Level of Compliance
	(A) Take all the necessary legislative and other measures to ensure the immediate entry into force of this convention	
	(B) Prevent entry into or passage through its territory of any mercenary or any equipment destined for mercenary use	
Ghana	A B	Yes Ineffective
Nigeria	A B	None Ineffective
Algeria	A B	None Ineffective
Senegal	A B	None Ineffective
Kenya	A B	None Ineffective
Ethiopia	A B	None Ineffective

<sup>127</sup>. The Stockholm International Peace Research Institute (SIPRI) posits that security forces should be seen to include all these agencies.

<sup>128</sup>. Under this Act, the Intelligence Agencies shall have the following functions: ‘(a) collect, analyse, retain and disseminate as appropriate information and intelligence activities that may constitute threats to the security of the State and the government of Ghana; (b) safeguard the economic well-being of the State against threats posed by the acts or omissions of persons or organisations both inside and outside the country; (c) protect the state against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking and similar offences; (d) protect the State against the activities of persons, both nationals and non-nationals, intended to overthrow the government of Ghana or undermine the constitutional order through illegal political, military, industrial or other means or through unconstitutional method; and (e) perform such other functions as may be directed by the President of the Council’ , See Act 526 Section 12 (1) a – e. Although this Act does not specifically mention mercenaries, I argue that the category of ‘threats’ identified in sub-section 12 (1)c encompasses mercenaries. Act 526 subsequently defines ‘threats to the security of Ghana’ as including: ‘(a) espionage or sabotage against Ghana or is detrimental to the interest of Ghana or activities directed towards or in support of such espionage or sabotage; (b) foreign influenced activities within or relating to Ghana that are detrimental to the interest of Ghana and are clandestine or deceptive or involve a threat to any person; or (c) activities within or relating Ghana directed towards or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Ghana or a foreign state’, see Section 42 a - c

South Africa	A B	Yes Effective
Uganda	A B	None Ineffective

(c) *Intra- and inter agency Coordination*

In its efforts at combating mercenaries, there does not seem to be any formalized coordination processes among the nations. Because of West Africa's particular threats mainly fomented by rebel movements, Ghana has been attempting to coordinate the movements of individuals and groups perceived as threats to the state with some of its neighbors<sup>129</sup>. In terms of its NEPAD relations and the members of the APRM who are under evaluation, then this partnership is between the Heads of Intelligence in Ghana and Nigeria.<sup>130</sup> The other states in the evaluation list also have informal networks of collaboration and coordination in terms of information-sharing among the operators and heads of intelligence networks.<sup>131</sup> Although the effectiveness of such informal coordination processes can be important, their operational utility is at best dubious. For example, during the La Cote d'Ivoire crisis<sup>132</sup>, Ghana, for example does not seem to have had the capacity to prevent the recruitment, transit of men and weapons through its territory for onward transmission to the conflict in La Cote d'Ivoire. The flow of mercenaries from South Africa who traveled to La Cote d'Ivoire via Accra also raised concerns with diplomats.<sup>133</sup>

While the above discussion has dealt with inter-state collaboration in checking mercenary activities, it is also clear that inter and intra-agency collaboration is lacking. Ghana for example the widespread dimensions of gun smuggling in Ghana and Ghana's role and position as a key pipeline for small arms smuggling through

<sup>129</sup>. Interview at Accra with Senior member of the National Security Coordinator's Office, November 2003

<sup>130</sup>. Other states that are involved in this exchange of information are Togo, Burkina Faso and La Cote d'Ivoire.

<sup>131</sup>. Interview with official of the South African High Commission in Accra, 23 January 2003.

<sup>132</sup>. See different versions of *The Chronicle*, November 2002. This newspaper consistently wrote articles about the open recruitment processes that were taking place at the Budumburam camp, which houses about 40,000 Liberian refugees. The main recruiters were the Ivorian embassy diplomats based in Accra. Remuneration ranged from USD 20 to USD 100 per day of service. Interview at Accra, November 2003 with Ivorian defence employee at the Ivorian Embassy in Accra. The fascinating aspect of this story was that Ivorian President Laurent Gbagbo denied all knowledge of about 1,000 South African mercenaries involved in the war on the government side. When questioned about these incidents, President Gbagbo dismissed such reports as 'fanciful allegations'. See <http://www.news24.com/News24/Africa/News> accessed on 11 December 2003. These mercenaries flew Soviet-made MI-24 helicopters. For other aspects of the mercenary debate and its wider West African ramifications, see Global Witness, 2003. *The Usual Suspects*

<sup>133</sup>. The diplomatic corps also expressed deep concern about Ghana's inability to stop or control the usage of its territory by mercenaries as transit point for both men and weapons. see <http://www.news24.com/News24/Africa/News> accessed on 11 December 2003. Subsequent to these public knowledge of the free flow of mercenaries into the Ivorian crisis, the UN Security Council on 28 March 2003 'condemned the recruitment of mercenaries' into the Ivorian crisis. See UNSC Resolution ...

several fronts to individuals of dubious reputation has been exposed recently. For example, a Ghanaian company, Race Cargo Airlines, with a Boeing 707 (registration number 9GLAD) was impounded for attempted smuggling of weapons to Charles Taylor's Government of Liberia (GoL). This was during a period when this person had been indicted and was under UN Sanctions. The usage of commercial airlines for the transportation of munitions is banned by Ghana's Civil Aviation Regulation No. 44.<sup>134</sup>

(d) *Bilateral Agreements*

Due to the threats posed to West African societies as a whole by mercenaries, Ghana has both formal and informal information-sharing and exchange arrangements with her contiguous neighbours and those much further afield.<sup>135</sup> The closest that Nigeria, Ghana and Senegal comes to have bilateral arrangements against mercenaries are the opportunities created under the ECOWAS framework that will be discussed later. This also applies to Kenya, Uganda, Ethiopia and South Africa that shares information with other states with respect to mercenaries. There are, however, no formal bilateral processes for the exchange of such information

**Table 3: Assessment of Member States Compliance with CEMA Commitments**

Commitments	SCORE		
	-1	0	+1
	Lack of Compliance	Work in Progress	Full Compliance

(A) Take all necessary legislative and other measures to ensure the immediate entry into force of this convention

(B) Prevent entry into or passage through its territory of any mercenary or any Equipment destined for mercenary use

Ghana	A	+1
	B	-1
Nigeria	A	-1
	B	0
Algeria	A	-1
	B	+1
Senegal	A	-1
	B	0
Kenya	A	0
	B	0
Ethiopia	A	0
	B	0

<sup>134</sup>. For further details, see 'Gun runner grabbed', *Daily Guide*, August 11, 2003, p. 1

<sup>135</sup>. This information was provided by a senior level member of the National Security Coordinating body. Accra, 25 October 2003.

South Africa	A	+1
	B	+1
Uganda	A	0
	B	0

Overall Score

(d) *Capacity-building Efforts*

Most capacity-building endeavours are undertaken within the ambit of the respective institutional frameworks empowered to deal with mercenaries.

## 2.4 Peace-Making and Peace-Building in Africa

### Introduction and Purpose

Placing the subject of peace and security on the agenda of most African governments and civil societies, as well as the African Union (AU), is indicative of a shift in the approach and attitude towards the development of the continent. Increasingly also, it is being acknowledged that the domino effects of inter- and intra state conflicts on the continent cannot be over-emphasized.<sup>136</sup> In the last decade, African leaders have reiterated the importance of peace and security as a *priority sector in their efforts* towards achieving the goals of the New Partnership for Africa's Development (NePAD) and the African Union. These documents, if well implemented, will feed well into the broader discussion of human security<sup>137</sup>.

This component focuses on two mutually reinforcing commitments made by the Heads of States and Governments under the Cairo Declaration of 1993<sup>138</sup>, which is

---

<sup>136</sup> See Paragraph 9(b), Declaration on the Conference for Security, Stability, Development and Co-operation in Africa.(CSSDA), 10-12 July,2000, Lome, Togo. Also see paragraph 1, Ouagadougou Declaration adopted by the 34<sup>th</sup> Ordinary Session of the OAU/2 Ordinary Session of the African Economic Community (AEC), 8-10 June, 1998, Ouagadougou.

<sup>137</sup> The Commission on Human Security's definition of the term is: "to protect the vital core of all human lives in the ways that enhance human freedom and human fulfillment. Human security means protecting fundamental freedoms-freedoms that are essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using situations that build people's strengths and aspirations. It means creating political, social, environmental, economic military and cultural systems that together give people the building blocks for survival, livelihood and dignity". 'Commission on Human Security,(2003)'

<sup>138</sup> Declaration of the Assembly of Heads of State and Government on the Establishment within the Organisation of African Unity (Now African Union) of a Mechanism for Conflict Prevention, Management and Resolution. Twenty-ninth Ordinary Session in Cairo, Egypt, June 1993. Paragraph (15) states *inter-alia* that, "In circumstances where conflicts have occurred, it will be its responsibility to undertake peace-making and peace-building functions in order to facilitate the resolution of these conflicts.

intended to stop the scourge of wars that has been inimical to human security in Africa. These commitments state that, States will:

- Make peace in war-torn countries; and ultimately, strive to
- Build peace in such countries.

Thus, under these commitments, Heads of State and Government are obliged to establish national and regional framework to facilitate peace-making and peace-building in war-ravaged countries. The table below captures succinctly the status of the eight APRM regarding the above commitments.

Table 1: State Ratification or Accession of the OAU Mechanism for Conflict Prevention Management and Resolution. (1993)

Name of APRM State	Signed and Ratified	Not Ratified or Acceded
Ethiopia.		X
Ghana.		X
Kenya		X
Nigeria		X
Senegal		X
South Africa	X	
Uganda		X
Algeria	X	

**Source: Report of the Interim Chairperson of the Commission on the Status of AU Treaties (as at 17 June 2003) EX/CL/36(III).**

The aftermath of the cold war brought in its wake a preponderance of mainly intra-state conflicts in Africa.<sup>139</sup> Eriksson argues that: “In the 12-year post-cold war period, 1990-2001, there were 57 different major armed conflicts in 45 different locations.... All but three of the major armed conflicts registered from 1990-2001 were internal;

<sup>139</sup> Among these countries are Sierra Leone, Liberia, Burundi, Democratic Republic of Congo, Somalia, Rwanda, and La Cote d’Ivoire.

that is, the issue concerned control over the government or territory of one state.”<sup>140</sup> The apparent inability of African governments to comprehend and properly address the causes undergirding these conflict complexes<sup>141</sup> has resulted or is resulting in manifold misery for the African people. As a way of dealing with conflicts and its concomitant after-shocks, African leaders under the Cairo Declaration have committed themselves to the making and building of peace in war-ravaged countries. Given the human and financial resources that are misallocated during conflicts<sup>142</sup>, these commitments when complied with,<sup>143</sup> will not only ameliorate the grave human suffering of civilians in conflicts<sup>144</sup>, but will also help the continent achieve her goals of good governance and human development as stipulated under the AU and NEPAD.

In discussing the compliance of these commitments, the paper is divided in two broad components. The first part discusses what peace-making and peace-building involves taking note of the definitional ambiguity and conundrums associated with these terminologies.<sup>145</sup> Thereafter, the next major section, through a thematic approach, then focuses on the eight APRM countries that are being reviewed. It is pertinent to state here, as an addendum that, with the increasing shift in what constitutes security<sup>146</sup>, the issue of human security will be of cardinal interest to this section’s analysis by attempting to situate commitment compliance within a human security

---

<sup>140</sup> Eriksson, et al, (2002) ‘Patterns of Regional Armed Conflicts, 1990-2001’. ‘SIPRI Yearbook 2002: Armament, Dismarmament and International Security’, New York: Oxford University Press Inc. p.63.

<sup>141</sup> For a concept paper on the complexities of West African conflicts see, Kwesi Aning, (2003), ‘Understanding West African Conflict Complexes’ Forthcoming.

<sup>142</sup> Conflicts are inimical to the human development. Education and health facilities are seriously disrupted, there are massive displacement of people, the spread of HIV/AIDS and these seriously undermine human developments.

<sup>143</sup> Ghana’s Minister of Foreign Affairs in his opening remarks at the Economic Community of West African States (ECOWAS) Foreign Affairs Ministers’ meeting, on the 17<sup>th</sup> of December 2004, in Accra was concerned about the lack of compliance by Heads of State and Governments to agreed protocols. He noted with concern that, peace and security will continue to be a mirage in the region unless real substance was given to the numerous legal instruments and structures put in place to address conflicts by the Heads of State and Government. For further insight into the story, see Edmund Mingle, ‘Give Peace and Democracy a Chance...Chambas’, *The Ghanaian Times*, December 18, 2003, p.1 &3.

<sup>144</sup> Lloyd Axworthy (2001), ‘Introduction’, in Mcrae and Hubert (eds.), “Human Security and the New Diplomacy: Protecting People, Promoting Peace”, Montreal & Kingston: McGill-Queen’s University Press. Here, Axworth, posits that, in the past decade, more than 80 percent of conflict casualties have been civilians.

<sup>145</sup> For the sake of this paper, peace-making, peace-building and peace-keeping operations are separated. The writer is however not oblivious to the overlapping nature of these terminologies and how in practice these are dovetailed. For instance, while peace-keeping is going on, peace-making and peace-building could also be concurrently undertaken in the same country.

<sup>146</sup> I will quote quite extensively, the words of the UN Secretary-General, Kofi Annan. According to him, “During the cold war, security tended to be defined almost entirely in terms of military might and balance of terror. Today, we know that ‘security’ means far more than the absence of conflict. ... we know that we cannot be secure amidst starvation, that we cannot build peace without alleviating poverty, and that we cannot build freedom on foundation of injustice. These pillars of what we now understand as the people-centered concept of ‘human security’ are interrelated and mutually reinforcing.” Kofi Annan, (2001) ‘Forward’ in Mcrae & Hubert, (eds.), *ibid*.

framework. This is essentially because of the growing interest among donors, governments, civil society organisations and other stakeholders on the issue of human security<sup>147</sup>.

#### 2.4.1 What is Peace-making?

Despite its definitional conundrums, peace-making generally encapsulates the persuasion of warring factions to cease hostilities and negotiate. The Secretary-General of the United Nations, Kofi Annan, reinforces this when he defined peacemaking as: “the use of diplomatic means to persuade parties in a conflict to cease hostilities and to negotiate a peaceful settlement of the dispute”<sup>148</sup>

Others also use conflict management interchangeably with peacemaking.<sup>149</sup> In discussing peace-making, it should be emphasized that peace-making encompasses a broad range of activities which finds its roots in Article (33) I of chapter VI of the UN Charter. This chapter provides avenue for peaceful settlement of disputes. Thus, most fundamentally, the chapter requires disputants to:

“First of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement, or other peaceful means of their own”.<sup>150</sup>

#### 2.4.2 Contextualizing Peace-building.

“Peace-building is the effort to strengthen the prospects for internal peace and decrease the likelihood of violent conflict. The overarching goal of peace-building is to enhance the indigenous capacity of a society to manage conflict without violence”<sup>151</sup>.

The next critical concept of interest to this paper is peace-building in post-conflict societies. This is essentially because the commitment to peace-making and peace-building under the Cairo Declaration deals with post-conflict situations. Definitional conundrums associated with peace-making are more accentuated when defining or

---

<sup>147</sup> According to the United Nations Development Programme (UNDP), the seven dimensions that constitute security are economic, food, health, environment, personal, community, and political.

<sup>148</sup> See, Ghana Armed Forces Command and Staff College, and the Kofi Annan International Peacekeeping training Center briefing kit on ‘International Peace Support Course’, 02-27 June 2003.

<sup>149</sup> The South African Department of Defence for example recently identified and defined nine overlapping terms: (1) Peace missions; (2) Peace support operations; (3) Preventive diplomacy; (4) Peace-making; (5) Peace keeping operations; (6) Peace enforcement; (7) Peace-building; (8) Humanitarian assistance; and (9) Humanitarian intervention. The ambiguities associated with these terminologies, are accentuated because, different countries and organizations give different meanings to the same terms. See the White Paper on South African Participation in International Peace Missions, approved by the Cabinet on 21<sup>st</sup> October 1998, pp. 6-7, courtesy of South African Permanent Mission to the UN in Geneva. The definitional ambiguity also came to light in a personal interview with Lt Gen. Arnold Quainoo, on 15<sup>th</sup> November 2003, in Accra. Lt Gen. Arnold Quainoo, was the first commander of the Economic Community of West African States (ECOWAS) Cease-fire Monitoring Group (ECOMOG) and currently, Executive Director of the Centre for Conflicts Resolution in Accra.

<sup>150</sup> Article 33 (1) of Chapter VI of the UN Charter.

<sup>151</sup> Strategic Framework for the Canadian Peace-building Activities (Ottawa: Department of Foreign Affairs and International Trade/The Canadian International Development Agency, 1997).

explaining what constitutes peace-building. Nonetheless, peace-building can broadly include activities that are put in place to address the root cause (s) of conflicts, so that these conflicts do not recur. Thus, the overarching goal of peace-building is to find a panacea to conflicts.<sup>152</sup>

It is against this backdrop that the next section analysis the national and regional framework put in place by these states to operationalise the above commitments.

### 2.4.3 National-Level Arrangements

This section discuss the various structures that have been put in place or are being put in place at the national level to facilitate the making and building of peace in war-torn countries. In tacking this issue, certain key indicators will be used as the guidelines in assessing the level of compliance of the eight APRM countries. These indicators or guidelines are:

- State of domestic legislation.
- Political will of Leaders and their financial commitments towards peace-making and peace-building;
- Degrees of intra-and inter agency co-ordination.

#### *(A) State of Domestic Legislation on Peace-making and Peace-building*

---

<sup>152</sup> On the variety of activities and programmes that constitutes peace-building, consult <http://www.una-uk.or/UN&C/peacebuilding.html>, accessed on 2 December 2003. The Catholic Relief Services(CRS) for instance, does peace-building through the following 16 categories: Education, Training and Workshops, Prevention and Early Warning, Institution/Peace and Justice Commission, Women and Peace-building, Security and Peace-building, inter-Religious Dialogue, Business and Micro-Enterprise Development, Media and Communications, Development and Reconstruction, Advocacy and Citizen Diplomacy,

Higher Level Diplomacy, Research, Intervention Roles, Trauma Healing and Psychosocial Work, Demobilisation and Emergency Response and Post-Conflict Reconstruction. Available at,

[http://www.catholicrelief.org/what\\_we\\_do\\_overseas/peace/index.cfm](http://www.catholicrelief.org/what_we_do_overseas/peace/index.cfm), accessed on 5 December 2003..Also see Nicole Ball “Democratic Governance in the Security Sector” A paper presented at a (UNDP), Workshop on “Learning from Experience for Afghanistan”, 5<sup>th</sup> February 2002 In this paper she argues that , against the fact that security of the state should be geared towards external aggression in the 21<sup>st</sup> century, many societies face threats from within their state. Security policy should therefore find non-violent solutions to conflicts at sub-national, national, regional and international levels. Regarding the roles of the security forces under peace-building, Nicole Ball, states that, the security forces should focus on :

“Protection against external aggression; maintenance of law and order; ability to counter internal threats to constitutional order; ability to participate in regional defence; protection of borders and national waters; ability to use security forces to promote foreign policy objectives including the participation of peace operations; creation of an environment conducive to poverty-reduction; environmentally sound development strategies; and finally, attention to regional and sub-regional issues that may create conflicts such as AIDS, allocation of water resources, citizenship, and transitional crime”. Finally, for the Canadian Government peace-building activities chat, visit, [www.cpcc.ottawa.on.ca](http://www.cpcc.ottawa.on.ca), accessed on 2 December 2003.

Despite the fact the states under review have signed the 1993 Cairo Declaration, to facilitate the making of peace in war ravaged countries, None of these countries explicitly has domestic legislation that compels them for provide the needed resources required for peace-making and peace-building in war-ravaged countries. The apparent lack of any legislation means that those states that have signed this document have no compelling reasons to help make and build peace in war-torn countries<sup>153</sup>. In Ghana, one of the closest domestic legislation that can facilitate the making and building of peace can be implied from the ‘The Security and Intelligence Agencies ACT, 1996’, also known as ACT 526. Part of the ACT states that:

“AN ACT to make provision in respect of the National Security Council; to provide for the establishment of Regional and District Security Councils, to specify some of the State agencies 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” (My emphasis)

Given the domino effect of conflicts and how it impacts negatively on the development of the sub-regions and the continent as a whole, making and building peace in war-torn countries is therefore becomes an issue relating to the internal security (refugees, spread of HIV/AIDS, proliferation of small arms across the national borders) as well as external, which include the bad image of the sub-region which deters investors needed for development. Security of Ghana. It can therefor be implied. The lack of strong and effective legislation<sup>154</sup> regimes governing peace-making and peace-building, in these APRM countries is indicative of the disconnectedness between protocols signed and the practical actualization of such protocols. This is concurred by the an AU Report which broach the subject of non compliance when it noted with concern that:

“... emphasis must clearly be placed on the treaties adopted under the aegis of the AU, which, by definition, are aimed at addressing issues of specific concern to Africa. In some instances, this emphasis has been lacking and, consequently, Member States have ratified international treaties without giving equal attention to those adopted by the Union”<sup>155</sup>

---

<sup>153</sup> The establishment, and coming into force, of the ECOWAS and AU parliament will revolutionalise treaties signed under ECOWAS and the AU. This is essentially because these supra-national parliaments will have the powers to compel states to comply with ECOWAS and AU documents, which have signed. In order words, this supra-national parliament will have oversight role over national parliament thus compelling governments to take certain decision without necessarily having the prior approval of their national parliaments.

<sup>154</sup> Strong and effective is used here to depict the type urgency with the European Union, (EC)with assistance from the United States of America ,(USA) dealt with the conflicts in Kosovo and Macedonia,

<sup>155</sup> See *Report of the Interim Chairperson of the Commission on the Status of AU Treaties* (As at 17 June 2003) Executive Council, Third Ordinary Session, 4 -8 July 2003, Maputo, Mozambique, EX/CL/36 (III), p. 1

*(B) The Political Will and Financial Commitment of these State towards Peace-making and Peace-building*

It is increasing becoming clear to most African governments that conflicts have seriously retarded the socio-economic development of Africa. In addition, the Constitutive Act of the AU has indicated the desire by Africans to create a peaceful atmosphere desirable for the development of the continent since conflicts have been inimical to the continent's development. Countries like Ghana, Nigeria, Kenya, Senegal and South Africa have not consistently witnessed very serious reservations,<sup>156</sup> from their citizenry, against their country's resources being invested into peace-making in Africa. Since the early nineties, Ghana had been involved in making peace in war-torn countries in the sub-region. To this end, has been and continues to be involved in a number of peace processes with huge financial and other associated expenses.

Apart from contributing troops and logistics towards ECOMOG, Ghana under President Rawlings, hosted and attended numerous peace-making conferences in the mid 1990s as a way of solving the Liberian crises. Ghana's commitment to making peace in Liberia, soon after taking over the chairmanship of ECOWAS, became evident when Ex-President Rawlings organized two meetings in Ghana as a way of dealing with the humanitarian crises resulting out of the Liberian conflict. All these - including ECOMOG operations - involved huge financial obligations with initially little international support. In addition, Ghana had spent more than \$10million as of 1995 on ECOMOG in Liberia, aside her human loss.

To show Ghana's consistency in helping to establish peace in the West African sub-region in particular, the change of government in Ghana, in 2000<sup>157</sup>, did not change her commitment at helping to making peace in the sub-region in particular. Since 2000, Ghana under President J. K. Kufuor has contributed so much to the making of peace in Guinea-Bissau, Liberia, La Cote d'Ivoire and Sierra Leone. As the chairman of ECOWAS, President Kufuor has worked assiduously towards establishing some level of peace and stability to these countries. As a result, he has been re-elected for another 2-year term as ECOWAS chairman.<sup>158</sup>

In short, Ghana has contributes immensely towards the making of peace in the sub region which has won the admiration a many. Consequently, President Kufuor has been re-elected for a second one-year-term at the end of the 27<sup>th</sup> Ordinary Summit of ECOWAS Authority of Heads of State and Government held in Accra on the 19<sup>th</sup> of December. This has been done despite her financial situation as well as her limited

---

<sup>156</sup> Since almost all of the states under review are currently under democratic rule, the national parliament and civil societies have the potential to undermine states willingness to help make peace in war-torn countries. The increasing involvement of civil societies in peace-making efforts on the continent is indicative of the willingness of the people of Africa to create a peaceful environment for development.

<sup>157</sup> Adekeye, Adebajo, Ibid.

<sup>158</sup> According to Dr Mohammed Ibn Chambas, Executive Secretary of ECOWAS, the fifteen Heads of State and Government of the sub-regional body, unanimously renewed President Kufour's term as ECOWAS Chairman. The overarching reason for his re-election, according to the Executive Secretary, was because of the swift manner in which he organized his colleagues to intervene in the Ivorian crisis, the almost relapse of the Liberian situation as well as the looming dander in Guinea-Bissau. For details of the story see, Amoako, Samuel. 'African Leaders Hail Kufour', *The Ghanaian Times*, 14 July 2003.

logistics. Sadly though, Ghana, and the rest of the countries under evaluation, has virtually little to show in terms of peace-building as stipulated in the Cairo Declaration of 1993. Since the early 1990s, Nigeria has been part of the numerous peace-making efforts in Liberia and Sierra Leone. ECOMOG virtually depended on Nigeria as the provider of the wherewithal. Nigeria eventually provided 75 percent of troops and 90 percent of the funding for ECOMOG<sup>159</sup>. As of 1993, Nigeria was spending about 500,000 dollars a day and had 12,000<sup>160</sup>.

Algeria's role in making peace in war-torn countries lack the same degree of political enthusiasm and zeal with which countries like Ghana, South Africa, Nigeria have shown. The underlying reason could be due to the volatile political situation in Algeria, which leaves her with fewer resources to deal with peace-making in war-ravaged countries. The political challenges posed by the 'Islamic extremist'<sup>161</sup> in Algeria, posits that, she needs more peace than she can give. Currently Algeria is battling with two sorts of conflicts underpinned by religious and ethnic<sup>162</sup> sentiments.

In Uganda, Museveni is battling with the main rebel movement, the Lords Resistance Army (LRA)<sup>163</sup> and this has affected her degree of Uganda's participation in peace-making.<sup>164</sup> Thus, most fundamentally, the war has, affected the ability of the Government of Uganda (GoU) to effectively participated in peace-making and peace-building in Africa. Ethiopia's ability to participate in peace-making and peace-building, has also been affected by drought<sup>165</sup> and her war with Eritrea. These factors have not only been inimical to her socio-economic development, but have also affected her financial and human. resources, needed for effective peace-making and

---

<sup>159</sup> Adekeye, Adebajo. Ibid.

<sup>160</sup> Adekeye, Adebajo. Ibid.

<sup>161</sup> 'Islamic Extremist' as used in the text, is used benignly and without any prejudiced to Islam. It is used here to depict the ruthless method of cutting throat, adopted by some o the belligerents in the Algerian conflict.

<sup>162</sup> Talks between Algerian Government and Berber leaders over the status of the Berber language, Tamazight, collapsed. The talks broke down because of the refusal of the government to give the language equal status as Arabic. For a circumstantial information on the break down of the peace talks, see '*Daily Graphic*', 10 February 2004.

<sup>163</sup> Uganda has other rebel groups who have either been flashed out or are considered to be of no immediate threat to the country. These groups are: Allied Democratic Forces (ADF) National Army for the Liberation of Uganda (NALU), Uganda National Rescue Front, Uganda National Rescue Front II, Uganda Salvation Army/Front, West Nile Bank Front (WNBF)

<sup>164</sup> It is however important to state that, despite the war with the rebels, Uganda in the first few years of the 21<sup>st</sup> century, fought the war in Democratic Republic of Congo, which involved huge financial and human commitment. Nonetheless Uganda under Musevine has been part of the Burundi peace process. But that seems that have been an exception.

<sup>165</sup> According to a BBC report on Monday 10th February 2004, over one million people have died out of starvation in Ethiopia. The report, however, did not state the period between which the deaths of the one million people occurred. Also the Ethio-Eritrea war, between 1998to 2000 which also signified the peak of the conflict took the lives of over 100,000 people with some diplomats estimating that the conflict was causing one million dollars a day whilst funding for education and health was plummeting.

peace-building participation. In the face of these facts, Ethiopia has a number of active peace and security think tanks. Prominent among them is the ‘The Ethiopia International Institute for Peace and Development (EIIPD)’. These research outfits provide research analysis and consultancy on regional security issues in effect bolstering Ethiopia, participation in peace-making and peace-building in war-torn countries.. In effect her level of peace-making participation has been minimal although she has been interested in securing peace with Eritrea <sup>166</sup>and Somalia. In the face of these facts, non of the eight countries have been able to successfully build peace in war-torn countries. The indicators strongly point to the fact that lack of adequate and sustainable funds, including inadequate expertise, has inhibited the institutional capacity of the states to successfully build peace in pre and post conflict societies.<sup>167</sup>

### (C) Intra–and inter governmental and agency co-ordination

Peace-making and peace-building in war torn countries require consistent information sharing and trust. Though there are formal and informal sharing arrangements of information among sub-regional and APRM member states, lack of trust, especially in the 1980s, among African leaders has negatively impacted on this. The lack of trust among African leaders had consistently spawn conflicts and hostility among these leaders<sup>168</sup>. For instance, it is generally perceived in West Africa that Blaise Campore, president of Burkina Faso, had consistently created a safe-haven for Charles Taylor of Liberia to flout ECOWAS and UN sanctions. This created a problem to ECOWAS’s effort at bringing peace to Liberia and by extension Sierra Leone.<sup>169</sup> The lack of trust and good neighborliness among SADC members has thwarted the smooth implementation of peace deals to DR Congo, Burundi and other volatile situations in the SADC region. Eriksson, et al, concurs with this when he argued

“Other States contributed regular troops to internal conflicts in Angola, where Namibia contributed troops to the Angolan Government; in Democratic Republic of

---

<sup>166</sup> Personal interview with Ethiopia’s Ambassador to Ghana, in Accra, 10 November 2003. She claims that, the apparent disregard by Eritrea towards the African Union’s mechanism for peaceful resolution of border disputes exacerbated the conflict. In her opinion, Ethiopia is a unique example of a strong military power that negotiates intensively with a weaker state concerning disputes. On the balance side, it was not possible to interview Eritrea’s representative since Ethiopia is the only East African country with an embassy in Ghana.

<sup>167</sup> For instance the Ministry of Foreign Affairs Ghana, and by extension the Ghanaian Government, cannot afford one hundred million dollars as a token towards the reconstruction of Liberia.

<sup>168</sup> The relationship between Ghana and Togo during the era of ex-president Rawlings, of Ghana, was at best very poor. There was suspicion that each other was harboring dissidents of the other. In an extreme case Togo shelled an important Ghanaian border town, Aflao around the late 1990s. In addition, it is generally perceived in West Africa that Blaise Campore, president of Burkina Faso, had consistently created a safe-haven for Charles Taylor of Liberia to flout ECOWAS and UN sanctions by helping Taylor acquire guns. Thus the lack of good neighborliness affected the co-operation within ECOWAS to effectively deal with the conflicts in the sub-region.

<sup>169</sup> Personal interview with a high ranking Ghanaian military officer, in Accra, 3 November 2003.

(DRC), where Angola, Namibia and Zimbabwe contributed troops to the DRC Government, and Rwanda and Uganda were involved on the side of the opposition”<sup>170</sup>

Co-ordination within Regional leaders goes a long way in peace-making and peace-building. The conflict in DR Congo created factions within SADC thus affecting the peace making efforts in that country<sup>171</sup>. The nature of conflicts in Africa and its complexities demand more effective and efficient collaboration among AU member states. The activities of mercenaries and other spoilers, from within and without Africa in fanning conflicts, are increasingly becoming so complex that, inter-and intra government collaboration has become very important as a precursor to any successful peace-making and peace-building. This is because some people gain a lot when conflicts become protracted and would therefore undermine peace-making efforts.

#### 2.4.4 Sub-regional Level Arrangements.

The capacity of states to make and build peace affects the capacity of sub-regional bodies and ultimately the AU in solving conflicts. These APRM member states are all members of their various sub-regional organizations, which are: IGAD, SADC, and ECOWAS. Under these regional bodies countries are mandated under various protocols to assist in bringing about peace and development. For instance under ECOWAS Protocol relating to the ‘*Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security*’ stipulates clearly in Chapter IX Article 42, 43 and 44 the methods for peace-building. Article 43 which specifically deals with peace-building during hostilities states that:

“In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts”.

Article 44, further describes how peace-building will be undertaken in post-conflict societies. The Article states that ECOWAS shall undertake certain activities in Member States that have been adversely affected by violent conflicts. These activities are:

- a) Consolidation of the peace that has been negotiated;
- b) Establishment of condition for the political, social and economic reconstruction of the society and government institutions;
- c) Implementation of disarmament, demobilization and reintegration programmes including those of child soldiers;
- d) Resettlement and reintegration of refugees and internally displaced persons;(sic)

---

<sup>170</sup> Mikael Eriksson, et al, (2002), *ibid*.

<sup>171</sup> Personal Interview with Colonel (DR) Rocky Williams, Head of African Civil-Military Relations Institute, University of Pretoria, Accra, Ghana. 26 November 2003.

Assistance to vulnerable persons, including children, the elderly, women and other traumatized groups in society. It is apparent from the protracted and volatile nature of the West African sub-region that ECOWAS has not fully achieved the five categories of methods that she has outlined to deal with war-torn countries. For instance ECOWAS has done little in terms of providing assistance for vulnerable people caught up in conflicts.<sup>172</sup> In addition, the over three hundred and eighty refugees<sup>173</sup> from Sierra Leone, who are still living in Guinea and this bellies the commitment of ECOWAS leaders to resettle refugees after making peace.

The tenacity and purpose with which IGAD, of which Ethiopia and Kenya are members, sponsored the Somalia peace-process indicators the determination of the sub-regional body to put into substance the commitment to make peace, no matter the financial cost and duration, in war-ravaged countries. Among the SADC, the hegemonic potential of South Africa shows in her commitment towards the NePAD process and the APRM documents. The forgoing indicators show the varying degree of compliance of the APRM states towards peace-making and peace in war torn countries. The table below places the states on a scale of their depth of compliance.

Table 2: Placement of States on the scale of Depth of Compliance.

The commitments state that where conflicts have occurred it will be the responsibility of the Mechanism for Conflict Prevention, Management and Resolution's to:

(A) Undertake peace-making and

(B) Peace-building functions in order to facilitate the resolution of these conflicts.

Member State	Commitment	Level of Compliance.
Algeria.	A	Effective
	B	Ineffective
Ethiopia.	A	Effective
	B	Ineffective
Ghana	A	Effective
	B	Ineffective
Nigeria.	A	Effective
	B	Ineffective.
Kenya.	A	Effective
	B	Ineffective
Senegal.	A	Effective
	B	Ineffective

<sup>172</sup> In my research into the living strategies of Liberian refugees in Ghana, I heard of harrowing stories of women, children and the elderly being slaughtered to death because they could not defend themselves.

<sup>173</sup> [WWW.BBCnews.com](http://WWW.BBCnews.com) Accessed on 12 February 2004.

South Africa	A	Effective
	B	Ineffective
Uganda.	A	Effective
	B	Ineffective

The above table captures in broad terms the level of compliance of the eight APRM states. The forgoing shows what the eight APRM countries have done or are doing to fulfill their commitments to make and build peace in war-ravaged countries. A tabular assessment of the countries will look like table 3 below.

The commitment states that where conflicts have occurred it will be the responsibility of the Mechanism to:

(A) Undertake peace-making and

(B) Peace-building functions in order to facilitate the resolution of these conflicts.

Explanation of Grading.

Lack of Compliance: -1

Work in Progress: 0

Full Compliance: 1

Table 3: Assessment of Member States Compliance with identified Commitments

Member State	Commitments	Assessment
<b>Algeria</b>	<b>A</b>	<b>0</b>
	<b>B</b>	<b>-1</b>
<b>Ethiopia</b>	<b>A</b>	<b>-1</b>
	<b>B</b>	<b>-1</b>
<b>Ghana</b>	<b>A</b>	<b>+1</b>
	<b>B</b>	<b>-1</b>
<b>Kenya</b>	<b>A</b>	<b>+1</b>
	<b>B</b>	<b>-1</b>
<b>Nigeria</b>	<b>A</b>	<b>+1</b>
	<b>B</b>	<b>-1</b>
<b>Senegal</b>	<b>A</b>	<b>+1</b>
	<b>B</b>	<b>-1</b>
<b>South Africa</b>	<b>A</b>	<b>+ 1</b>
	<b>B</b>	<b>-1</b>
<b>Uganda</b>	<b>A</b>	<b>0</b>

	<b>B</b>	<b>-1</b>

#### 2.4.5 Conclusion: Lessons from the review

The lessons that can be learned from this piece, strongly points to the inability of most Africa countries (as well as of sub-regional bodies and the African Union), to effectively build peace after the cessation of hostilities. Though the trajectories, undergirding the incapacity of countries to successfully build peace in war-torn countries, discourages easy generalisation, certain key bottlenecks seems to run through most of these countries. These factors include:

- 1) The lack of financial capability of states to fund long term peace-building infrastructure and programmes, which the y(the prospective funding countries) dire need;
- 2) The inadequate understanding of the negative consequence of conflicts on the continent as a whole;
- 3) The lack of unity among African leaders to muster human and material resources as a means of developing together in the aftermath of the cold- war and the on-set of world of globalisation and finally;
- 4) The unwillingness of Western countries (which was worse before the September 2000 attack on the United States), to commit substantial human and material resources into peace initiative in Africa, as compared to conflicts in Europe, the Bulkiness, and the Middle East among others.

This section has illustrated the inability of most African states to fulfil their obligation to build- peace in war-torn countries. In effect, countries get entangled a years of open hostilities. The result is often that, states collapse with grave humanitarian consequences. Civilians are used as bargaining chips. They are amputated, beheaded, displaced, gang raped as a means of attracting the international society and almost invariably given political position in post conflict era.

To effectively build peace, an organ should be created under the Peace and Security Council of the African Union to solely handle peace-building. It is however, important to state that, it is better and cheaper to build peace in pre-conflict society than post conflict society. In addition, national parliaments and civil society should be made to understand the essence of pooling resources together to help build peace on the continent. If this is done, countries will be willing to assist in peace-making and peace-building without seriously altering national agenda as and when political leaders are changed. In conclusion, it is clear that whereas most countries have been able to help make some level of peace in war-torn countries, peace-building has been a mirage. This is meant that civilians caught up in war have to go through the scourge and throes of war for years. There is therefore the need for stable countries and the African Union in particular to help build peace in war-torn countries as a way of creating a peaceful environment required for development.

### Concluding Remarks

From the discussion above, it can be observed that there are varied levels of compliance to the different commitments agreed to by selected states under evaluation. While it is clear that states have made efforts at complying in general, all states need to improve on their levels of commitment and ratification of these Protocols.

Again, though the fulfillment of these commitments are supposed to improve the human security status of African citizens, the involvement or knowledge base of Africans to these issues is at best minimal. It is, therefore, imperative that if the norms and values underpinning the New Partnership for Africa's Development (NEPAD) and the African Union (AU) are to have empirical utility for ordinary Africans, then endeavors must be made to inform and include them in the decision-making and implementation processes of these commitments.

## Bibliography

- Aboagye, Festus. 1999. "ECOMOG: A Sub-Regional Experience In Conflict Resolution, Management and Peacekeeping In Liberia", Sedco Enterprise: Accra.
- Adekeye, Adebajo. 2002. "Liberia's Civil War: Nigeria, ECOMOG, and Regional Security in West Africa", Lynne Rienner: Boulder, London.
- Africa Watch*. 'Divide and Rule: State-sponsored Violence in Kenya', November 1993.
- African Union Constitutive Act.
- African Union (AU), *Report of the Interim Chairperson of the Commission on the Status of AU Treaties* (As at 17 June 2003) Executive Council, Third Ordinary Session, 4-8 July 2003, Maputo, Mozambique, EX/CL/36 (III)
- Amoako, Samuel. 'African Leaders Hail Kufour', *The Ghanaian Times*, 14 July 2003.
- Aning, Kwesi. 2001. 'Whither Africa's security? State-or mercenary-induced', *Global Society*.
- Aning, Kwesi. 2003. 'Understanding West African Conflict Complexes'. (Forthcoming).
- BBC Focus on Africa Magazine*, January – March 2003, p. 10
- Clark, John. 2001. "Explaining Ugandan Intervention in Congo: Evidence and Interpretations", *Journal of Modern African Studies*, 39, 2, Cambridge University Press.
- Centre for Conflict Resolution*. 'Ethnicity, Violence and Democracy', Kenya, 1999.
- Commission on Human Security*, (2003), 'Human Security Now', Washington DC, Communications Development Incorporated.
- Daily Graphic*, 19 November 2002.
- ECOWAS Protocol on the Mechanism for Conflict Prevention, Resolution, Peacekeeping and Security, Lome, 1999.
- ECOWAS Protocol Relating to Mutual Assistance on Defence, 1981.
- ECOWAS Protocol on Non-Aggression, 1978.
- <http://ccrweb.ccr.uct.ac.za/two/3/p13.html> accessed on 9-02-04.
- [http://en.wikipedia.org/wiki/History\\_of\\_The\\_Gambia](http://en.wikipedia.org/wiki/History_of_The_Gambia) accessed on 7-02-04.
- <http://denden.com/Conflict/un-oau/un-res1227-2-99.htm> accessed on 5-12-03.

<http://freedomhouse.org/survey99/country/gambia.html> accessed on 7-02-04.

[http://www.afrol.com/News2002/cam013\\_nig\\_bakassi2.htm](http://www.afrol.com/News2002/cam013_nig_bakassi2.htm) accessed on 10-12-03.

<http://www.atlapedia.com/online/countries/senegal.htm> accessed on 7-02-04.

<http://www.american.edu/TED/ice/senegal-mauritania.htm#background> accessed on 10-02-04.

<http://www.bsponline.org/bsp/publications/africa/147/history.htm> accessed on 26-11-03.

<http://www.csmonitor.com/durable/1998/09/23/fp7s1-csm.shtml> accessed on 5-12-03.

<http://www.ecn.org/communitas/en/en121.html> accessed on 5-12-03.

<http://www.ethioembassy.org.uk/articles/briefings/briefings/statements%20and%20speeches/Berhane%20Gebre%20Christos-1.htm> accessed on 5-12-03.

<http://www.globalsecurity.org/military/library/news/2004/01/mil-040128-unnews04.htm> accessed on 7-02-04.

<http://www.hrw.org/reports/1993/liberia/#8> accessed on 5-12-03.

<http://www.iss.co.za/Pubs/Monographs/No46/Ecomog.html> accessed on 13-02-04.

[http://www.kenyaembassy-paris.org/site/news/Conflict\\_Resolution.doc](http://www.kenyaembassy-paris.org/site/news/Conflict_Resolution.doc) accessed on 10-12-03.

[http://www.moles.org/ProjectUnderground/drillbits/7\\_09/2.html](http://www.moles.org/ProjectUnderground/drillbits/7_09/2.html) accessed on 7-02-04

<http://news.bbc.co.uk/1/hi/world/africa/179120.stm> accessed on 10-12-03.

<http://www.onwar.com/aced/nation/sat/senegal/fsenegalmauritania1989.htm> accessed on 10-02-04.

<http://reference.allrefer.com/country-guide-study/ghana/ghana139.html> accessed on 29-01-04.

[http://www.usip.org/library/pa/sudan\\_uganda/sudan\\_uganda\\_12081999.html](http://www.usip.org/library/pa/sudan_uganda/sudan_uganda_12081999.html) on 10-12-03.

<http://www.relieffweb.int/w/rwb.nsf/0/61ff5839c781789085256c6100792daa?OpenDocument> accessed on 5-12-03.

<http://www.wsws.org/news/1998/sep1998/saf-s24.shtml> accessed on 5-12-03.

ICG *Africa Report* Ethiopia and Eritrea; War or Peace', No. 68. Nairobi/Brussels, September 2003.

IGAD Protocol on the Establishment of a Conflict Early Warning and Response

Mechanism for IGAD Member States, Khartoum, January 2002.

[ISS Monograph 46, Building stability in Africa: Challenges for the new millennium, February 2000.](#)

Krasner, S. 1982. 'Structural causes and regime consequences: regimes and intervening variables', *International Organisation*, Vol. 36, No. 2, Spring.

Locke, Mary. 2002 "African Perspectives on Intervention and Internal Wars" *African Security Review* Vol. 11 No 1.

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.

Mikael, Eriksson, Margareta Sollenberg and Peter Wallensteen. (2002), 'Patterns of Major Armed Conflicts, 1990-2001' in Rotfeld, et al, (Eds.) 'SIPRI Yearbook, 2002: Armament, Disarmament and International Security.' *New York: Oxford University Press Inc.*

Mingle, Edmund. 'Give Peace and Democracy a Chance...Chambas', *The Ghanaian Times*, December 18, 2003

OAU Convention for the Elimination of Mercenarism in Africa (1977).

OAU Convention for the Elimination of Mercenaries in Africa, OAU Doc.CM/433/Rev.L Annex 1 (1972).

OAU Declaration on the Activities of Mercenaries in Africa

OAU Declaration of a Mechanism for Conflict Prevention, Management and Resolution, Cairo, 1993

OAU Declaration on a Code of Conduct for Inter-African Relations, Tunis, 1994

OAU Protocol Relating to the Establishment of the Peace and Security Council of the African Union, Durban, 2002.

OAU Resolution on the Activities of Mercenaries, AHG/Res.49 (IV) (1967) Kinshasa.

Olonisakin, F. & Kwesi Aning. "Humanitarian Intervention and Human Rights: The Contradictions in ECOMOG", *The International Journal of Human Rights*, 1999. Vol. 3, No. 1.

Pierre, Andrew J & William B. Quandt. 1996. *The Algerian Crisis: Policy Options for the West*. Washington: Brookings Institute.

Republic of Ghana, *The Security and Intelligence Agencies Act*, 1996, Act 526

Republic of South Africa, *Regulation of Foreign Military Assistance Bill (B54-97)*

Republic of South Africa, *Portfolio Committee Amendments to Regulation of Foreign Military Assistance Bill (B54A-97)*

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.

SADC Protocol on Politics, Defence and Security Cooperation, signed in Blantyre, 14<sup>th</sup> August 2001

Supplement A to Executive Outcomes (PTY) Limited presentation to the Portfolio Committee on Defence, Parliament, Cape Town, 19 August 1997

Valerie Percival and Thomas Homer-Dixon 'Environmental Scarcity and Violent Conflict: the Case of South Africa', Occasional Paper, Washington D. C. October 1995.

#### *Interviews*

Lt Gen. Arnold Quainoo, Former ECOMOG Commander. Accra, November 2003.

M.M. Phologane, Former South African High Commissioner to Ghana. November 2003.

Ethiopia Ambassador to Ghana. Accra, November 2003.

Colonel (Dr.) Rocky Williams, Head of African Civil-Military Relations Institute, University of Pretoria. Accra, November 2003.

Maj.Gen. (Rtd.) Len le Roux, Defence Sector Programme, Institute of Security Studies, Pretoria, South Africa. Accra, November 2003.

Seth Aggor, Commissioner of Police (rtd.). Accra, February 2004.