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**Regional Peace and Security Architecture: Challenges of Compatibility
between Africa Union Peace and Security Council & Regional Economic
Communities**

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By Selam Melese Biru

Prepared under the supervision of

Dr. Derje Zeleke

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By Selam Melese Biru

Approval the Board of Examiners

Advisor

Signature

Date

Internal Examiner

Signature

Date

External examiner

Signature

Date

Plagiarism Declaration

I Selam Melese Biru, do hereby declare that the REGIONAL PEACE AND Security Architecture: Challenges of Compatibility Between Africa Union Peace and Security Council & Regional Economic Communities is my original work and that it has not been submitted for any degree or examination in any other university. Whenever other sources are used or quoted, they have been duly acknowledged.

Signature:

Selam Melese Biru

Date.....

This thesis has been submitted for examination with my approval as Supervisor.

Signature.....

Dr. Derje Zeleke

Addis Ababa University

Date.....

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Acronyms

AEC-African Economic Community

APSA- African Peace and Security Architecture

AMU-Arab Maghreb Union

ASF-African Standby Force

AU- African Union

AUC- African Union Commission

AU PSC/PSC - African Union Peace and Security Council

CA- Constitutive Act of African Union

CADSP-The Solemn Declaration on a Common Africa Defense and Security Policy

CEWARN-Conflict Early Warning and Response Mechanism

CEWS- a Continental Early Warning System

CMD-Conflict Management Division

COMESA- Common Market of East and Southern Africa

EAC- East African Community

ECCAS- Economic Community of Central African States

ECOMOG- ECOWAS Ceasefire Monitoring Group

ECOWAS- Economic Community of West African States

ECPF-ECOWAS Conflict Prevention Framework

IGAD- Intergovernmental Authority on Development

IGADD- Inter-Governmental Authority on Drought and Desertification

IGASOM- IGAD Peace Support Mission in Somalia

MOU- Memorandum of Understanding on Cooperation in the Area of Peace and Security between RECs and AU

MSC- Military Staff Committee

OAU- Organization of African Unity

ODM - Orange Democratic Movement (Kenya)

OPDSC- Organ on Politics, Defense and Security Cooperation

PCRD- Post-conflict reconstruction and development

PoW- Panel of the Wise

PSC Protocol- The Protocol Relating to the Establishment of the Peace and Security Council of the African Union

PSCS-Peace and Security Council Secretariat

PSD-Peace and Security Directorate

PSOD- Peace Support Operations Division

RECs- Regional Economic Communities

RMs- Regional Mechanisms

SADC- Southern African Development Community

UN PSC- United Nations Peace and Security Council

Abstract

One of the fundamental changes that have come about with the transformation of the Organization of African Unity into the African Union is the establishment of a comprehensive peace and security regime. The African Peace and Security Architecture is institutionalized within the framework of the AU Constitutive Act and the Protocol on the Peace and Security Council.

APSA is a key mechanism for implementing the AU's vision of promoting peace, security and stability in the continent. The African Union regards Africa's sub regional organizations as an integral part of its peace and security framework and building blocks of the African Peace and Security Architecture. Therefore the coordination and harmonization of the African Union Peace and Security Council with sub regional organizations is significant. To strengthen this relation a Memorandum of Understanding on Cooperation in the area of peace and security was signed between them.

The study seeks to describe and analyze the relationship of the African Peace and Security Council with sub regional organizations. To this end the paper first discuss the global peace and Security Architecture and then the Regional peace and security structure. The structure and the institutional design of AU PSC will be dealt by further analyzing the provisions of the Constitutive Act, the MOU and the Protocol on the Relation between the African Union and the Regional Economic Communities. The paper examines the structures of selected RECs and studies their involvement in the area of peace and security and the coordination with the AU PSC.

Finally the paper analyses the prospects and the challenges on the working relationship between the AU PSC and the RECs. The paper concludes with recommendation for better developing the institutional relationship between AU PSC and RECs in order to facilitate more lasting and sustainable peace and security in Africa

CHAPTER ONE

INTRODUCTION

1.1. Background

The importance of international peace and security and the motive of the founders of the organization to save the generation from the scourge of war were emphasized in the preamble of the United Nations Charter.¹ The maintenance of international peace and security represents the primary purpose behind the establishment of the United Nations.² Article 24, paragraph 1 of the charter provides:

“In order to ensure promote and effective action by the United Nations, its members confer on the Security council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.”

The Charter provided a system for the pacific settlement of disputes, and the use of collective measures in threat to or breaches of peace and acts of aggression. Through these two methods delineated in Chapter VI and Chapter VII of the Charter the United Nations primarily exercises its role in maintaining international peace and security.

The first method provided by the UN system is that of seeking peaceful settlement of disputes and situation by peaceful means as listed in Chapter VI of the UN Charter. Article 33 obliges the parties to a dispute, the continuance of which is likely to endanger the maintenance of international peace and security, to seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangement, or other peaceful means of their own choice.³ According to this provision, any party to any dispute which is likely to endanger the maintenance of international peace and security is obligated to seek, first of all, a settlement by the pacific peaceful procedures.

¹ United Nations, Charter of the United Nations,(1945), San Francisco, Preamble Paragraph 1

² Id , Article 1

³ Id, Art. 33(1)

To discharge its duty for maintaining international peace and security, the Security Council may follow three courses of action under Pacific Settlement of Disputes. Firstly, the Security Council may call upon the parties to a dispute to settle their dispute using the means listed in Article 33(1) including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements.⁴ Secondly, it may, in case of a dispute of the nature referred to in Article 33, recommend appropriate procedures or methods of adjustment.⁵ Thirdly, it may recommend terms of settlement as it may consider appropriate.⁶

The second method that the UN employs is taking collective actions of a coercive nature for the prevention and removal of threats to the peace and for the suppression of acts of aggression and other breaches of the peace. The method of using collective enforcement actions by the United Nations is provided by Chapter VII of the Charter. The Chapter authorizes the Security Council to deal with threat to the peace, breach of the peace, or act of aggression, and to take collective enforcement actions in order to maintain or restore international peace and security. The Security Council, is given discretion in determining the existence of any threat to the peace, breach of the peace, or act of aggression, and to make recommendations or to decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.⁷

Before making the recommendations or deciding upon the measures provided for in Article 39 the Security Council call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable in order to prevent an aggravation of the situation.⁸ In case of failure of the parties or any of them to comply with the provisional measures, or the provisional measures are inappropriate, the Security Council may proceed to recommend or decide measures under Articles 41 and 42.

Under Article 41, the Security Council may decide to take measures not involving the use of armed force to give effect to its decisions, and may call upon the members of the United Nations

⁴ Id, Art. 33(2)

⁵ Id, Art. 36(1)

⁶ Id, Art. 37(2)

⁷ Id, Art.39

⁸ Id, Art. 40

to apply such measures.⁹ These measures may include complete or partial interruption of economic relations, means of transportation, means of communication, and the severance of diplomatic relations. According to Article 42, the Security Council may take armed action by air, sea, or land forces as may be necessary to maintain or restore international peace and security when the measures of Article 41 be inadequate or have proved inadequate.¹⁰ This action may include demonstrations, blockade, and other operations by air, sea, or land forces of members of the United Nations.

Being the primary responsible organ in maintenance of international peace and security, the UN Charter prohibits the threat or use of force by States individually or collectively against the territorial integrity or political independence of other States.¹¹ Two exceptions to this rule are contemplated in the Charter. The first relates to the right of individual or collective self defense in case of an armed attack against a Member of the United Nations.¹² The second pertains to the system of collective security under which the Security Council may, take military enforcement action to maintain or restore international peace and security. In the exercise of this role the Security Council may utilize regional organizations for enforcement action under its authority.

Although Article 24 of the UN Charter clearly vests the primary responsibility for maintenance of international peace and security with the Security Council, the Charter provides a role for regional organizations and arrangements in the promotion of peace and security in their respective regions. The possibility of a peace and security role for regional organizations was acknowledged under the UN Charter. Chapter VIII of the UN Charter is important for the determination and limitation of the scope of the authority of regional arrangements to take action for the maintenance of peace and security within their own region. The authority and competence of regional arrangements for dealing with matters relating to the maintenance of international peace and security is clearly recognized in article 52(1), but is subject to two conditions.¹³ First, the matters dealt with by the regional arrangements with regard to the maintenance of peace and security must be appropriate for regional action. Secondly, such arrangements themselves as well

⁹ Id, Art. 41

¹⁰ Id, Art. 42

¹¹ Id, Art. 2(4)

¹² Id, Art. 51

¹³ Id, Art. 51

as their activities must be consistent with the purposes and principles of the United Nations. It also prescribes the Security Council be kept fully informed of the activities undertaken or in contemplation under regional arrangements for the maintenance of international peace and security.¹⁴

The international community is increasingly paying attention to the role and contribution of regional organizations in the promotion of peace and security. Regional organizations which are close to the conflict situation are assumed to be better in anticipating conflicts and enjoying greater popular legitimacy in conflict zones than international mediators and peacekeepers.¹⁵ They also have local knowledge and cultural sensitivity to carry out nuanced and constructive conflict resolution policies.

*'The UN has increasingly recognized the role of regional organizations in undertaking some of its own assigned tasks relating to preventive diplomacy, peacemaking, peacekeeping and peace building which has happened partly due to the increasing demand for UN intervention caused by the spectacular rise in the number of conflicts in the post Cold War era.'*¹⁶

The African Union in 2004 launched its own Security Council as an organ to be a permanent decision making, collective security and early warning arrangement to facilitate timely and efficient response to conflict and other crises in Africa. The Peace and Security Council of AU is composed of fifteen members, of which ten are elected for two years and five for three years.¹⁷ Members are elected on the basis of their overall commitment to peace and the principles of the AU, with care being taken to ensure equitable regional representation and rotation.¹⁸ Unlike the UN Security Council no single Member State can block the Council's action, as no member has a veto and decisions can be made by a two-thirds majority.

¹⁴ Id, Art. 54

¹⁵ John S. Moolakkattu "The Role of the African Union in Continental Peace and Security Governance" India Quarterly: A Journal of International Affairs no.66 (2010), p. 153

¹⁶ Ibid

¹⁷ African Union, Protocol Relating to the Establishment of the Peace and Security Council of the African Union, (2002), Art. 5(1)

¹⁸ Id, Art. 5(2)

The AU's Peace and Security Council is the AU's primary standing decision making organ for the prevention, management and resolution of conflicts. Given its wide ranging mandate, the Council is a potentially powerful instrument: it can address any problem regarding stability, security and peace without major restrictions; and it is explicitly mandated to consider conflict prevention, anticipation, peacemaking, peacekeeping and peace building. The Constitutive Act which established the Africa Union, under its article 4 (h), empowered 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.¹⁹ In addition to this the Protocol establishing the AU PSC also allows the AUPSC recommend to the Assembly, pursuant to Article 4(h) of the Constitutive Act, intervention, on behalf of the Union, in a Member State in respect of grave circumstances.²⁰

As Africa's peace and security situation remains weak and fragile, there is a great need for the Peace and Security Council to undertake initiatives to further its cooperation with the sub regional Organization in promoting peace and security. The AU PSC Protocol acknowledges the contribution of Regional Mechanisms to conflict prevention, management and resolution, and to the maintenance and promotion of peace, security and stability in Africa.²¹ Since these mechanisms operate at the regional level, the AU PSC Protocol further identifies the need to develop formal coordination and cooperation arrangements between them and the African Union.²² This is essential for achieving the objectives listed in article 3 of the AU PSC Protocol which include promoting peace and security and stability in Africa; anticipating and preventing conflicts; and to promoting and implementing peace building and post conflict reconstruction activities. Therefore a strong relationship between AU PSC and regional mechanisms will be significant to achieve the objectives listed under Article 3 of the AU PSC protocol. Generally, regional mechanisms are a subset of regional economic communities which are mainly active in the economic field but an extension of their competence into other areas, such as peace, defense and security, has been made in recent times.²³

¹⁹ African Union, Constitutive Act of the African Union,(2000), Lomé, Togo, Art. 4(h)

²⁰ Supra note 17, Art. 7(1)(e)

²¹ Supra note 17, Paragraph. 6 of the preamble

²² Supra note 17, Paragraph. 6 of the preamble

²³ Philippe Sands and Pierre Klein, Bowett's Law of International Institutions, (6th ed.),2009, P.260

Africa's regional economic communities are playing increasingly important role in the area of peace and security. The RECs which were originally established with mainly economic goals in mind, including enhancing economic integration, trade, and development have added peace and security in their agenda as such matters have become increasingly pressing and unavoidable.²⁴ There is a regional imbalance regarding peace and security and this imbalance indicates that in several regions, a political framework for effective peace endeavors is largely absent. Yet, the AU relies on regional organizations far beyond the provision of troops and security mechanisms. In response to the crisis in Mali, the AU Peace and Security Council in July 2012 authorized the Economic Community of West African States to take measures to resolve the crisis. In this way, the key aspects of conflict management and resolution were delegated to a regional economic community.

According to article 7(j) of the AU PSC Protocol, one of the powers of the Peace and Security Council is to promote close harmonization, coordination and cooperation between regional mechanisms and the Union in the promotion and maintenance of peace, security and stability in Africa.²⁵ However the provision is only focused on the relationship between the regional mechanisms and the AU and not necessarily on the Peace and Security Council. In order to ensure the relationship between the Council and the regional mechanisms is operational and effective, article 16(9) of the AU PSC Protocol provides that a Memorandum of Understanding on Cooperation shall be concluded between the AU Commission and the Regional Mechanisms.²⁶ As result to strengthen relationship AUC, AU PSC and RECs, a Memorandum of Understanding on Cooperation in the area of peace and security was signed between the AU and the RECs in January 2008 in Addis Ababa. The MOU which is a binding legal instrument defines the areas of cooperation among others as the prevention, management and resolution of conflicts; post conflict reconstruction and development; arms control and disarmament; counter-terrorism and the prevention and combating of transnational organized crime; capacity-building, training and knowledge sharing.²⁷ However, the nature of the MOU being rather general, the

²⁴ Norrie MacQueen, Peace Keeping and the International System (2006), P.131

²⁵ Supra note 17, Art. 7(J)

²⁶ Supra note 17, Art. 16(9)

²⁷ African Union, the Memorandum of Understanding on cooperation in the area of peace and security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, (2008), Article 5

question remains unanswered including what kind of interface is required among the AU and the RECs and how might this be achieved? The MOU states that the promotion and maintenance of peace, security and stability in Africa is the primary role of the Union, and that the RECs shall be encouraged to anticipate and prevent conflicts within and among their Member States and to undertake peace-making and peace-building efforts, as well as deploy peace support missions.²⁸

African Peace and Security Architecture 2010 Assessment Study reported the various African Peace and Security Architecture components are developing at different paces; the level of coordination between AUC and the RECs has been limited.²⁹ According to the Assessment Report, the AU PSC and RECs interface has also been equally limited. While the principles of subsidiarity, complementarity and comparative advantage are stipulated under article 6(6) of the MOU in order to optimize the partnership between the Union, the RECs and the Coordinating Mechanisms in the promotion and maintenance of peace, security and stability there is less clarity on the application. Some RECs are of the view that, the AU Commission should not view itself as an implementing agency; it should rather play more of a coordination role. This is one problem posed on in the coordination between AU PSC and RECs.

The paper discusses how the relationship between the Peace and Security Council and the regional mechanisms is to be given effect, with the relevant provision being article 16 of the AU PSC Protocol. First, it discuss about the African Peace and Security Architecture and the regional mechanisms. The main focus here is on the following: harmonizing and coordinating the activities of the regional mechanisms, ways in which the Peace and Security Council should work closely with the regional mechanisms, and the memorandum of understanding between the AU and the regional economic communities. Besides, a discussion is made about some RECs within Africa such as the Economic Community of West African States, the Southern African Development Community and the Intergovernmental Authority on Development and their relationship with the AU PSC.

²⁸Id, Art. 20

²⁹African Union, the African Peace and Security Architecture Assessment Report, (2010), Tanzania, p. 30

1.2. Statement of the Problem

The African continent continues to experience human suffering on a large scale despite all efforts made at international, regional and regional levels. In many regions, violence is still prevalent, affecting primarily civilian populations and undermining efforts towards socio-economic development and the promotion of the rule of law and good governance.³⁰

Initiatives to address the continent's peace, security and stability challenges by the United Nations, the African Union, and a range of regional organizations seem to have failed to prove the efficacy of these organizations, which nonetheless continue the insecurity in many part of the region. Human suffering is experienced in many parts of the continent. In an attempt to reverse this state of affairs and to enhance the promotion of peace and security in the continent AU has come up with the new Africa Peace and Security Architecture. The new Africa Peace and Security Architecture include a number of mechanisms for conflict prevention, management and resolution as well as post conflict reconstruction. At the continental level the AU established the Peace and Security Council of the African Union. The AU PSC was established in the course of a number of conflicts, some of which have caused or continue to cause incalculable suffering to many African people and pose major challenges to the continent's development. The sources of conflict in Africa are linked to different causes and it is obvious that the Peace and Security Council will not be able to achieve its wide ranging objectives particularly in addressing peace, security and stability challenges in Africa alone.

The RECs are taken as building blocks in the maintenance of the peace and security under the Africa Peace and Security Architecture. AU PSC, which has the responsibility to promote peace, security and stability on the continent, was envisaged that this responsibility would be fulfilled in collaboration with other regional organizations. Article 16 of the AU PSC Protocol provides that Regional Mechanisms are part of the overall security architecture of the AU, which has the primary responsibility for promoting peace, security and stability in Africa. To this end, in respect of the Peace and Security Council, the Chairperson of the AU Commission is entrusted with the responsibility of firstly harmonizing and coordinating the activities of regional

³⁰ African Union, Brainstorming Retreat between the African Union and Regional Economic Communities/ Regional Mechanisms for Conflict prevention, management and resolution,(2008), Algiers, Algeria /AU-RECs/RMs.Decl/

mechanisms in the field of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the AU and secondly of working closely with regional mechanisms to ensure effective partnership between them and the Peace and Security Council in the promotion and maintenance of peace, security and stability. Therefore the successful execution of the mandate of AU PSC towards the maintenance of peace and security in Africa requires the harmonization and coordination of all the elements of the African Peace and Security Architecture, mainly with RECs. However the relationship of the AU Peace and Security Council and the RECs lacks adequate organizational and institutional capacities necessary for achieving the vision of the AU in promoting peace and security of the continent.

This study examines the AU Peace and Security Council and its relationship with the regional organizations for promotion of peace and security and seeks to address the challenges on the coordination and harmonization of the Peace and Security Council with the RECs

1.3. Objectives

In this thesis, the AU's contribution to promote peace and security across the continent is considered, questioning whether the new peace and security architecture provides the necessary structure for the sustainable and functional development of a successful approach between the AU PSC and the regional organizations. More specifically, this thesis confronts the question of how, in practice, regional organizations involve in managing conflicts in their respective regions and question the coordination and harmonization with the AU PSC.

In general the study is intended to pore over the relationship between AU PSC and similar organs in the RECs and it endeavors to examine the coordination and harmonization of these two institutions in the area of peace and security.

1.4. Research Questions

The thesis seek to address a basic question: based on article 16 of the AU PSC Protocol, to what extent does the envisaged relationship between the Peace and Security Council and the regional mechanisms have an actual and potential ability to effectively contribute to peace, security and stability in Africa?

Through discussing the relationship between AU and RECs concerning peace and security matters some other questions are addressed. These include:

- How the AU PSC and similar organs of RECs are related in the area of peace and security?
- What are the roles of the RECs in the promotion of peace and security under the Africa Peace and Security Architecture?
- What are the challenges on the coordination and harmonization of the AU PSC with RECs?

1.5. Significances of the study

The study is significant as it represents an effort in understanding the relationship of the AU PSC with RECs. While much focus has been devoted to the relationship between the African Union with the global peace and security architecture, very little has been suggested about the form that the relationship between the African Union Peace and Security Council and Sub Regional Mechanisms should take. This thesis seeks to address this prominent shortcoming and try to contribute to the area which remained highly under studied. Therefore, it is hoped that the paper will have an immense contribution in addressing the issue properly. The thesis further serves as an important input for students, researchers and policy makers who are interested in the AU PSC and its relation with the peace and security organs of RECs. It is expected that the thesis will motivate others to conduct further research on the area so that enticing issues related to the AU PSC will get the proper attention from researchers.

1.6. Scope of the study

Rather than focusing on all specific mechanisms and building blocks in the African Peace and Security Architecture this study instead intends to focus on the relationship and challenge in the coordination between the AU PSC and RECs peace and security bodies. However the study has discussed the relationship of the AU with Regional Early Warning Systems and Standby Forces as the RECs have a central role to play in the creation and effective functioning of these two important pillars of APSA.

To examine the relationship of AU PSC and peace and security organ of RECs the thesis shall take three Regional Economic Communities including ECOWAS, SADC, and IGAD. The study is limited to these specific RECs because of the time and resource constraints. The researcher chose ECOWAS, SADC, and IGAD from all of eight RECs. Therefore the thesis analysis ECOWAS which is relatively with established security mechanisms and has developed the most expertise in peace and security issues, SADC, which has significant experience in addressing conflict and conflict prevention and finally the less developed peace and security structure of IGAD.

1.7. Structure of the study

The thesis is divided into four chapters in which each is again sub-divided into respective sections and sub-sections. The first chapter introduces the study by providing background information, by identifying the problem, by framing research questions and objectives, by investigating the existing literature and by formulating methodology. Chapter two gives general highlight about the regional peace and security structure. First it discusses the role of OAU and AU in the promotion of peace and security and later the institutional design and structure of the AU PSC. The third chapter deals with the African Peace and Security Architecture and the role of RECs in the promotion of Peace and security. The role of ECOWAS, SADC and IGAD in the peace and security area is discussed. The fourth chapter deals with the relationship of AU PSC with RECs. It analyzes the relevant provisions of the AU PSC protocol, the MOU and the protocol on the relationship of AU PSC with RECs. The chapter deals with the prospects and the challenges on the relationship of AU PSC and RECs. Finally the chapter concludes and gives recommendation based on the finding.

1.8. Methodology

The thesis is based on Desk research and interviews. Desk research involves examining a variety of sources both primary and secondary. The primary sources used in the study include various legal documents, international pacts and conventions related to the subject. The secondary resources are also intensively used in various parts. These constitute various literatures, books, periodicals, publications, journals, reports and official documents issued by AU newspapers etc.

The researcher also conducts interviews with officials from the AU PSC, the RECs Liaison Offices to the AU (ECOWAS, SADC, and IGAD), Continental Early Warning System and African Standby Forces.

CHAPTER TWO

The Regional Peace and Security system

2.1. The Organization for African Unity

The OAU was established on 25 May 1963, after the approval of a Charter creating it by all leaders of 32 then independent African States.³¹ Since from its inception, the OAU became engaged in conflict resolution of Africa. The preamble of the OAU Charter outlined a commitment by member states to collectively establish, maintain and sustain peace and security in Africa.³² OAU undertook and led decolonization and supported anti-apartheid struggles that contributed towards bringing about the end of apartheid in South Africa in 1994. In addition, the OAU utilized preventive diplomacy and peacemaking strategies. To fulfill its role in the promotion of peace, the OAU charter under article 19 established a Commission on Mediation, Conciliation and Arbitration.³³

In the Twenty-sixth Ordinary Session meeting held in 1990, the OAU Heads of State and government adopted a declaration which recognized the prevalence of conflicts in Africa and its effect on development of the continent. In this meeting African leaders asserted that development can be constrained as long as an atmosphere of lasting peace and stability does not prevail in Africa and suggested a new determination to work together towards the peaceful and speedy resolution of all the conflicts in the continent.³⁴ It was in fulfillment of this commitment that the Assembly adopted in June 1993 the Cairo Declaration of the Mechanism for Conflict Prevention, Management and Resolution.³⁵ The functions given to the mechanism include first, to anticipate and prevent situations of potential conflict from developing into full blown wars; second, to undertake peacemaking and peace building efforts if full blown conflicts should arise; and third, to carry out peacemaking and peace building activities in post conflict situations.³⁶ The Mechanism for Conflict Prevention, Management and Resolution was supported by a special Fund

³¹ OAU: A Brief History, from www.oau-oua/history.htm; accessed 20th June. 2015

³² Organization of African Unity, the Charter of the Organization of African Unity,(1963), Addis Ababa, Preamble paragraph 6

³³ Id, Art 19

³⁴ Organization of African Unity, Declaration on the political and socio economic situation in Africa and the fundamental changes taking place in the world, (1990) , Paragraph 11 AHG/Decl.1 (XXVI)

³⁵ Organization of African Unity, 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,(1993) AHG/DECL.3 (XXIX)

³⁶ Id, Paragraph 15

established for the purpose of providing financial resources to support exclusively the OAU operational activities relating to conflict management and resolution.³⁷

The OAU and the Charter establishing it came into existence as a continental framework for the promotion of the African collective will to ensure collective security and collective development for the first time. The charter considered Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration as a method of conflict resolution.³⁸ In addition to this the OAU Charter under article 3 put the principles of non interference in the internal affairs of States and the respect for the sovereignty and territorial integrity of each State.³⁹ This was later translated into the norm of non-intervention. These principles and objectives (including non-interference in the internal affairs of States, respect of the sovereignty and territorial integrity of Member States and inviolability of borders inherited from colonialism) are recalled in Paragraph 14 of the Declaration which further provides that the Mechanism will function on the basis of the consent and the cooperation of the parties to a conflict.⁴⁰ The requirement that the consent of the parties to a conflict had to be obtained before any action could be undertaken in the context of the Mechanism substantially weakened its effectiveness of the organization.

In 1994 Africa experienced the atrocity of the Rwandan genocide despite the existence of the OAU's mechanisms for conflict prevention and management. The Rwandan tragedy demonstrated the virtual weakness of the OAU in the face of violent conflict within its member states. The UN did not managed to stop the atrocity in Rwanda, it rather pulled out all its troops from the country except the Ghanaian contingent leaving Rwanda's people to their fate.⁴¹ Subsequently, both the OAU and the UN issued reports acknowledging their failures. The impetus for adopting a new paradigm in the promotion of peace and security in Africa emerged in the wake of the tragedy in Rwanda.

³⁷ Id, Paragraph 23

³⁸ Supra note 32, Art. 3(4)

³⁹ Supra note 32, Art. 3(2)

⁴⁰ Supra note 35, Paragraph 14

⁴¹ Tim Murithi, "The Evolving Role of the African Union Peace Operations: The AU Mission in Burundi, Darfur, and Somalia" *Africa Security Review*, Vol.17, No.1, (2008), P.70

On July 9, 2001, the OAU made the decision to transform itself into a continental African Union following the signing and ratification of the Constitutive Act of the African Union in Lusaka, Zambia by fifty Heads of State and Government.⁴²

2.2 The African Union

Succeeding from the Organization of African Unity, the AU assumed many tasks concerning peace and security functions. African Union was established during the Summit of Heads of State and Government held on 2002 in Durban, South Africa. The Constitutive Act of the AU and its Protocol Relating to the Establishment of the Peace and Security Council renewed emphasis on building a continental security regime capable of preventing, managing, and resolving conflicts in Africa.⁴³ The Constitutive Act recognized that the scourge of conflicts in Africa constitutes a major impediment to the socio economic development of the continent and of the need to promote peace, security and stability as a pre requisite for the implementation of African development and integration agenda.⁴⁴

The Constitutive Act defines the objectives and purposes of the new AU as economic development that can be sustained over time, good governance, social justice, human rights, peace and security, and cooperation with the Regional Mechanisms.⁴⁵ The new organization considered the principles and objectives stated in the Charter of the Organization of African Unity.⁴⁶ The principles that the AU still upheld include the respect of sovereignty, non interference by any member states in internal affairs of other state, non use of force or threat to use force and the peaceful settlement of African disputes.⁴⁷ It states that all members recognize the sovereignty of member countries, their right to have their borders and independence respected, and their right to non interference in their internal affairs.

The principles of the union which the union promotes in its function are listed under the Constitutive Act and these include sovereign equality, establishment of a common defense

⁴²Abiodun Joseph "The African Union and the Conflict in Mali: Extra-Regional Influence and the Limitations of a Regional Actor", Journal of International and Global Studies, Vol. 6, No. 1, P.108

⁴³ Samuel M. Makinda and F. Wafula Okumu, The African Union: Challenges of globalization, security, and governance, (2008), P.80

⁴⁴Supra note 19, Paragraph 8 of the Preamble

⁴⁵ Supra note 19, Art 3.

⁴⁶ Supra note 19, Paragraph 2 of the Preamble

⁴⁷ Supra note 19, Art. 4

policy, peaceful resolution of conflicts, prohibition of the use of force or threat to use force, non-interference and the right of the Union to intervene.⁴⁸ One aspect of the African Union that represents a clear departure from the OAU is the principle of the AU's right of intervention.

2.3. The principle of Intervention

Unlike the OAU Charter, the constitutive act of the AU allows for intervention in member states pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity⁴⁹. In addition, Article 4(j) declares the right of Member States to request intervention from the Union in order to restore peace and security.⁵⁰ Furthermore, the article was amended in 2003 by the Protocol on Amendments to the Act to include other serious condition under which the AU could intervene, particularly the threats to legitimate order to restore peace and stability to the member state of the Union upon the recommendation of the Peace and Security Council.⁵¹ Article 4(j) of the Constitutive Act also states the right of member states to request intervention from the Union in order to restore peace and security. This makes the CA the first and the only international instrument which provides RO the right to intervene by force in a member state to halt grave circumstances like genocide, crimes against humanity and war crimes. Furthermore, Article 7(e), of the AU PSC Protocol states that the Council can recommend to the Assembly, intervention, on behalf of the Union, in a member state in respect of grave circumstances, namely war crimes, genocide and crimes against humanity, as defined in relevant international conventions and instruments.⁵²

The right of intervention may range from the use of economic and political sanctions to the use of military force. Though it is not clear that which of these measures are included under article 4 (h) or (j) of the CA, it has been affirmed that such right of intervention will include military measures against member states. In accordance with the UN Charter, under its article 2(4) prohibits any use of force against member state except in cases of self defense pursuant to article 51, the decision of the SC in its power of Chapter VII and SC's authorization of use of force by ROs in accordance with Chapter VIII. In addition to these exceptions, states can use force in a

⁴⁸ Supra note 19, Art. 3

⁴⁹ Supra note 19, Art. 4(h)

⁵⁰ Supra note 19, Art. 4(j)

⁵¹ African Union, the Protocol on Amendments to the Constitutive Act of African Union,(2003), Art. 4(h)

⁵² Supra note 17, Art. 7(e)

territory of another state provided that the later state has given its contemporaneous consent to such use of force. Therefore, except in case of self-defense and intervention up on consent, the UNSC remains the only body to decide on matters of forcible intervention to maintain international peace and security and other regional arrangements needs the prior authorization of the SC if they decide to intervene in another state. However, the intervention introduced under the CA does not fall in any of the two exceptions as the intervention is not conditioned up on the consent of member state. AU through its PSC is empowered to militarily intervene in a member state where there grave circumstances like genocide, war crimes and crimes against humanity occur. And, the legal instruments which conferred such right do not require the prior authorization of the SC in accordance with article 53 of the UN charter.

2.4. The African Union Peace and Security Council

2.4.1. Institutional Framework of the AU PSC

The AU has replaced the OAU's Central Organ for the Mechanism for Conflict Prevention, Management and Resolution with the Peace and Security Council. The main instrument of the AU's conflict prevention and management architecture is the Peace and Security Council.⁵³ At the AU inaugural meeting in Durban, the African leaders signed the Protocol Relating to the Establishment of the Peace and Security Council of the AU which came into force on 26 December 2003. The Protocol Relating to the Establishment of the Peace and Security Council of the AU defines the Peace and Security Council as a standing decision making organ for the prevention, management and resolution of conflicts.⁵⁴ The AU PSC shall be a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.

2.4.2. Membership to the Peace and Security Council

The AU PSC Council shall be composed of fifteen members, ten members elected for the term of two years and the rest of five members to be elected for the term of three years⁵⁵. According to the AU PSC Protocol, the Council's membership should be chosen on the principle of equitable regional representation and rotation as well as an assessment of whether the state in question is in

⁵³ Supra note 15, P. 154

⁵⁴ Supra note 17, Art. 2(1)

⁵⁵ Supra note 17, Art. 5 (1)

good standing (i.e. has it paid its dues, does it respect constitutional governance and the rule of law etc) and whether it is willing and able to shoulder the responsibilities that membership would place upon it.⁵⁶

2.4.3. Mandates

The purpose of the Peace and Security Council of African Union can be referred from Article 3 of the Protocol which outlines six objectives.⁵⁷ Accordingly the roles of the Council include: promoting peace, security and stability in Africa; anticipating and preventing conflicts; promoting and implementing peace building and post conflict reconstruction activities; developing a common defense policy for the Union; and encouraging democratic practices, good governance and the rule of law, as well as protecting human rights and fundamental freedoms. The AU PSC stands as a decision making organ for the prevention, management and resolution of conflicts and as a collective security and early warning arrangement to facilitate appropriate response to conflict and crisis situations in Africa.

The functions of AU PSC rank from preventive diplomacy to peace making and peace building, encompassing also intervention. For this purpose, Article 7 of the AU PSC Protocol grants some powers including the Council to undertake peacemaking and peace building functions; recommend intervention in a Member; institute sanctions; and take actions against violations and aggressions to a country's national independence and sovereignty.

In post conflict situations, the AU PSC must seek to restore the rule of law, to strengthen democratic institutions and to promote elections in the country where the conflict has taken place.⁵⁸ During hostilities, the AU PSC must help prevent the degradation of social and economic conditions.⁵⁹ Finally, Article 14(3) of the AU PSC Protocol determines how the AU PSC should act in the end of hostilities: help consolidate negotiated peace agreements; help reconstruct society and Governmental institutions; implement disarmament and reintegration programs; help reintegrate refugees; and assist vulnerable people.

⁵⁶ Supra note 17, Art. 5(2)

⁵⁷ Supra note 17, Art. 3

⁵⁸ Supra note 17, Art. 14(1)

⁵⁹ Supra note 17, Art. 14(2)

2.4.4. Scope

The AU PSC, the central institution for the day to day management of peace and security issues, is conferred with multiple tasks to perform which ranges from prevention to military intervention⁶⁰. Thus the ranges of issues this institution is made responsible with are provided under Article 7 of AU PSC Protocol which include assessing potential crisis situations, sending fact finding missions to trouble spots, authorizing peacekeeping operations under mission scenario, recommending intervention in respect of grave circumstances like genocide, war crimes and crimes against humanity and approves the modalities of intervention following a decision by the General Assembly.

2.5. Structure of Peace and Security Council

The Council is tasked with various functions and to perform these functions, the Council is to be supported by the Commission of the AU via its Chairperson, a Panel of the Wise, a Continental Early Warning System, an African Standby Force, a Special Fund Trust and a Military Staff Committee.⁶¹

2.5.1. Commission of the AU

The Commission of the Union is one of the organs established by the Constitutive Act. The Commission which is composed of the Chairman, his or her deputy or deputies and the Commissioners is the Secretariat of the Union.⁶² The AU PSC Protocol endows the Chairperson of the Commission with various critical tasks under its article 10. One of such task is to bring to the attention of the AU PSC matters he/she deemed is a threat to peace, security and stability in the continent. He/she also has the duty to bring to the attention of the panel of the wise any matter he/she deemed deserves of their attention.

The Chairperson is also responsible and thereby assists the Council by ensuring the implementation and follow up of the decisions of the Council⁶³ and by preparing comprehensive and periodic reports and documents in order to enable the Council perform its function

⁶⁰ Supra note 17, Art. (3)

⁶¹ Supra note 17, Art. 2(2),

⁶² Supra note 19, Art. 20(1)

⁶³ Supra note 17, Art.10 (3)(a)

effectively⁶⁴. In addition to this, the chairperson is also given power to perform negotiations to resolve or prevent conflicts through his good office, either when requested by the AU PSC or by his/her own initiative.⁶⁵ As the duties of the Chairperson are so critical and vast, the establishing Protocol requires the Chairperson to be assisted by the Commissioner of the PSC, who is responsible for the affairs of the PSC.⁶⁶ The Commissioner of the PSC in turn is to be assisted by the Peace and Security Directorate.

The AU PSD contains a Conflict Management Division, a Peace Support Operations Division and Peace and Security Council Secretariat. The CMD focuses on the operationalisation and functioning of certain aspects of the APSA such as the Panel of the Wise and the Memorandum of Understanding between the AU and the RECs and supports and coordinates activities relating to conflict prevention, management and resolution, as well as to PCRD.⁶⁷ The CMD is comprised of Early Warning Unit and Conflict Management and Resolution and Post Conflict Unit which develop policy options and coordinate activities to support the prevention, management and resolution of African inter and intra state conflicts. The PSOD focuses on the operationalisation of the ASF and the coordination with relevant African structures and AU partners.⁶⁸

2.5.2. The Panel of the Wise

The Panel of the wise has been designed to support the AU PSC's work in the area of conflict prevention and act as a politically independent advisory mechanism with the aim of building a culture of mediation. The Panel is an AU innovation, aspiring to be the institutionalization of Africa's often evoked tradition of high-level and personal mediation and meant to operate through personal mediation, discreet diplomacy and good offices with a view of deescalating conflicts and facilitating the conclusion of viable peace agreements. The Panel of wise which was operationalised towards the end of 2007, follows the example of various other structures that are composed of high-profile personalities whose wealth of experience in preventive diplomacy

⁶⁴ Supra note 17, Art. 10 (3)(c)

⁶⁵ Supra note 17, Art.10 (2) (c)

⁶⁶ Supra note 17, Art. 10 (2)(c) and 10 (4)

⁶⁷ J. Theron, and D. Ettang, Developing the Mediation and Post conflict Reconstruction and Development Pools of the African Union Peace and Security Department Civilian Standby Roster , available at <http://www.accord.org.za> accessed on August 8, 2014)

⁶⁸ Ibid

and peacemaking is made available to relevant decision makers in international and regional organizations concerned with, among other things, peace and security issues.⁶⁹

The AU PSC subsequently adopted a set of detailed modalities for the functioning of the Panel at its 100th meeting on 12 November 2007. The Panel of the wise is made up of five highly respected African personalities elected by the chairperson of the commission after consulting member states of the union concerned by taking into account the Panel regional representation.⁷⁰

According to Article 11 of the AU PSC Protocol the Panel is mandated to advise the Council and the Chairperson of the Commission on all issues pertaining to the promotion and maintenance of peace, security and stability in Africa.⁷¹

2.5.3. Military Staff Committee

The second advisory body established by the AU PSC Protocol is the Military Staff Committee. According to the AU Constitutive Act, the MSC shall advise and assist the Peace and Security Council in all military and security aspects for the maintenance of peace and security in Africa.⁷² For this purpose, it is composed of senior military officers of the fifteen AU PSC member states. According to article 13(10) of the AU PSC Protocol the Committee is obliged to meet as often as required to deliberate on matters referred to it by the AU PSC. Besides, the Committee may also be required to meet at the level of the Chief of Defense Staff of the members of the Council in order to discuss questions relating to the military and security requirements for the promotion and maintenance of peace and security in Africa.⁷³

2.5.4. Special (Peace) Fund

As a financial mechanism for support to the AU's peace and security operations, the AU has continued the OAU's Peace Fund which had been created in 1993. The Special Fund is meant to be financed through an annual contribution from the organization's regular budget, by voluntary contributions from member states and donations from international partners.⁷⁴ According to

⁶⁹ Jamila El Abdellaoui, The peace and the panel of the wise,(2010), P.57

⁷⁰ Supra note 17, Art. 11(2)

⁷¹ Supra note 17, Art. 11(3)

⁷² Supra note 17, Art. 13(8)

⁷³ Supra note 17, Art. 13(11)

⁷⁴ Supra note 17, Art. 21(2)

Article 21(1) of the AU PSC Protocol the Peace Fund is established with the aim of providing the financial resources for the work of the AU PSC in particular peace support missions and other operational activities. It is also possible for the Chairperson of the Commission to raise and accept voluntary contributions from outside sources however should be in conformity with the objectives and principles of the Union.⁷⁵ The establishing Protocol of the peace and Security Council further established a Revolving Trust Fund within the Peace Fund whose amount shall be determined upon the recommendation of the Council.⁷⁶

2.5.5. African Standby Force

African Standby Force is designed to support the AU PSC's responsibilities with respect to the deployment of peace support missions and military intervention in cases of genocide, severe war crimes and crimes against humanity, as provided under Art.4 (h) of the AU Charter. The role of the ASF is closely linked to the AU PSC's tasks in the areas of conflict management and resolution.⁷⁷ Article 13 (1) of the AU PSC Protocol states:

In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to Articles 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established.

Within the framework of the APSA, the ASF comes into action in cases where violent conflicts are about to erupt or have already erupted and/or to intervene in respect of grave circumstances. ASF enables the AU PSC first to prevent and manage conflicts, among others by containing their spread or escalation, second to support its peace processes as a peace support mission, and third to enforce its decisions in cases of grave circumstances or to intervene.⁷⁸

According to Article 13(1) of the AU PSC Protocol the ASF shall be composed of standby multidisciplinary contingents with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice. ASF consist five regionally managed

⁷⁵ Supra note 17, Art. 21 (3)

⁷⁶ Supra note 17, Art. 21 (4)

⁷⁷ Solomon A. Dersso, "The role and place of the African Standby Force within the African Peace and Security Architecture" ISS Paper no. 209(2010), P. 6

⁷⁸ Id, P. 60

standby brigades of military and civilian police and one continentally managed permanent body responsible for final oversight, coordination and harmonization. The standby arrangement is to be achieved on the basis of pledges from member states and preparations by regional economic communities or regional mechanisms. To this end member states identify and assign military, police and civilian personnel and forward their names and details to the REC. The civilian and military components are designed to be on standby in their countries of origin and ready for rapid deployment at appropriate notice.⁷⁹ On the basis of these pledges each REC raises and prepares the regional brigade and develops the standby roster. The RECs then forwards all the data they prepared to the AU on the capabilities they raised and the standby roster.

There have been contentious discussions about membership of the ASF regional groupings which also mentioned as a reason for the loose relation between AU and the RECs. The number of RECs currently recognized by the AU is eight and the ASF is designed on the basis of 5 regions. Consequently the Regional Economic Communities couldn't have been used as the formation for the ASF regional brigade and as a result there are some Member States that belong to more than one regional brigade. The five regional groupings are divided as follows:

- The North African Regional Capability (NARC),
- The Eastern Africa Standby Force (EASF),
- The Central African Standby Force (CASF),
- The Southern Africa Standby Force (SASF),
- The ECOWAS Standby Force (ESF).

2.5.6. The Continental Early Warning System

As provided under Article 12(1) of the AU PSC Protocol the CEWS is a mechanism established in order to facilitate the anticipation and prevention of conflicts. CEWS consists of a Situation Room and Observation and Monitoring centre located at the AU's Conflict Management Directorate and regional observations and monitoring units which are linked directly to the situation room.⁸⁰ The Situation Room is tasked with the collection of data and analysis of such data which will be a basis for an early warning indicator module. The Observation and

⁷⁹Ulrich Karock, The African Peace and Security Architecture: Still under construction ,(2014), P. 6

⁸⁰Supra note 17, Art.12 (2) a & b

Monitoring Units of Regional Mechanisms on the other hand will collect and process data at their level and transmit it to the Continental Situation Room. As provided under Article 12 of the AU PSC Protocol the Situation Room, briefs the AU and its bodies on risks and threats to the peace and security in Africa based on the data collected in the regions and a set of clearly defined and commonly accepted political, economic, social, military and humanitarian indicators.

As far as concerning the sources of information in which the CEWS may depend, it is an open-source system where information could be gathered from sources like governmental and inter-governmental actors, international and nongovernmental organizations, the media, think tanks and academia.⁸¹ The system mainly collects information from three sources: electronic newspapers and news services, News Monitoring, reports from the AU Field Missions or Liaison Offices in countries experiencing conflicts or emerging from conflicts Mission Reporting, and reports from the RECs, referred to as RECs Reporting which later are fed into a database in turn, to be structured in different layers of aggregated data.⁸²

⁸¹ El-Ghassim Wane, C. Mwaura, S. Hailu, S. Kopfmüller, D. Bond, U. Engel, J. Gomes Porto, The continental Early Warning System: Methodology and Approach, in Africa's New Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions (2010), P.93

⁸² Continental Early Warning System (CEWS), <http://www.au.int/?q=node/435> (accessed on August 15, 2014)

CHAPTER THREE

The African Peace and Security Architecture and the Role of Regional Economic Communities

3.1. The African Peace and Security Architecture

The establishment of the African Peace and Security Architecture was an ambitious and remarkable initiative by the African Union designed to address peace and security challenges in Africa.⁸³ APSA is intended to give AU the necessary instruments to fulfill the tasks set out in the Constitutive Act and the Protocol establishing the AU PSC. APSA is the policy and institutional framework that the AU established as an operational structure for the effective implementation of the decisions taken in the areas of conflict prevention, peacemaking, peace support operations and intervention, as well as peace building and post conflict reconstruction.

The Peace and Security Council is the central part of APSA and as described in the protocol establishing the Peace and Security Council, APSA consists of mechanisms that are designed for conflict prevention, management, and resolution.⁸⁴ Article 2 of the AU PSC Protocol lists the components of the APSA that support the work of the AU PSC which include the AU Commission, a Panel of the Wise, a Continental Early Warning System, an African Standby Force and a Special Fund.⁸⁵ Articles 8 and 16 of the AU PSC Protocol also provide for the Military Staff Committee and Regional Mechanisms for Conflict Prevention, Management and Resolution as additional components of the APSA.⁸⁶ Since the RECs are the building bloc of the APSA, the success of the APSA is largely contingent on a synergistic linkage between its components at one level, and the AU and the RECs/RMs at another. As stated in the AU PSC Protocol the meaning given to Regional Mechanisms is that they are African Regional Mechanisms for Conflict Prevention, Management and Resolution.⁸⁷ While regional mechanisms are not necessarily regional economic communities, the practice seems to suggest that the Regional Mechanisms operate under the auspices of the RECs.

⁸³ Supra note 78, P.187

⁸⁴ Supra note 17, Art. 2

⁸⁵ Supra note 17, Art. 2(2)

⁸⁶ Supra note 17, Art.8 and 16

⁸⁷ Supra note 17, Art.1(h)

The regional economic communities that have been officially recognized by the AU are: the Economic Community of Western African States, the Common Market for Eastern and Southern Africa, the Economic Community of Central African States, the Southern African Development Community, the Intergovernmental Authority on Development, the Arab Maghreb Union, the Community of Sahel-Saharan States and the East African Community.⁸⁸ The regional economic communities are neither AU organs nor institutions established under the Union's auspices. They are independent organs established by member states to achieve their own goals. Therefore the recognition of RECs is to facilitate the coordination and harmonization of their policies among themselves and with the Commission with a view to accelerating Africa's integration process and it is not to limit the establishment of other RECs in future.⁸⁹

3.2 The expansion of goals of RECs to include the promotion of peace and security

The RECs were originally established with mainly economic goals in mind, including enhancing economic integration, trade, and development; more recently, they have added peace and security agendas as such matters have become increasingly pressing and unavoidable.⁹⁰ None had the vocation to deal with internal and interstate conflicts and no serious attempts to include these in their responsibility. Due to the increasing number and complexity of crisis situations in Africa there was expansion in the role of these regional organizations. In addition to this African state were well aware of the UN Security Council's reluctance to engage meaningfully in resolving major crisis on the continent and as a consequence, they have been trying to develop their own mechanisms and adapt their structures in order to be able to take on this new role. The organization of African Unity was one of the first to adapt a new structure which helps for the maintenance of Africa's peace and security. In 1993 OAU created the Mechanisms for Conflict Prevention, Management and Resolution.⁹¹ Many regional organizations in Africa followed the trend and expanded their mandates to encompass conflict management.

⁸⁸ African Union, Declaration on the Moratorium on the Recognition of Regional Economic Communities (2006) , paragraph 3, AU Doc Assembly/AU/Dec.112 (VII)

⁸⁹ Id, paragraph 4

⁹⁰ Sarah Ancas, The effectiveness of regional peacemaking in Southern Africa – Problematising the United Nations-African Union-Southern African Development Community relationship (2010) P.129

⁹¹ 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, 1993 AHG/DECL.3 (XXIX), 1993

“Significant efforts have been made by African organizations and their member states but structural, logistical and institutional weaknesses remain an impediment to the effective development of African capabilities to deal with crisis management situations, and also the lack of political commitment of many African States and their fear of the political and diplomatic consequences of intervening in the affairs of other African states.”⁹²

3.3. The role of Regional Economical Communities in peace and security

At a Council of Ministers meeting in 1976, the OAU made the decision to divide Africa into five regions, aligning with a number of existing regional economic communities and prompting the establishment of others.⁹³ While Africa’s regional organizations were originally designed as centre points for regional economic development: regional bodies and leaders quickly acknowledged that the insecurity and instability in their regions served as a major impediment to integration and development.⁹⁴ Subsequently Africa’s regional organizations have developed security mechanism to operate within the context of a broader regional integration agenda. The AU has retained this organizational structure.

AU member states adopted the Solemn Declaration on a Common Africa Defense and Security Policy of the AU in Sirte, in February 2004. The CADSP Declaration notes that development is a necessary condition for peace and stability and the Declaration aims to ensure collective responses to both internal and external threats to Africa.⁹⁵ Before the AU PSC Protocol was signed a meeting had been convened to review the state of Regional Economic Communities and their experiences in conflict prevention, management, and resolution and examined experiences and hindrances to cooperation under the OAU, as well as the underlying objectives and modalities of cooperation between RECs and the proposed AU PSC.⁹⁶ It subsequently recommended the formalization of relations between the AU and RECs/RMs, and suggested a Memorandum of Understanding, specifying the context and content of this relationship.⁹⁷ The

⁹² Fernanda Faria, Crisis management in sub-Saharan Africa: The role of the European Union, (2004), P.12

⁹³ Organization of African Unity, OAU Resolution of the Twenty-Sixth Ordinary Session of the Council of Ministers, (1976), Addis Ababa, CM/Res464 (XXVI)

⁹⁴ M. Baregu and C. Landsberg (eds), From Cape to Congo: Southern Africa’s evolving security challenges, 200, P18

⁹⁵ African Union, the Solemn Declaration on A Common African Defense and Security Policy, (2004), Art. 13 (a)

⁹⁶ Supra note 43

⁹⁷ Supra note 43

AU PSC Protocol states that Regional Mechanisms are part of the overall security architecture of the Union and suggests the Union to work closely with Regional Mechanisms to ensure effective partnership between them and the modalities of such partnership shall be determined by the comparative advantage of each and the prevailing circumstances.⁹⁸ Regional organizations are considered to have a comparative advantage in the resolution of conflicts because of their proximity to the conflict which provides them with a better understanding of its dynamics, key players, and context specific management and resolution options.⁹⁹ The proximity also allows regional organizations to initiate faster and less expensive responses to conflict than other responsible organizations and they also may have a greater stake in finding a peaceful solution to conflict in their neighborhood than more distant powers.¹⁰⁰ In addition to this the proximity of regional organizations to trouble spots may also lead to a better understanding of the specific dynamics of the conflict and identify which actors and interests are of important and how to best arrive at a solution.

3.4. The Economic Community of West African States

Though the primary objective for the creation of ECOWAS was the attainment of regional economic development, the challenges of regional security threats have been a constant concern of ECOWAS countries.¹⁰¹ The domestic and external threats to state security and regime survival led to the signing of the 1978 Protocol on Non-Aggression and the 1981 Protocol on Mutual Assistance in Defense.¹⁰² ECOWAS is governed by seven key structures including: the Authority of Heads of State and Government; the Council of Ministers; the Community Parliament; the Economic and Social Council; the Community Court of Justice; the Commission, and the ECOWAS Bank for Investment and Development.¹⁰³ The ECOWAS Commission has created the office of the Commissioner for Political Affairs, Peace and Security, with three operational departments including: Political Affairs, Early Warning or Observation Monitoring Centre, and

⁹⁸ Supra note 17, Art. 16(1)

⁹⁹ Kristina Powell, "The African Union's Emerging Peace and Security Regime: Opportunities and Challenges for Delivering on the Responsibility to Protect", *ISS Monograph Series*, No 119, (2005), P.20

¹⁰⁰ M Juma and A Mengistu, *The infrastructure of peace in Africa: Assessing the peace building capacity of African institutions*, (2002), p. 45

¹⁰¹ David J. Francis, *Peacekeeping in a bad neighbor-hood: The Economic Community of West African States in peace and security in West Africa*, (2006), P.90

¹⁰² Ibid

¹⁰³ Abdulqawi A. YUSUF "The Right of Intervention by the African Union: A New Paradigm in Regional Enforcement Action", *African Yearbook of International Law*, Vol. 11, (2003) , P. 23

Peacekeeping and Security. This has demonstrated the development of a formal peace and security architecture to facilitate regional peacekeeping, peace support operations, and conflict management interventions. The ECOWAS Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security is the first formal attempt to outline the institutional provision and legal mandate for ECOWAS response to peace and security. In 1998, ECOWAS adopted a Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.¹⁰⁴

3.4.3. The Role of ECOWAS in maintenance of peace and security

The Economic Community of West African States, like all other organizations in Africa, was created to respond to the economic and development needs of its member states.¹⁰⁵ However, ever since the late 1970 early 1980s with the coming in to force of Protocol of non- aggression in 1978 and Protocol of mutual assistance on Defense in 1981, ECOWAS has been developing institutional instruments for security and defense. A standby force which is called the Allied Armed Forces of the community and decision making and administrative structures were envisaged in the 1981 Protocol.¹⁰⁶ ECOWAS departing from its initial objective it involved itself on political and security issues well. This is well reflected on the establishment of peace keeping force called ECOWAS Ceasefire Monitoring Group in 1990.¹⁰⁷ ECOMOG was actually established by a smaller group of ECOWAS member states sitting in the standing Mediation Committee and was deployed to some of the conflict zones as a regional peacekeeping and intervention force. ECOMOG is significant in the sense that it was the first major peacekeeping deployment by a regional economic community globally.¹⁰⁸

ECOWAS peacekeeping has in recent years evolved into more coherent security architecture with the adoption of the 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security by ECOWAS member states. The 1999 Protocol, which is the main constitutional framework for the new ECOWAS peace and security

¹⁰⁴ ECOWAS, Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, (1999)

¹⁰⁵Abdulqawi A. YUSUF “The Right of Intervention by the African Union: A New Paradigm in Regional Enforcement Action”, *African Yearbook of International Law*, Vol. 11, (2003) , P. 23

¹⁰⁶ Supra note 105, P. 94

¹⁰⁷Profile of the Economic Community of West African States (ECOWAS) available at www.africa-union.org/Recs/ECOWASProfile.pdf (Accessed 29 March 2015)

¹⁰⁸ Supra note 92, P.12

architecture, provides for the establishment of various organs and institutional mechanisms for collective conflict prevention, management, resolution and peace-building in West Africa. Furthermore, under chapter 20 Article 83(2) of the revised treaty of ECOWAS, it is provided that ECOWAS shall cooperate with the regional Organization.¹⁰⁹

The ECOWAS Protocol established a nine-member Mediation and Security Council, empowered to decide by two-thirds vote on ECOWAS responses to conflicts in member states in terms of articles 4(8) and (10) of the ECOWAS Protocol. In terms of article 10 of the Protocol the Mediation and Security Council decides on all matters relating to peace and security and has the authority to authorize all forms of intervention and decide particularly on the deployment of political and military missions.¹¹⁰ The need for the Peace and Security Council to create relations with Regional Mechanisms is of critical importance in implementing AU's objective of promotion peace and security. For instance, ECOWAS assumed a central role in Guinea's return to democratic rule in February 2010.¹¹¹ ECOWAS, in partnership with the AU and the UN, monitored the situation in Guinea closely and eventually aided in establishing an agreement between the government, trade unions, and the National Employees Council on 27 January 2007.¹¹²

ECOWAS positioned itself between the UN and the AU as an intermediary able to use the institution as power leverage over the junta and established the International Contact Group on Guinea in conjunction with the AU.¹¹³ The leader of the junta Moussa Camara ultimately left office due to violence, the position of ECOWAS within Guinea and its partnership with the AU made possible a signed statement by Camara on 15 January 2010 declaring the establishment of an interim president and presidential elections six months later.¹¹⁴

¹⁰⁹ ECOWAS, the Revised Treaty of the Economic Community of West African States, COTONOU, (1993), Art. 83(2)

¹¹⁰ Supra note 104, Art. 10

¹¹¹ Andrew W Maki, "African Regional and Sub-regional Systems" **Hum. Rts. Brief** vol. 17 no. 3, (2009), P. 59

¹¹² Gilles Olakounlé Yabi "The Role of ECOWAS in Managing Political Crisis and Conflict: The Cases of Guinea and Guinea-Bissau" **FES Peace and Security Series**, No. 3, (2010), P.41)

¹¹³ Ibid

¹¹⁴ Ibid

The Mediation and Security Council has taken very intrusive and binding decisions including the deployment of peace operations to Cote d'Ivoire and Liberia in 2003, and has suspended several of its members from its Council for failing to comply with its norms.

In the Mali crisis, the AU PSC in July 2012 authorized ECOWAS to lead in intervening, after finding itself slow to respond. The crisis in Mali both AU PSC and ECOWAS were coordinated in their responses even though at first there was a mismatch as ECOWAS was weeks ahead in suspending Mali from its membership and calling for action where the AU had to play catch-up.¹¹⁵ On 13 November 2012 the AU PSC endorsed a harmonized concept of operations for the planned deployment of the African-led mission in support of Mali, known as AFISMA.

Despite the pivotal importance of the cooperation between AU PSC and ECOWAS in dealing with issues of peace and security, the cooperation with the AU has been inconsistent.¹¹⁶ For instance, ECOWAS and the AU appeared uncoordinated in their response to the crisis in Niger, which subsequently triggered the military takeover.¹¹⁷ However, when they have cooperated as was the case with Mali and Guinea, the outcome was positive in the sense that the two institutions could work together to the resolution of the conflict.¹¹⁸

3.5. Southern Africa Development Community

SADC is the successor of the Southern African Development Coordination Conferences, established in 1979 to reduce the region's dependence on South Africa due to its apartheid policy. Formally established through the 1992 Treaty, SADC's main objective is clearly economic in nature.¹¹⁹ In 1996, SADC launched the Organ on Politics, Defense and Security, whose mandate included provisions on the settlement of disputes.¹²⁰ To ensure effectiveness of the Organ on Politics, Defense and Security, SADC developed the Regional Indicative Strategic Plan and the Strategic Indicative Plan for the Organ (SIPO), which set the policies, strategies and priorities for achieving SADC's long-term goals of deeper regional integration and poverty

¹¹⁵ Interview with Elizabeth C. Choge-Nyangoro, Expert on Regional Mechanisms in AU Peace and Security Department, March 12, 2016

¹¹⁶ Alex Vines, *A decade of African Peace and Security Architecture*, (2012), P. 105

¹¹⁷ *Id.*, P. 107

¹¹⁸ *Supra* note 116, P. 105

¹¹⁹ SADC, Treaty of the Southern African Development Community, (1992), Art. 1

¹²⁰ SADC, the Protocol on Politics, Defense and security in the Southern African Community (1997), Art. 15

eradication. Based on these plans, the region identified peace, political stability and security in the region as one of its critical priority areas.

In line with article 4 of the Constitutive Act, article 13 of the AU PSC Protocol and the SADC Protocol on Politics, Defense and Security Cooperation; SADC established the SADC Standby Brigade through the Memorandum of Understanding amongst the SADC Member States in August 2007.¹²¹ This provides a legal basis for the operationalisation of the SADC BRIG and it consists of a military, police and civilian component.¹²²

The Role of SADC in the promotion of peace and security

The unconstitutional change of government in Madagascar and the peace support operations have involved interaction between SADC and the AU. In Madagascar, SADC reacted to the crisis by convening an extraordinary summit at the request of the chairperson of the Organ and while SADC was still discussing the best way to address the crisis, the AU and UN deployed a mission to try to resolve the crisis.¹²³ When the SADC mission arrived in Antananarivo, the issue of its mandate arose because the AU PSC had decided on the mission without consulting SADC, but had consulted the UN.¹²⁴ When SADC decided to establish a mediation team led by former Mozambican president Joaquim Chissano, the AU and the UN also appointed mediators. At AU PSC meeting held in Addis Ababa, preceded by a meeting of the International Contact Group, the AU and UN had to dissolve the joint mediation team, accept SADC's leadership, and accept mediation by Chissano¹²⁵. Relations between the AU and SADC were also tense in the first year of mediations until the AU stepped back to let SADC take the lead finally.

In Democratic Republic of Congo the International Conference on the Great Lakes Region initially called for the deployment of International neutral Force for the conflict resolution but after the decision of SADC to involve in the crisis management both parties agreed that a SADC force should be deployed. However, when the AU involved in to the situation in DRC, the issue

¹²¹ SADC, MOU Amongst the SADC Member States on the Establishment of a SADC Standby Brigade available at <http://www.sadc.int/attachment/download/file/382> (Accessed 30 August 2015)

¹²² Id, Art. 3

¹²³ Supra note 90, P. 143

¹²⁴ Supra note 90 P. 143

¹²⁵ Sebastian Sperling, "ECOWAS in Crisis Mode: Strengths and limits of regional security policy in West Africa" **Friedrich-Ebert-Stiftung**, (2011), P. 68

of mandate arose, as well as issues around funding.¹²⁶ The AU Peace and Security Council communiqué issued on 20 March 2009 included the importance of collaboration with the SADC and UN in resolving the conflict in Madagascar. In addition to that a contact group was also established which was responsible for overseeing the peacemaking efforts and facilitating the mediation of the Joint Mediation Team from AU and SADC.¹²⁷

However the AU PSC did not consult the SADC's Organ on Politics, Defense and Security Cooperation or the Ministerial Committee of the Organ in the sufficient level rather when the AU PSC discusses Madagascar and the DRC, it asks SADC to either brief it or makes a statement, after which it deliberates in camera while excluding SADC.¹²⁸

3.6. Intergovernmental Authority on Development

At a summit held in Nairobi, Kenya, on March 21, 1996, the Assembly of Heads of State and Government adopted an agreement revitalizing IGADD and renaming it the Intergovernmental Authority on Development.¹²⁹ The original founding members of the organization were Djibouti, Ethiopia, Kenya, Sudan and Uganda then Eritrea became the seventh member of the Authority in Addis Ababa in 1993.¹³⁰ In 2011 South Sudan admitted as a new member to the Authority. Initially, IGADD was created to mobilize and coordinate resources of member states to prevent the spread of drought, famine and desertification. Later on IGAD's mission was extended to assist member states to achieve food security and environmental protection, promote and maintain peace, security and humanitarian affairs and facilitate economic cooperation and integration.

The Authority's attention since 1996 has turned largely to peace and security issues in the region. Significantly IGAD has separated its political division from its humanitarian affairs with the latter including a section for conflict prevention, management and resolution.¹³¹ IGAD has also developed a five element programme on conflict prevention, management and resolution, which

¹²⁶ Supra note 90 P.144

¹²⁷ Supra note 115

¹²⁸ Supra note 125, P. 68

¹²⁹ Solomon Dersso, East Africa and the Intergovernmental Authority on Development: Mapping Multilateralism in Transition, (2014), P. 4

¹³⁰ Memar Ayalew, Solomon Gebreyohans, "The Role of Regional Economic Communities in Fighting Terrorism in Africa: The case of Intergovernmental Authority on Development", European Scientific Journal Vol.2(2014), P. 219

¹³¹ IGAD's website <http://igad.org/generalinf> (Accessed in September 2015)

entails: developing capacity building for conflict prevention; documenting demobilization and post-conflict peace-building experience; elaborating a culture of peace and tolerance; developing a conflict early warning mechanism; and creating an emergency relief.¹³²

IGAD has no special organ that is responsible for the facilitation of peace and security¹³³. The IGAD agreement obliges member states to deal with disputes within the regional mechanism before they are referred to other regional or international organizations. At the Khartoum summit in 2000, the establishment of the mechanisms in the IGAD region for the prevention, management and resolution of inter-state and intra-state conflicts was endorsed¹³⁴. Accordingly the IGAD Secretariat established a peace and security division and a conflict early warning and response mechanism. The Early Warning and Response Mechanism which was established in 2000, is responsible to systematically anticipate violent conflicts and respond in a timely and effective manner to the conflicts.

IGAD has not been involved in humanitarian intervention rather it is relied on the Peace and Security Council in so far as humanitarian intervention is concerned.¹³⁵ Therefore strong collaboration between Peace and Security Council and IGAD is significant as the region is highly exposed to conflict. Like Africa's other regional economic communities, IGAD remains poorly-staffed, poorly-funded and poorly-equipped.¹³⁶ Despite these shortcomings, IGAD is playing a significant role in the promotion of peace and security and also in coordinating the Eastern Africa Standby Brigade, which is part of the African Standby Force.

3.6. IGAD's role in the promotion of peace and security

IGAD does not have a body or mechanism that is dedicated to peacemaking roles. However, it has been engaged in peacemaking and mediation efforts throughout its existence. IGAD has been at the lead of the Somali and Southern Sudan Peace processes. An alternating mediation process

¹³² Ibid

¹³³ Herbert Wulf and Tobias Debiel, "Conflict Early Warning and Response Mechanisms tools for Enhancing the Effectiveness of Regional Organizations: a comparative study of the AU, ECOWAS, IGAD, ASEAN/ARF AND PIF", *Crisis States Working Paper* no. 49,(2009), P.18

¹³⁴ Bjorn Moller, "The Pros and Cons of Subsidiarity: The role of African Regional and Sub regional Organizations in Ensuring Peace and Security in Africa" *DIIS Working Paper* no 4, (2005), P 29

¹³⁵ Kithure Kindiki, *Humanitarian Intervention in Africa: The Role of intergovernmental Organizations*, (2002), P 274

¹³⁶ Adekeye Adebajo, 'The Peacekeeping Travails of the AU and the Regional Economic Communities, (2009) P. 134

led by Kenya on behalf of IGAD culminated in the 2005 Comprehensive Peace Agreement that brought an end to the war in south Sudan.¹³⁷

However with respect to peace support operations including peace enforcement, IGAD lacks both the institutional framework and established experience.¹³⁸ The civil war that erupted in South Sudan in December 2013 laid bare IGAD's lack of both experience and of an established framework for undertaking peace support operations¹³⁹. IGAD proposed the deployment of a deterrence and protection force to reinforce the monitoring and verification mechanism, however, it was not able to facilitate the deployment of this force on its own.

In Somalia, the AU authorized IGAD to send a peace mission to provide security for the Transitional Federal Government to establish itself in the country which was elected by the support of IGAD-led initiative.¹⁴⁰ In March 2005, the IGAD defense chiefs adopted a plan to deploy peacekeepers to Somalia in April of the same year. The idea was to utilize the peacekeeping mission to oversee the voluntary disarmament of the militia. However, this plan was unsuccessful largely because the IGAD member states lacked the necessary political will to support the initiative fully and also IGAD at the time did not possess an in-house capacity and framework to rapidly deploy peacekeepers to member states and above all IGAD's Charter did not have a provision for the deployment of a peace operation.¹⁴¹ On 6 December 2006 UN Security Council Resolution 1725 authorized IGAD and Member States of the African Union to establish a protection and training mission in Somalia which was named IGASOM.¹⁴² The Peace and Security Council of the AU accepted the importance of deploying an AU peace support mission in Somalia and mandated IGAD to deploy IGASOM, with troops contributed by IGAD member states.¹⁴³ However IGASOM never deployed to Somalia. IGAD's preventive diplomacy interventions have been hampered by lack of resources, and hence excessive external

¹³⁷ Supra note 99, P.42

¹³⁸ Supra note 129, P. 4

¹³⁹ Supra note 129, P. 5

¹⁴⁰ Tim Murithi, "The African Union's Foray into Peacekeeping: Lessons from the Hybrid Mission in Darfur" *Journal of Peace, Conflict and Development*, no. 14, (2009) Available at www.peacestudiesjournal.org.uk

¹⁴¹ Ibid

¹⁴² United Nations, United Nations Security Council Resolution 1725,(2006) S/RES/1725

¹⁴³ African Union, AU Report of the Chairperson of the Commission on the outcomes of the Fact-Finding/Reconnaissance Mission to Somalia and the IGAD military Planning Meeting, Addis Ababa (2005) PSC/PR/2 (XXIX),

dependence, and lack of common political.¹⁴⁴ The competition among member states prevents IGAD members from developing a coherent, consolidated approach to security issues.¹⁴⁵

However there is coordination between IGAD and AU. The peacemaking strategy of IGAD secured the involvement of the AU in the civil war peace settlements efforts in the Horn. In the Somalia conflict, the AU appointed a Special Envoy to the peace process as a means to strengthen the channels of communication and coordination between the AU and IGAD in facilitating and mediating the peace processes.¹⁴⁶ At the Maputo Summit, the AU announced the formation of an AU Observer Mission to Somalia and in July 2003 it dispatched a reconnaissance mission to Somalia.¹⁴⁷ There was also a division of labor between the AU and IGAD that led to the signing of a Memorandum of Understanding on Somalia mandating a monitoring role for the AU in Somalia.¹⁴⁸ Even though IGAD lacks the necessary development in the area of peace and security; the cooperation with AU projected more coherent strategy in facilitating the peace processes in the Horn.

¹⁴⁴ M. Lund and W.Betts, In Search of Regionalism, (1999), P.123

¹⁴⁵ *Id.*, P.124

¹⁴⁶ David J. FRANCIS, Uniting Africa Building Regional Peace and Security Systems, (2005), P.226

¹⁴⁷ *Ibid*

¹⁴⁸ *Ibid*

Chapter Four

The Relationship of African Union Peace and Security Council with Regional Economic Communities

4.1. Introduction

The African Peace and Security Architecture cannot function effectively without the regional mechanisms as they constitute the building bloc of the architecture. Together with the AU's relevant structures the regional mechanisms add up to the African Peace and Security Architecture. The relationship between the Peace and Security Council and the regional mechanisms is, therefore, aimed at providing concrete solution in the event that Africa's peace, security and stability is challenged or compromised. African conflicts tend to be regionalized that is, they involve a number of actors within a region and also affect states within a region like the conflict in the Great Lakes Region (comprising Burundi, Rwanda, the Democratic Republic of Congo, Uganda, Kenya and Tanzania), which was affected by the conflicts in Burundi, Rwanda, and the DRC¹⁴⁹. The regionalized nature of African conflicts can be best resolved by a common response of actors in the respective regions. Some of the regional economic communities including ECOWAS and SADC, established mechanisms aimed at promoting peace, security and stability. The other reason for the establishment of regional economic communities was the realization that development and regional integration initiatives were constantly undermined by insecurity within a region.¹⁵⁰

4.2. Legal Frameworks guiding the Relationship of AU PSC with RECs

The legal basis and instruments that define the relationship between the AU PSC and RECs include the Constitutive Act, the Protocol Relating to the Establishment of the AU Peace and Security Council, the Memorandum of Understanding on cooperation in the area of peace and security between the AU and the RECs/RMs and the Protocol on Relations between the African Union and the Regional Economic Communities.

¹⁴⁹Supra note 43, P.53

¹⁵⁰ Supra note 43, P.53

4.2.1 The Protocol on Relations between the African Union and the Regional Economic Communities

The Protocol on Relations between the African Union and the Regional Economic Communities sets out the objectives as to: formalize, consolidate and promote close cooperation among the RECs and between them and the Union through the coordination and the harmonization of their policies, measures, programmes and activities in all fields and sectors and to establish a framework for coordination of the activities of the RECs.¹⁵¹

“Through this Protocol the Union and RECs commit to endeavor to engage in common undertakings, i.e. cooperate and coordinate policies and programmes of the RECs with those of the Union; exchange information and experiences; promote inter-regional projects in all fields and support each other in their respective integration endeavors and agree to attend and participate effectively in all meetings; strengthen their relations with AU.”¹⁵²

4.2.2 The Protocol Relating to the Establishment of the AU Peace and Security Council

The Peace and Security Council has a specific mandate to work closely with the regional mechanisms in addressing peace and security issues. Article 16(1) of the AU PSC Protocol lays down the foundation for the relationship that must be applied by the Peace and Security Council with Regional Mechanisms, particularly in the area of conflict prevention, management and resolution.

Article 16 of the AU PSC Protocol provides that the Peace and Security Council and the chairperson of the AU Commission shall, firstly, harmonize and coordinate the activities of Regional Mechanisms in the fields of peace, security and stability to ensure that these activities are consistent with the objectives and principles of the African Union and secondly, work closely with Regional Mechanisms, to ensure effective partnerships between them and the AU PSC in the promotion and maintenance of peace, security and stability.¹⁵³

¹⁵¹African Union, the Protocol on Relations between the African Union and the Regional Economic Communities,(2007), Article 3

¹⁵² Ibid

¹⁵³ Supra note 17, article 16(1) (a) and (b)

In addition to harmonizing and coordinating the activities of the Regional Mechanisms, the Peace and Security Council is expected to work closely with them.¹⁵⁴ In seeking to work closely with the Regional Mechanisms, article 16(1) (b) of the AU PSC Protocol provides that the modalities of such partnership shall be determined by the comparative advantage of each regional mechanism and the prevailing circumstances. The principle of comparative advantage recognizes the fact, inter alia, that some of the regional organizations were actually more advanced or more competent in peace operations than the AU was at the time.¹⁵⁵

In fostering close cooperation between the Peace and Security Council and the Regional Mechanisms, article 16(6) of the AU PSC Protocol provides that the chairperson of the AU Commission shall take the necessary measures, where appropriate, to ensure the full involvement of regional mechanisms in the establishment and effective functioning of the Continental Early Warning System and the African Standby Force, respectively. Of importance is the fact that the standby arrangement is to be achieved on the basis of pledges from member states and preparations by Regional Mechanisms.¹⁵⁶

Article 16(8) of the AU PSC Protocol states that in order to strengthen coordination, the AU Commission shall establish liaison offices to the regional mechanisms and these mechanisms shall be encouraged to establish offices to the AU Commission. Accordingly seven of the RECs and two Regional Mechanisms have established their liaison offices to AU.¹⁵⁷

4.2.3 Memorandum of Understanding on cooperation in the area of peace and security between the AU, RECs and the Coordinating Mechanisms

In order to strengthen the relationship between the Peace and Security Council and the regional mechanisms, there was a need for the AU to negotiate and conclude an MOU to put into operation as article 16(9) of the AU PSC Protocol required.¹⁵⁸ This provides that, on the basis of this provision, a Memorandum of Understanding on Cooperation shall be concluded between the AU Commission and the Regional Mechanisms. Accordingly, in 2008 the Memorandum of

¹⁵⁴ Supra note 17, Art. 16(1)(b)

¹⁵⁵ Ademola Abass, *African Peace and Security Architecture and the Protection of Human Security*, (2010), P 248

¹⁵⁶ Solomon A. Dersso, "The Role and Place of the African Standby Force Within the African Peace and Security Architecture" *ISS Paper* No. 209 (2010), .P.7

¹⁵⁷ Supra note 115

¹⁵⁸ Supra note 17, Art.16(9)

Understanding on Cooperation in Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern African and Northern Africa was adopted.¹⁵⁹

The MOU is a binding legal instrument consisting of principles, rights and obligations to be applied in the relationship between the Union, the RECs and the Coordinating Mechanisms, in matters relating to the promotion and maintenance of peace, security and stability in Africa, subject to their respective competences.¹⁶⁰ Having established the binding effect of the memorandum, article 3(1) of the MOU on Cooperation in Area of Peace and Security provides that the parties shall institutionalize and strengthen their cooperation and closely coordinate their activities towards their shared goal of ridding the continent of the scourge of conflicts and laying the foundation for sustainable peace, security and stability.¹⁶¹ This provision is in line with article 16(1) (b) of the AU PSC Protocol.

The wide objectives of the MOU include contributing to the full operationalisation and effective functioning of the African Peace and Security Architecture and ensuring the regular exchange of information between the parties on all their activities pertaining to the promotion and maintenance of peace, security and stability in Africa.¹⁶² Equally important is the objective of fostering closer partnership between the parties in the promotion and maintenance of peace, security and stability on the continent, as well as enhancing coordination between their activities. This is achieved through the development and implementation of joint programme and activities in the area of peace, security and stability in Africa.

Article 16 of the AU PSC Protocol does not specifically provide for areas of cooperation between the Peace and Security Council and the Regional Mechanisms. This shortcoming is addressed by article 5 of the MOU which provides that in order to achieve the above-mentioned objectives of the MOU; the parties shall cooperate in all areas relevant for the promotion and maintenance of peace, security and stability in Africa. This include the following: one, the operationalisation and functioning of the APSA, as provided for by the AU PSC Protocol and

¹⁵⁹Supra note 27

¹⁶⁰ Supra note 27, Art 2

¹⁶¹ Supra note 27, Art 3(2)

¹⁶² Supra note 27, Art 3(2)

other relevant instruments; two, the prevention, management and resolution of conflicts; three, humanitarian action and disaster response; four, post conflict reconstruction and development; five, arms control and disarmament; six, counter-terrorism and the prevention and combating of trans-national organized crime; seven, border management; eight, capacity building, training and knowledge sharing; nine, resource mobilization; and ten, any other areas of shared priorities and common interest as may be agreed to by the parties.¹⁶³

Among other things, the parties to the MOU should work together to make is the Continental Early Warning System, as provided under article 12 of the AU PSC Protocol.¹⁶⁴ The parties also bind themselves to working together to make the African Standby Force, as provided for in article 13 of the AU PSC Protocol, fully operational, on the basis of the Policy Framework on the Establishment of the ASF and Military Staff Committee, which among other things, provides for the establishment of five regional brigades to constitute the ASF.¹⁶⁵

In further strengthening the relationship between the Peace and Security Council and the regional mechanisms, the MOU provides that on the one hand, the AU Commission shall establish liaison offices to the RECs and the coordinating mechanisms and on the other hand, the RECs and coordinating mechanisms shall be encouraged to establish liaison offices to the AU Commission.¹⁶⁶ This operationalize article 16(8) of the AU PSC Protocol. Accordingly, the parties to the MOU shall facilitate the establishment of these liaison offices by providing, to the extent possible, the necessary support, including office space, communications, and other administrative and logistical support.¹⁶⁷

Article 4 (2) of the MOU provides for the recognition of, and respect for, the primary responsibility of the Union in the maintenance and promotion of peace, security and stability in Africa, in accordance with article 16 of the AU PSC Protocol.¹⁶⁸ This provision is important in the sense that it makes it clear that the role of the regional mechanisms is not to usurp that of the Peace and Security Council. This means that in carrying out their activities in the field of peace,

¹⁶³Supra note 27 Art 55

¹⁶⁴ Supra note 27 Art.6(2)

¹⁶⁵Supra note 27 Art 6(3)

¹⁶⁶ Supra note 27, Art 18(1)

¹⁶⁷ Supra note 27, Art 18(2)

¹⁶⁸ Supra note 27, Art 4(4)

security and stability, the Regional Mechanisms must take cognizance of the fact that the AU is with the primary responsibility of the promotion of peace, security and stability in Africa.

About the guiding principles to the relationship of these organs article 4(6) of the MOU provides for the adherence to the principles of subsidiarity, complementarily, and comparative advantage, in order to optimize the partnership between the AU, the RECs and the coordinating mechanisms in the maintenance of peace, security and stability.¹⁶⁹ The role that the regional mechanisms play in this regard is therefore subsidiary and complementary to that of the AU. In other words, Regional Mechanisms cannot undertake any activities without consulting the Peace and Security Council, which falls under the AU, an organization that should take the lead role in addressing any peace, security and stability challenge within the continent. What has proven elusive is the clear definition of each regional organization's comparative advantages, and the determination and application of these advantages in each unique conflict situation.¹⁷⁰ Possible comparative advantages' for regional organizations may include previous experience in peace management in the region, already established mechanisms for conflict management, and proximity, which leads to better understanding of the conflict.¹⁷¹ None of the documents say, who will be determining which organization or actor has comparative advantage and how the decision will be made on which organizations, and which mediation team, is the best. In the 2015 Abuja Retreat between AU PSC and RECs the issue was raised but it was concluded the application of the principle shall be determined in case by case basis.¹⁷²

In order to keep track of what the Peace and Security Council and the Regional Mechanisms have done in implementing the MOU, article 16 of the Memorandum provides for the exchange of information. Article 16(1) provides that the parties shall regularly exchange information, analysis and assessments on the issues covered by the MOU.¹⁷³ In order to enhance cooperation between the parties, article 17 provides that, the parties shall regularly consult each other, both at political and technical levels, on matters relating to the promotion and maintenance of peace, security and stability. The chairperson of the AU Commission shall be invited to the meetings

¹⁶⁹ Supra note 27 Art 4(6)

¹⁷⁰ Interview with Ms. Nomatamsanqa Sopazi, Head SADC Liaison Office to the AU, April 7, 2016

¹⁷¹ Bogland K., Robert E. and Maria L, The African Union A study focusing on conflict management, (2008) P. 18

¹⁷² African Union, Declaration on the Retreat of the PSC on Enhancement of Cooperation between the AU PSC and the RECs and RMs, Abuja ,Nigeria,(2015),Paragraph 22, PSC/Retreat/8

¹⁷³ Supra note 27, Art 16(1)

and deliberations of the regional economic communities and the coordinating mechanisms, in accordance with article 16(7) of the AU PSC Protocol.¹⁷⁴ A meeting between the chairperson of the AU Commission and the chief executives of the RECs and coordinating mechanisms shall also be held at least once a year to discuss matters of peace and security and agree on a programme of work.¹⁷⁵

Besides that article 16(2) further provides that on one hand, the RECs and the Coordinating Mechanisms shall submit, whenever required and at least every six months, a comprehensive report on their activities in the area of peace and security to the Chairperson of the AU Commission and, through him, to AU PSC.¹⁷⁶ On the other hand, article 16(2) provides that the AU Commission shall also, whenever required and at least every six months, provide the RECs and the Coordinating Mechanisms with an update on its activities and those of the AU PSC in the area of peace and security.¹⁷⁷

4.3. Prospects on the relationship between AU PSC and RECs

4.3.1. The Institutionalization of Regular Meetings between AU PSC and RECs

The Head of ECOWAS Liaison office to AU said the regular meetings between AU PSC and RECs is increasing the coordination between the two organizations and a good platform to discuss future possible solutions to further enhance the relationship.¹⁷⁸ She also stated that in the successive meetings different issues had been discussed to enhance the relationship between AU PSC and RECs. The Peace and Security Council of the African Union, at its 549th meeting, adopted the Conclusions of its Retreat on Enhancement of Cooperation between itself and the Regional Economic Communities and the Regional Mechanisms for Conflict Prevention, Management and Resolution in Abuja, Nigeria from 14 to 16 September 2015.¹⁷⁹ The Retreat came as an additional important step by the AU PSC in its efforts to enhance its relationship with the RECs/RMs in the area of peace and security within the framework of the African Peace and Security Architecture. On the meeting it was agreed that for a regular meeting to be held twice a

¹⁷⁴ Supra note 27 Art 8(3)

¹⁷⁵ Supra note 27, Art 6(3)

¹⁷⁶ Supra note 27, Art 16(2)

¹⁷⁷ Supra note 27, Art 16(2)

¹⁷⁸ Interview with Ms. Raheemat Omoru Momodu , Head ECOWAS Liaison office to AU, April 15, 2016

¹⁷⁹ African Union, COMMUNIQUÉ of the Peace and Security Council on its 549th meeting ,Addis Ababa, Ethiopia , (2015) PSC/PR/COMM.(DXLIX)

year between AU PSC and RECs and the RECs/RMs to extend separate invitations to both the Chairperson of the AU Commission and the Chairperson of the AU PSC to participate in their statutory and other key meetings on peace and security issues.¹⁸⁰ In addition to that the retreat has also addressed the issue of the principles of Subsidiarity, Comparative advantage and complementarity. It was agreed that the application of this principles will be decided on a case by case basis.¹⁸¹ However this still doesn't solve the problem with the application of these principles as there is no clear definition or criteria to decide on which organ has a comparative advantage or not.¹⁸² The Abuja meeting also concluded for joint reporting and joint enforcement of AU sanction by AU PSC and RECs.¹⁸³

Therefore these successive meetings including the Abuja have displayed immense significance in enhancing the working relationship between AU PSC and RECs by identifying problems and setting possible solutions to them.

4.3.2. The Establishment of Liaison Offices of RECs to AU

The Memorandum of Understanding provides for the establishment of Liaison Offices to the RECs/RMs by the AU and vice versa by the RECs/RMs.¹⁸⁴ Seven RECs, namely; COMESA, CEN-SAD, EAC, ECCAS, ECOWAS, IGAD and SADC have already established Liaison Offices to the AU, as well the two RMs, NARC and EASFCOM. The appointment of RECs delegate to interface with AU and the establishment of RECs liaison office at the headquarters of AU is an important step that has been taken to ensure effective relationship between AU PSC and RECs. According to my informants in the interview the liaison Offices are playing a significant role in the facilitation of harmonious relationship between the AU and the RECs/RMs in different sectors.¹⁸⁵ The liaison officers are facilitating a smooth relationship between the two institutions but they are poorly staffed only 2 in number for each office and some doesn't have heads which has been a barrier for the effective relationship.¹⁸⁶

¹⁸⁰ Supra note 172, Paragraph 7

¹⁸¹ Supra note 172, Paragraph 5,

¹⁸² Supra note 115

¹⁸³ Supra note 172, Paragraph 9 and 10

¹⁸⁴ Supra note 27, Art.18(1)

¹⁸⁵ Interview with Ms. Raheemat Omoru Momodu ,Head ECOWAS Liaison office to AU, April 15, 2016 , and Ambassador Abuzied El Hassen Abuzied ,head of IGAD Liaison Office to the AU, April 12,2016

¹⁸⁶ Supra note 115

4.3.3. Information Sharing

Article 16(3) of the AU PSC Protocol underscores the power of sharing information between the Peace and Security Council and the regional mechanisms. In relation to efforts made to strengthen the relationship between these institutions, this article provides that Regional Mechanisms shall through the chairperson of the AU Commission, keep the Peace and Security Council fully and continuously informed of their activities and ensure that these activities are closely harmonized and coordinated with the activities of the Council.¹⁸⁷ The same principle is applicable in so far as the Peace and Security Council in relation to the Regional Mechanisms is concerned. This therefore is a two-way process, where both the Council and the Regional Mechanisms will work towards a common goal of addressing peace, security and stability issues in Africa.

In order to strengthen the information-sharing process and ensure close harmonization and coordination, article 16(4) of the AU PSC Protocol provides that the Chairperson of the AU Commission shall convene periodic meetings, but at least once a year, with the Chief Executives and/or the officials in charge of peace and security within the Regional Mechanisms.¹⁸⁸ Accordingly regular meetings are made between AU PSC and RECs and during this times information is being shared. The Abuja retreat has also stressed that the RECs re needed to provide information to the AU Peace and Security Council for the preparation of joint report.¹⁸⁹

4.3.4. Continental Early Warning

According to the AU PSC Protocol the RECs have a central role to play in the creation and effective functioning of two important pillars of APSA that is the ASF and the CEW. Therefore the CEW is an important pillar of APSA that needs the full involvement of the RECs and according to the AU PSC Protocol an important aspect of this process needs the institutionalized linkage between the situation room within the AU conflict management division and the RECs.

A close cooperation between the AU and the RECs/RMs on early warning has developed in different regions. The Akosombo Declaration regarding the Continental Early Warning System

¹⁸⁷ Supra note 17, Art. 16(3)

¹⁸⁸ Supra note 17, Art. 16(3)

¹⁸⁹ Supra note 172, Paragraph 9

conveyed the satisfaction the progress made in its development and the close cooperation of the AU and the RECs/RMs on early warning¹⁹⁰. In the meeting the need for the intensification of these efforts, in particular the connectivity between the CEWS and the Early warning systems of the RECs and the enhancement of the analytical capacity at continental and regional levels was noted.

Chapter 6 of the 1999 ECOWAS protocol established an Early Warning System that would detect, monitor and analyze signs of threats or breakdown in relations within or between member states accordingly ECOWAS Early Warning System known by the acronym ECOWARN was established.¹⁹¹

The same movement is made in IGAD. In a meeting of the Council of Ministers held in Khartoum in 2000 a decision was taken to establish Conflict Early Warning and Response Mechanism and in 2002 the Council of Ministers of IGAD endorsed the Protocol on the Establishment of a Conflict Early Warning and Response Mechanism providing CEWARN with a legal entity and operational framework.¹⁹² The CEWARN Protocol states that the mandate of CEWARN is to receive and share information concerning potentially violent conflicts as well as their outbreak and escalation in the IGAD region including livestock rustling, conflicts over grazing and water points, nomadic movements, smuggling and illegal trade, refugees, landmines and banditry.¹⁹³

SADC has decided to establish a Regional Early Warning System comprising of National Early Warning and Regional Early Warning Centre. The main objective of the SADC early warning mechanism is to strengthen regional mechanism for conflict prevention, management and

¹⁹⁰ African Union, Declaration of the second meeting of the Chief Executives of the AU and The RECs / RMs , Akosombo, Ghana, (2009)

¹⁹¹ African Union, Background Paper on Status of Implementation of Early Warning Systems in the RECs, December, South Africa,(2006) / PSD/EW/EXP/9(I)

¹⁹² Ibid

¹⁹³ IGAD, Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States, Khartoum, Sudan, (2002),

resolution in line with the provisions of the Protocol on Politics, Defense and Security Cooperation and the Strategic Indicative Plan of the Organ.¹⁹⁴

Though the establishment of these early warning systems in different regions is has developed the relationship of AU with the RECs according to my informant in the interview the coordination between RECs and the Continental system is weak and slow paced and the informant further said that a lot more should be done to improve communication and harmonization between AU and the RECs as well as among and within RECs themselves in order to have effective early warning information to facilitate early action.¹⁹⁵ One of the challenges in this area is the problem of connectivity; from all of the RECs only ECOWAS has established a direct connectivity of its early warning system with AU CEWS.¹⁹⁶

4.3.2. African Standby Force And Regional Mechanisms

The creation of regionally based multinational brigades as building blocks of APSA for the envisioned African Standby Force is also another positive achievement in the harmonization between AU PSC and RECs. The African Standby Force is an example of the AU's collective continental security effort. According to the AU PSC Protocol the ASF is to enable the AU PSC to fulfill its objective of promoting peace, security, and stability in Africa.¹⁹⁷ Besides its obvious benefit of strengthening African capacity for regional peace operations in the long-run, the creation of the ASF also aids the consolidation security cooperation between AU PSC and RECs. The regional character of the ASF ensures that the RECs feel ownership in the process of establishing continental security architecture, but at the same time continue to strengthen their institutional links with the AU. The ASF allows the latter to incorporate the RECs into a common framework under its coordination without infringing on their regional authority or responsibilities.

The African Standby Force is established in terms of article 13(1) of the AU PSC Protocol as standby multidisciplinary contingents with civilian and military components in their countries of

¹⁹⁴ Background Paper NO 4 on Status of Implementation of Early Warning Systems in the RECs, December, 2006, South Africa/ PSD/EW/EXP/9(I)

¹⁹⁵ Interview with Orit Ibrahim, AU Situation Room Coordinator, April 1, 2016

¹⁹⁶ Interview with Taye Abdulkadir, AU Situation Room Information System Officer, April 1, 2016

¹⁹⁷ Supra note 17, Art. 3

origin and ready for rapid deployment at appropriate notice.¹⁹⁸ On the meeting held between the AU and Regional Mechanisms in Algiers, the progress made towards the establishment of the African Standby Force, in application of the relevant provisions of the AU PSC Protocol and the Framework Document on the Establishment of the ASF was appreciated.¹⁹⁹ Although they are at different stages in their efforts, all the regions of the continent have taken the necessary measures for the establishment of the regional standby brigades provided for within the framework of the ASF.

The Akosombo Declaration stressed the need for the AU and the RECs/RMs to enhance their cooperation and coordination, including contribution of forces to African-led peace support operations, in line with the relevant provisions of the AU PSC Protocol and the MOU, as well as other relevant decisions of the AU PSC and similar organs in the RECs/RMs and instruments adopted at regional and continental levels.²⁰⁰

4.4. Challenges on Harmonizing and coordinating activities of RECS with AU PSC

The effective implementation of article 16(1)(a) of the AU PSC Protocol is dependent upon the successful implementation of article 3(1) of the Constitutive Act, which is aimed at ensuring that the relationship between the existing and future RECs are coordinated and harmonized by the AU. But there are different problems exhibited in the process of creating a harmonious relationship between AU PSC and RECs.

4.4.1. Non Participation of RECs in the AU PSC Decision making meetings

As article 2 of the AU PSC Protocol states the Peace and Security Council within the Union is a standing decision making organ for the prevention, management and resolution of conflicts. The Peace and Security Council is required to make conflict prevention, anticipation, peacemaking and peace-building functions in consultation with Regional Mechanisms.

¹⁹⁸ Supra note 17, Art 13(1)

¹⁹⁹ Supra note 30

²⁰⁰ African Union, Plan of Action by the Special Session of the Assembly of AU in consideration and resolution of conflicts in Africa, Tripoli, Libya, (2009)/ SP/ASSEMBLY/PS/PLAN(1)

According to article 16(2) of the AU PSC, the Peace and Security Council shall, in consultation with Regional Mechanisms, promote initiatives aimed at anticipating and preventing conflicts and, in circumstances where conflicts have occurred, peacemaking and peace-building functions. However, when a meeting is made concerning a member state, the REC that country is a member is not invited on the decision making process. The REC is called to present its report on the issue and will be asked to leave after that.²⁰¹ The RECs are invited to open session meetings which is open to every party and they are not participating in the decision making process made in the closed session. Ambassador Abuzied said the AU PSC considers RECs as observers and this is a big challenge on the relationship of the two organs.²⁰² Ms. Raheemat also said that if decisions are made together there won't be a challenge in the implementation of the Memorandum of Understanding.²⁰³ However Ms. Elizabeth argues Peace and Security counsel is making its own decision and shouldn't be expected to invite RECs in the decision making process and consultation with these bodies is enough.²⁰⁴ If RECs are considered as a building bloc of African Peace and Security Architecture ignoring their involvement in the decision making process is not wise and actually their involvement makes the implementation of the decision easier in the next step.

4.4.2. Overlapping membership

The issue of African states having multiple memberships of RECs is the one of the challenges in promoting a coordinated relationship between AU PSC and RECs. Eastern and Southern Africa have a multiplicity of regional institutions with remarkably similar ambitions. The institutions overlap both geographically, with shared membership, and with shared desire. The present structure of overlapping memberships of Regional Economic Communities is overcomplicated and unworkable.²⁰⁵ The overlapping membership to RECs has created serious inefficiencies,

²⁰¹ Interview with Ambassador Abuzied El Hassen , Head of IGAD Liaison Office to the AU, April 12, 2016 and Interview with Ms. Raheemat Omoru Momodu ,Head of ECOWAS Liaison office to AU, April 15, 2016

²⁰² Interview with Ambassador Abuzied El Hassen , Head of IGAD Liaison Office to the AU, April 12, 2016

²⁰³ Supra note 178

²⁰⁴ Supra note 115

²⁰⁵ Richard Gibb, "Rationalization or Redundancy: Making Eastern and Southern Africa's Regional Trade Units Relevant), **Brenthurst Discussion Paper** no.3 (2006), P. 2.

duplication, unintended overlap, and even dissipating efforts and scarce resources that should be frugally directed towards the goal of building an effective African Union.²⁰⁶

This overlap among Africa's organizations not only leads to wasteful duplications of effort and counterproductive competition among countries and institutions, but also tends to dissipate collective efforts towards the common goals of the African Union as my interview with Commissioner Crowd confirmed.²⁰⁷ It also adds to the burdens of member states as a country belonging to two or more organizations not only faces multiple financial obligations, but must cope with different meetings, policy decisions, instruments, procedures, and schedules.²⁰⁸

But the AU's Decision on the Moratorium on the Recognition of Regional Economic Communities which urged the recognized RECs to coordinate and harmonize their policies among themselves and with the AU Commission, will to some extent address this challenge.²⁰⁹

The overlapping organization is further intensified by the problem that the five regions designated by the AU for the purposes of ASF do not correspond directly with the existing eight RECs. For example, East Africa has the Common Market for East and Southern Africa and the East African Community; neither organization has a security element or a comprehensive regional membership. Responsibility for coordinating the East Africa Brigade drawn from Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Rwanda, Sudan, Seychelles and Uganda, was given to the Intergovernmental Authority on Development; but Seychelles, Madagascar and Rwanda are not members of IGAD, so a new EASBRIG mechanism has had to be established.²¹⁰

SADC and ECOWAS both have a security arm within their structure. Tanzania, which is a member of the EAC and SADC, is listed as a member of EASBRIG, yet is also a signatory of the memorandum establishing the SADC Brigade. Angola, another member of SADC and signatory of the SADC Brigade memorandum, is seen as a key state in the Central African Brigade. It may be some time before the exact make-up of the brigades becomes clear. These regional

²⁰⁶ Supra note 43, P. 53

²⁰⁷ Interview with Crowd Chirenje, Peace and Security Department ASF Capability Development division Head, March 29, 2016

²⁰⁸ Ibid

²⁰⁹ Supra note 88

²¹⁰ Benedikt Franke, Competing regionalisms in Africa and the continent's emerging security architecture, (2007), P. 65

incoherencies need not mean that the peace and security architecture cannot be established, but they make it harder.²¹¹ As my interview with Commissioner Crowd revealed it is impossible to control the membership of state parties but membership to multiple RECs is self defeating exercise as it causes wastage of resource, time and focus.²¹²

4.4.3. Weak Finance and Logistics

The third challenge on harmonizing the relationship between AU PSC and RECs is that the regional economic communities remain weak and lack financial and logistical means.²¹³ African regional organizations suffer from enormous resource and capacity constraints.²¹⁴ The lack of financial and logistical means is further aggravated by the fact that the member states of the regional mechanisms have limited resources. African states are part of the developing world; they are not capable of making significant financial, human or material contribution to the promotion of peace and security in the continent by, AU or Regional Mechanisms. Besides this the member states of the regional organizations are in uneven political and economic development with a differing political and security agendas and visions. As a result the regional organizations suffer from resource and capacity constraints that have significant impact on the extent to which they are able to commit meaningfully to conflict prevention through both regional and continental initiative. However regarding financial resource ECOWAS has a good record of supporting itself. According to the interview with Ms. Raheemat Omoru through a resource mobilization strategy by members, ECOWAS has instituted a Community Levy, a percentage of which is dedicated to the ECOWAS Peace Fund and accounts for approximately 90% of the budget to support its conflict prevention and management endeavors.²¹⁵ But for other RECs and AU there is a high reliance on foreign support. EU is funding APSA and as Ambassador Abuzied said there are times when disagreement with these financial sources as they require some amendments which AU and RECs don't accept.²¹⁶ APSA will have to reduce its dependence on external sources and member states should contribute for the AU fund.

²¹¹ Atieno Ndomo, Regional economic communities in Africa: a progress overview, (2009), P. 12

²¹² Supra note 207

²¹³ Supra note 136 P. 268

²¹⁴ Supra note 100, P.47

²¹⁵ Supra note 178

²¹⁶ Supra note 202

Otherwise the AU will risk becoming a weak, donor-dependent institution with limited legitimacy.

The capacity building area is also the other issue which is not given a necessary attention. There is lack of resource in the area and officers in the peace and security department are depending on others like embassies for recourses.²¹⁷ There is also no research center which works in the area for the development of new solutions and initiatives.²¹⁸ Moreover the continental Early Warning system of AU is also depending on donor's money and the budget problem has caused a challenge in developing effective relationship with RECs' Early Warning System. Under developed technology and different level of development among regions has contributed for the weak institutional relationship.²¹⁹ Besides this the Continental Early Warning System is poorly staffed for instance the Situation Room which is responsible for the collection of data and analysis of such data across the continent only have only five data analysts.²²⁰

The financial problem has been also a big challenge in the African Stand by Force. As Commissioner Crowd confirmed Peace keeping is a very expensive task but there is no agreement how regional Standby Forces are funded.²²¹ The problem is further complicated by the dependence on foreign fund as member states are not contributing anything.²²² These are also challenges which need due consideration for the enhancement of an effective working relationship between the two bodies.

4.4.4. Different legal regimes between AU PSC and RECs

The Peace and Security Council had been given a regulatory or quality control function in relation to the regional organizations and responsibility to ensure effective partnership between them and the Council in the promotion and maintenance of peace, security and stability in terms of article 16(1) (b) of the AU PSC Protocol. However there are differences between the AU and these regional mechanisms on the law. While the laws of intervention for the AU and ECOWAS are complementary in the sense that both organizations may authorize intervention to forestall

²¹⁷ Supra note 178

²¹⁸ Ibid 178

²¹⁹ Supra note 195

²²⁰ Supra note 196

²²¹ Supra note 207

²²² Supra note 207

deadly conflict and remedy large scale human suffering with or without prior authorization from the UN Security Council.²²³

There is inconsistency between the AU and SADC law that the law of SADC as prescribed in the SADC Organ on Politics, Defense and Security, and the SADC Protocol on Politics and Security Cooperation permits, intervention to remedy war crimes, crimes against humanity and genocide and to forestall military coups or other threats to legitimate authority yet it prohibits such action if it is taken without the authorization of the UN Security Council.²²⁴ Any intervention to take place under the auspices of SADC, the UN Security Council must give an authorization.²²⁵ This is different from the approach of the rules that pertain to ECOWAS and the Peace and Security Council. This is likely to interfere with the manner in which the AU PSC can promote initiatives for conflict prevention, management and resolution.

The fact that the regional mechanisms have different approaches to intervention will also hamper efforts to streamline activities among them, thus affecting their respective relationships with the Peace and Security Council.²²⁶ On the one hand, SADC may not legally partake in AU-sanctioned interventions without the UN Security Council's approval but ECOWAS can legally partake in AU-sanctioned interventions without the UN Security Council's approval.²²⁷ According to article 53 (1) of the UN charter any regional organization can't take such measures without the prior authorization of the UN Security Council. However, the Constitutive Act also does not say anything whether the right of intervention should be exercised in accordance with the provisions of the Charter which requires prior authorization. SADC protocol has given due consideration to the UN charter but there is inconsistency of the legal regime both with AU and other REC.

The SADC BRIG is a part of the AU African union Stand by Force and the AU Peace and Security Council should be the only one that can mandate the deployment of forces. But the case is different in SADC. Article 7 of the MOU signed by SADC member states in the creation of the SADC BRIG stipulates that the SADC BRIG can only be deployed by the SADC Summit of

²²³ Supra note 23, P. 258

²²⁴ Supra note 120, Art. 11(2) b

²²⁵ Supra note 120, Art. 11(3) d

²²⁶ Jeremy Levitt, The Peace and Security of the African Union: The Known Unknowns, (2003), P.136

²²⁷ Ibid

Heads of State and Government.²²⁸ The other important area where disjuncture between AU and SADC revealed is in the Early Warning System. This important link between the AU's CEWS and SADC's REWS is frustrated by the fact that SADC does not allow for direct exchange of information and analysis with the AU.²²⁹ In addition to the inconsistency between the legal regimes of the two parties, the legal documents which define the working relationship of AU PSC with RECs are also not fully implemented.²³⁰

The RECs are independent organs from the AU which are established for achieving their own goals but through operationalisation of the African Peace and Security Architecture the effective coordination of these bodies with the AU PSC is necessary. Therefore it is clear that for a meaningful coordination of the activities of regional mechanisms activities, or promotion of initiatives for conflict prevention, management and resolution with the Peace and Security Council, there are needs to harmonize the different legal regimes as contradicting legal provisions hamper the coordination.

4.4.5. Different level of development among the RECs

The difference in the level of development between different RECs is also another challenge for the coordination between AU PSC and RECs. The components of the ASF are to be provided by member states and to be prepared and trained by the different RECs. The degree of advancement of this process differs sharply from region to region. There are discrepancies in the strengths and features of military capabilities between the different member states and RECs. As a result creating a coordinated relationship between AU PSC and RECs become difficult.²³¹ Additional complication is the fact that given the differences between the individual RECs in the level of advancement of their standby capacity, some of them are actually ahead of the AU and tend towards working via their regional arrangement. For instance ECOWAS and SADC established a security system before AU was born.

²²⁸ Supra note 124, Art. 7 SADC MOU

²²⁹ Supra note 195

²³⁰ Interview with Ms. Nomatamsanqa Sopazi, Head SADC Liaison Office to the AU, April 7, 2016

²³¹ Supra note 115

4.4.6. Absence of political willingness of member states

The absence of political will is directly related to the tendency of many states to prioritize nationalism over regionalism in order to prevent their populaces' fragmentation along ethnic or other lines.²³² According to the interview with Ambassador Abuzied El Hassen Abuzied absence of political willingness and the conflict among member states caused a significant problem on the efficiency of IGAD and its relation with AU.²³³ The ambassador mentioned that Eritria has submitted a letter of suspension of membership to IGAD because of its difference with Ethiopia though decision is not made yet and Eritrea is also participating. In addition to this member states are not interested to accept the coordinating role of AU because they assert there shouldn't be any hierarchy between AU and RECs.²³⁴

Regarding this problem the Meeting held between AU and Regional Mechanisms stressed the consequence of such division among member states and called member States to provide the AU and the Regional Mechanisms with the necessary political and other support, including facilitating the effective exercise by these organizations of their responsibilities regarding the promotion of peace and security in conformity with the commitments they have made.²³⁵

²³² Supra note 213, P.67

²³³ Supra note 202

²³⁴ Supra note 207

²³⁵ Supra note 30

Conclusion

The Peace and Security Council in collaboration with RECs and with the support from the UN may be given the effectiveness that is required to address peace and security matters in Africa. What is of importance is that the AU PSC Protocol has, among other things, created a mechanism that will ensure that the Council harmonizes and coordinates the activities of Regional Mechanisms. This will ensure that the Council and these mechanisms work closely and effectively in addressing peace, security and stability challenges in the various parts of Africa.

The Peace and Security Council has facilitated a system that will enable it to promote initiatives by the Regional Mechanisms for conflict prevention, management and resolution at the regional levels and also to share relevant information between these institutions so as to form partnerships to minimize conflicts within the continent. While this system cannot be an overnight success, once it is fully realized it is bound to have a great effect in contributing to the promotion of peace and security in Africa.

The relationship between the Peace and Security Council and the Regional Mechanisms cannot be effective without adequate funding. The AU and the regional economic communities should devise a mechanism for funding the regional mechanisms in order to enable the Peace and Security Council and the Regional Mechanisms to work closely according to their mandates.

In order for the cooperation between the Peace and Security Council and the Regional Mechanisms to work, there is a need for further elaboration in describing the modalities and mechanisms for effective collaboration between these institutions. There must be clarity on the right to intervene by the Regional Mechanisms in given circumstances, and international law should always be respected, both by the Regional Mechanisms and the Council.

The AU and the Economic Community of West African States have developed formal mechanisms with peace and security responsibilities, as well as put boots on the ground in African conflicts. In its attempts to address peace and security in southern Africa, SADC has also developed an impressive system for collaborating with the Peace and Security Council. In particular, it has developed the SADC BRIG, which forms part of the African Standby Force. Indeed ECOWAS, through its experience of West African conflicts, is more advanced in

addressing peace and security issues and has also done extremely well in developing the ECOBRIG. There are still a number of challenges to be addressed in ensuring that the relationships between the Peace and Security Council and the Intergovernmental Authority on Development. In addition, the Intergovernmental Authority on Development is responsible for the Horn of Africa where various conflicts are arising among the member states. There is no doubt that for a regional organization with its members in conflict can't successfully promote the sub region's peace and security by coordinating with the Peace and Security Council. Therefore enhancing the relationship among the state parties will be with a great significance to strength the capacity of IGAD and then to bring coordination and harmonization with the AU PSC.

The reality today is that Africa can no longer rely solely on the UN, so the need for the Peace and Security Council to build relations with the Regional Mechanisms is important. History has shown that the UN structure is incapable of effective and timely interventions unless the interests of the five veto-wielding, permanent members of the Security Council are aligned.²³⁶ The important thing in the process of harmonizing the relationship between AU PSC with RECs is that the memorandum between the AU and the RECs is already in place for purposes of fostering a closer collaboration between them. What is now needed is to translate what the MOU provides into practice by both the AU PSC and the RECs.

²³⁶ Emeka J. Wokoro, Towards a Model for African Humanitarian Intervention,(2008) , P. 16

Recommendations

This study established that the relationship between the Peace and Security Council and the regional mechanisms provides the necessary foundation for establishing the conditions of peace, security and stability in Africa. The ability of the AU and the Regional Mechanisms to maintain peace and security is largely dependent upon their ability to operationalize the African Peace and Security Architecture effectively.²³⁷ The study also emphasized the fact that the harmonization and coordination of regional economic communities and the African Union Peace and Security Council is a significant thing for the operationalisation of APSA. The study analyzed the three Regional Mechanisms and their roles in the development of APSA. The African Peace and Security Architecture could not function without th regional mechanisms.

To solve the financial problem which is impeding the relationship of AU PSC with RECs Africans must create a healthy financial basis for their mechanisms and undertakings. These institutions rely heavily on outside sources for financial and material support. The Algiers Meeting between AU and Regional Mechanisms emphasized the imperative need for African States to contribute more significantly to the financing of the activities undertaken by the AU and the Regional Mechanisms in the area of peace and security, through a system of assessed contributions or alternative sources of financing.²³⁸ In doing so, the objective is for Africa can demonstrate its political will to rid the continent of the scourge of conflicts, effectively take ownership of efforts deployed in this respect, and ensure their sustainability.

As a way of ensuring that Africans own and drive the agenda to operationalize APSA for Africa's own interests, the AU must ensure that it develops mechanisms, not only by diversifying partner support, but also crucially, by ensuring that a sizeable proportion of its budget is derived from its member states. The AU PSC shall in its Abuja Retreat ensured the revitalization of the Peace Fund and mobilize internal resources to fund its activities. Following the model in the Economic Community of West African States, the AU PSC should endeavor to mobilize efforts

²³⁷ Supra note 140, P. 257

²³⁸ Supra note 30

towards installation in the AU Peace Fund and in the funding mechanisms of the RECs/RMs of levies as additional sources of funding for peace and security.²³⁹

Regarding the overlapping membership to different regional organizations the AU should clarify the many procedural questions arising from the resultant overlaps. There needs to be a better understanding of priorities and procedures when troops, pre-identified for use by both AU and Regional Mechanisms are simultaneously needed in two places at once. Without a well-defined understanding of which organization or crisis area has primacy in these situations, problems with force projection and force generation will continue to be a major hurdle.²⁴⁰

The study recommends that the provisions of the memorandum of understanding between the AU and the RECs should be implemented in a better way. The head of the ECOWAS Liaison Office to AU also suggested the full implementation of the MOU can take the relationship of the AU PSC with RECs to a higher step.²⁴¹

The full support of the African states at the regional levels is of paramount importance in ensuring the success of the African Peace and Security Architecture. Political willingness is therefore significant both in advancing the capacity of RECs and the five brigades making up the African Standby Force.

There are inconsistency of law with regard to the principle of intervention between that the AU law, and respectively the law of the Economic Community of West African States and that of the Southern African Development Community. In the case of the ECOWAS, article 25 of the ECOWAS Protocol provides for the right to intervene in a member state. It is recommended that the ECOWAS Protocol should be revised in such a way that it is consistent with AU and UN law. This means that the AU must sanction the right of intervention by ECOWAS, after obtaining authorization from the UN Security Council in line with article 2(4) and 53(1) of the UN Charter. This will avoid unilateral intervention by a regional mechanism in contravention of international law.

²³⁹ Supra note 172, paragraph 14

²⁴⁰ Taft Patricia and Ladhier Jason, Realizing, Never Again – Regional Capacities to Protect Civilians in Violent Conflicts, (2006), P. 6

²⁴¹ Supra note 178

In the case of SADC, the SADC Protocol provides for the right to intervene where there is a need to address war crimes, crimes against humanity, and genocide; and to forestall military coups and other threats to legitimate authority. The SADC law of intervention acknowledges the UN by stating that such a right to intervene exists only with the authorization of the UN Security Council. However it is different with the AU Constitutive Act, which does not seem to require the authorization of the UN Security Council in exercising its right to intervene. The AU and SADC legal regimes need to be harmonized in a way that respects the UN charter. The principle of intervention should be harmonized because in future it can open a door for abuse by regional mechanisms. On the right of intervention by regional mechanisms, this study recommends that within Africa this right must be the preserve of the African Union after an authorization from the UN Security Council and that its implementation must be through the cooperation of Regional Mechanisms. Furthermore the AU law and the laws of the regional economic communities must be harmonized in order to prevent any conflict of law that is likely to negatively affect the relationship between the Peace and Security Council and the regional mechanisms.

The security situation in the Horn of Africa presents complications that are likely to hamper relationships among IGAD members' states on one hand, and the Peace and Security Council and IGAD on the other. There are hostile relationships among IGAD members for instance the situation between Ethiopia and Eritria, Sudan and South Sudan can be mentioned. Clearly a divided REC is not capable of maintaining a close working relationship with the Peace and Security Council. Before a collaborative relationship with the Peace and Security Council, it is important for IGAD to address its own divisions; otherwise there is little chance of the relationship working effectively.

RECs should be constantly consulted by the Council. As the MOU provides, the parties to it are obliged to regularly consult each other, both at political and technical levels, on matters relating to the promotion and maintenance of peace, security and stability.²⁴² AU PSC which is a decision making body in the union should invite RECs in closed session meetings and let them have a say on cases concerning their region. Such participation will solve the problem on the application of the subsidiary and complementarity principles stated in the MOU as Ms. Raheemat Omoro

²⁴² Supra note 27 Art 17(1)

suggested.²⁴³ Ms. Raheemat confirmed that if AU PSC and RECs make decisions in consultations the competition between the two institutions will be solved making the decision to define which institution has a comparative advantage more easily.

²⁴³ Supra note 178

Bibliography

1) Books

Abass, Ademola *African Peace and Security Architecture and the Protection of Human Security' in Abass*, (Oxford: Oxford University Press), 2010,

Adebajo, Adekeye *the Peacekeeping Travails of the AU and the Regional Economic Communities*, (Auckland Park: Jacana Media), 2009

Atieno Ndomo, *Regional economic communities in Africa: a progress overview*,(Blackwell Publishing Ltd), 2009

Ancas, Sarah *The effectiveness of regional peacemaking in Southern Africa – Problematising the United Nations-African Union-Southern African Development Community relationship* (Cape Town university press), 2010

Bogland Robert and Maria, *The African Union A study focusing on conflict management*, (London, Ashgate Publishing Limited) 2008

Buzan and Waever *Regions and Powers – The Structure of International Security*, (Cambridge University Press,) 2003,

Field, Shannon *Peace in Africa: Towards a collaborative security regime*, (Oxford University Press), 2004

Franke, Benedikt *Competing regionalisms in Africa and the continent's emerging security architecture*, (Farnham, Ashgate) 2007,

Francis, David *Peacekeeping in a bad neighbor-hood: The Economic Community of West African States (ECOWAS) in peace and security in West Africa*, (London, Zed Books Ltd,) 2008

_____. *Uniting Africa Building Regional Peace and Security Systems*, (London, Ashgate Publishing Limited,) 2005,

Joseph, Abiodun Oluwadare, *The African Union and the Conflict in Mali: Extra-Regional Influence and the Limitations of a Regional Actor*, *Journal of International and Global Studies* Volume 6, Number 1 *m for Conflict Prevention, Management and Resolution*, 1993,

Juma and Mengistu, *The infrastructure of peace in Africa: Assessing the peace building capacity of African institutions*, (Oxford University Press) 2002,

Levitt, Jeremy *The Peace and Security of the African Union: The Known Unknowns*, (Oxford University Press) 2003,

Lund and Betts, *In Search of Regionalism*, (Farnham, Ashgate),1999,

Makinda and Okumu, *The African Union: Challenges of globalization, security, and governance*, (London and New York: Routledge),2008

MacQueen, Norrie *Peace Keeping and the International System*, (Oxford University Press) 2006,

Machatine and Ndlovu, *the AU–SADC interface on peace and security: challenges and opportunities*, (Farnham, Ashgate)

Theron, and Ettang, *Developing the Mediation and Post conflict Reconstruction and Development Pools of the African Union Peace and Security Department Civilian Standby Roster* , (Oxford University Press), 2006

Wane,El-Ghassim., Charles Mwaura, Shewit Hailu, Simon Kopfmuller, Doug Bond, Ulf Engel, and Joao Gomes Porto, —*The continental Early Warning System: Methodology and Approach*,*l in Africa’s New Peace and Security Architecture: Promoting Norms, Institutionalizing Solutions*, ,(Ashgate Publishing Company), 2010

Wokoro, Emeka *Towards a Model for African Humanitarian Intervention*, 2008,

2) Journals and Articles

Ancas, Sarah *Peacemaking in Africa – A critical analysis of the relationship between the African Union and African sub-regional organizations in recent peacemaking initiatives*, 2011,

Bah, Nyangoro, Dersso, Mofya, and Murithi, “The African Peace and Security Architecture: A Handbook”, *Friedrich-Ebert-Stiftung*, 2014,

Baregu and Landsberg, *From Cape to Congo: Southern Africa’s evolving security challenges*, 2003,

Bjorn Moller, “The Pros and Cons of Subsidiarity: The role of African Regional and Sub regional Organizations in Ensuring Peace and Security in Africa” *DIIS Working Paper* no 4, 2005,

Demeke, and Gebru “The Role of Regional Economic Communities in Fighting Terrorism in Africa: The case of Intergovernmental Authority on Development”, *European Scientific Journal*, Vol.2, 2014,

Dersso, Solomon “The role and place of the African Standby Force within the African Peace and Security Architecture” *ISS Paper* no. 209, 2010,

_____. *East Africa and the Intergovernmental Authority on Development: Mapping Multilateralism in Transition*, No. 4, 2014,

Faria, Fernanda *Crisis management in sub-Saharan Africa The role of the European Union*, No.51, 2004,

Gibb, Richard “Rationalization or Redundancy: Making Eastern and Southern Africa’s Regional Trade Units Relevant), *Brenthurst Discussion Paper* no.3, 2006,

Ibok, Sam The effectiveness of African regional and sub-regional mechanisms to prevent ethnic and racial conflicts, Paper presented at the regional seminar of experts on the prevention of ethnic and racial conflicts, Addis Ababa, 2000,

Karock, Ulrich “The African Peace and Security Architecture: Still under construction” *Briefing paper* no.47 (2014),

Kioko, Ben “The right of intervention under the African Union’s Constitutive Act: From non-interference to non-intervention”, *IRRC*, Vol. 85, No. 852, 2003,

Kindiki, Kithure “Humanitarian Intervention in Africa: The Role of intergovernmental Organizations”, *African Human Rights Law Journal* 2002,

Maki, Andrew “African Regional and Sub-regional Systems” *Hum. Rts. Brief* vol. 17 no. 3, 2009,

Moolakkattu, John “The Role of the African Union in Continental Peace and Security Governance” *India Quarterly: A Journal of International Affairs*, no.66, 2010,

Musah, Abdel-Fatau “West Africa: governance and security in a changing region’, Africa Program working paper “(New York: International Peace Institute, 2009,

Nieuwkerk, Anthoni and Katharina Hofmann, *Southern African Security Review*, 2013,

Nieuwkerk, Anthoni “Towards Peace and Security in Southern Africa” *Africa Peace and Security Series* no. 6, 2012

Omeje, Kenneth “Understanding conflict resolution in Africa” in David J. Francis(ed.), *Peace and Conflict in Africa* ,2008,

Patricia and Jason, *Realizing, Never Again – Regional Capacities to Protect Civilians in Violent Conflicts*, (2006)

Pisani, Andre *Monitoring Regional Integration in Southern Africa Yearbook, The security Dimension of Regional integration in SADC*, 2011,

Powell, Kristiana The African Union’s Emerging Peace and Security Regime: Opportunities and Challenges for Delivering on the Responsibility to Protect, *ISS Monograph Series*, No 119, 2005,

Sands & Klein, *Bowett's Law of International Institutions*, (6th edition, London, Sweet & Maxwell, 2009,

Sperling, Sebastian “ECOWAS in Crisis Mode: Strengths and limits of regional security policy in West Africa” *Friedrich-Ebert-Stiftung*, 2011,

Tadesse, Medhane the African Union and Security Sector Reform a review of the Post-Conflict Reconstruction & Development (PCRD) *Policy*, 2010,

Wulf and Debiel, “Conflict Early Warning and Response Mechanisms tools for Enhancing the Effectiveness of Regional Organizations a comparative study of the AU, ECOWAS, IGAD, ASEAN/ARF AND PIF”, *Crisis States Working Paper* no. 49, 2009,

Yabi, Gilles “The Role of ECOWAS in Managing Political Crisis and Conflict: The Cases of Guinea and Guinea-Bissau” *FES Peace and Security Series*, No. 3, translated by Roger Addah, 2010,

Yusuf, Abdulqawi, “The Right of Intervention by the African Union: A New Paradigm in Regional Enforcement Action”, *African Yearbook of International Law*, Vol. 11, 2003,

3) OAU/AU Documents

African Union, Constitutive Act of the African Union,(2000), Lomé, Togo

_____.the Charter of the Organization of African Unity,(1963), Addis Ababa,

_____. Protocol Relating to the Establishment of the Peace and Security Council of the African Union, (2002)

_____. the Memorandum of Understanding on cooperation in the area of peace and security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa, (2008),

_____. the African Peace and Security Architecture Assessment, 2010, Zanzibar, Tanzania

_____. Brainstorming Retreat between the African Union and Regional Economic Communities/ Regional Mechanisms for Conflict prevention, management and resolution,(2008), Algiers, Algeria /AU-RECs/RMs.Decl/

_____. the Protocol on Amendments to the Constitutive Act of African Union,(2003),

_____. Declaration on the Moratorium on the Recognition of Regional Economic Communities (2006), paragraph 3, AU Doc Assembly/AU/Dec.112 (VII)

_____. Plan of Action by the Special Session of the Assembly of AU in consideration and resolution of conflicts in Africa, Tripoli, Libya, (2009)/ SP/ASSEMBLY/PS/PLAN(1)

_____. the Solemn Declaration on A Common African Defense and Security Policy, (2004),

_____. AU Report of the Chairperson of the Commission on the outcomes of the Fact-Finding/Reconnaissance Mission to Somalia and the IGAD military Planning Meeting, Addis Ababa (2005) PSC/ PR/2 (XXIX),

_____. the Protocol on Relations between the African Union and the Regional Economic Communities,(2007),

_____. Declaration on the Retreat of the PSC on Enhancement of Cooperation between the AU PSC and the RECs and RMs, Abuja ,Nigeria,(2015), , PSC/Retreat/8

_____. COMMUNIQUÉ of the Peace and Security Council on its 549th meeting ,Addis Ababa, Ethiopia , (2015) PSC/PR/COMM.(DXLIX)

_____. Background Paper on Status of Implementation of Early Warning Systems in the RECs, December, South Africa,(2006) / PSD/EW/EXP/9(I)

_____.Background Paper NO 4 on Status of Implementation of Early Warning Systems in the RECs, December, 2006, South Africa/ PSD/EW/EXP/9(I)

_____.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,1993, AHG/DECL.3 (XXIX),

_____. Declaration on the political and socio economic situation in Africa and the fundamental changes taking place in the world, (1990)AHG/Decl.1 (XXVI)

_____.Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of Mechanism for Conflict Prevention, Management and Resolution,(1993) AHG/DECL.3 (XXIX)

_____. OAU Resolution of the Twenty-Sixth Ordinary Session of the Council of Ministers, (1976), Addis Ababa, CM/Res464 (XXVI)

_____.Declaration of the second meeting of the Chief Executives of the AU and The RECs / RMs , Akosombo, Ghana, (2009)

4) SADC Documents

SADC, Treaty of the Southern African Development Community,(1992),

_____. the Protocol on Politics, Defense and security in the Southern African Community (1997),

_____. MOU amongst the SADC Member States on the Establishment of a SADC Standby Brigade

5) ECOWAS Documents

ECOWAS, Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-Keeping and Security, (1999)

_____.the Revised Treaty of the Economic Community of West African States, COTONOU, (1993),

6) IGAD Document

IGAD, Protocol on the Establishment of a Conflict Early Warning and Response Mechanism for IGAD Member States, Khartoum, Sudan, (2002),

7) UN Documents

United Nations, United Nations Security Council Resolution 1725,(2006) S/RES/1725

_____. Charter of the United Nations,(1945), San Francisco,

8) INTERNET

Continental Early Warning System (CEWS), <http://www.au.int/?q=node/435> (accessed on August 15, 2014)

IGAD's website <http://igad.org/generalinf> (Accessed in September 2015)

Profile of the Economic Community of West African States (ECOWAS) available at www.africa-union.org/Recs/ECOWASProfile.pdf (Accessed 29 March 2015)

OAU: A Brief History,' from www.oau-oua/history.htm ; accessed 20th June. 2015

Continental Early Warning System (CEWS), <http://www.au.int/?q=node/435> (accessed on August 15, 2014)

9) Interviews

Interview with Elizabeth C. Choge-Nyangoro, Expert on Regional Mechanisms in AU Peace and Security Department, March 12, 2016

Interview with Ms. Raheemat Omoru Momodu , Head ECOWAS Liaison office to AU, April 15, 2016

Interview with Ms. Nomatamsanqa Sopazi, Head SADC Liaison Office to the AU, April 7, 2016

Interview with Ambassador Abuzied El Hassen , Head of IGAD Liaison Office to the AU, April 12, 2016

Interview with Orit Ibrahim, AU Situation Room Coordinator, April 1, 2016

Interview with Taye Abdulkadir, AU Situation Room Information System Officer, April 1, 2016

Interview with Crowd Chirenje, Peace and Security Department ASF Capability Development division Head, March 29, 2016

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Interview with Elizabeth C. Choge-Nyangoro, Expert on Regional Mechanisms in AU Peace and Security Department, AUC on March 12, 2016

Interview questions

- 1) How do you describe the relationship of AU Peace and Security Council with RECs (regional mechanisms)?
- 2) How do you describe the implementation of the Memorandum of Understanding on cooperation in the area of peace and security between the AU and the RECs/RMs and what are the challenges on the implementation of the MOU?
- 3) What are the prospects and the challenges on the relationship of the two institutions?
- 4) Can you give me example of cases where AU PSC and RECs resolved in coordination?
- 5) What recommendation do you suggest for the improvement of this relationship?

Interview with Ambassador Abuzied El Hassen, Head of IGAD Liaison Office to the AU, Ms. Raheemat Omoru Momodu, Head of ECOWAS Liaison office to AU and Nomatamsanqa Sopazi, Head SADC Liaison Office to the AU,

Interview questions

- 1) How do you describe the relationship of AU Peace and Security Council with SADC?
- 2) What are the prospects and the challenges on the relationship of the two institutions?
- 3) What is the significance of having liaison offices of RECs here in AU on the relationship of the two institutions?
- 4) What recommendation do you suggest for the improvement of this relationship?

Interview with Orit Ibrahim, AU Situation Room Coordinator and Taye Abdulkadir, AU Situation Room Information System Officer,

Interview questions

- 1) How do you describe the relationship of AU Continental Early Warning body with early warning units of RECs?
- 2) What are the prospects and the challenges on the relationship of the two institutions?
- 3) What recommendation do you suggest for the improvement of this relationship?
- 4) What is the significance of having liaison offices of RECs here in AU for the Continental Early Warning system?
- 5) How does the Continental Early Warning system gather information from each region?

Interview with Crowd Chirenje, Peace and Security Department, ASF Capability Development division Head, March 29, 2016

Interview questions

- 1) How do you describe the relationship of African Standby Forces with the RECs?
- 2) What are the prospects and the challenges on the relationship of the two institutions?
- 3) What recommendation do you suggest for the improvement of this relationship?
- 4) What is the significance of having liaison offices of RECs here in AU for the relationship with RECs?

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